



Province of Alberta

The 30th Legislature  
Second Session

# Alberta Hansard

Wednesday evening, November 25, 2020

Day 71

The Honourable Nathan M. Cooper, Speaker

# Legislative Assembly of Alberta The 30th Legislature

Second Session

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## Legislative Assembly of Alberta

7:30 p.m.

Wednesday, November 25, 2020

[The Deputy Speaker in the chair]

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

### Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

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

#### Bill 38 Justice Statutes Amendment Act, 2020

**The Chair:** Are there any members wishing to join debate? We are not on an amendment; we are on the main bill. The hon. Member for Edmonton-Rutherford.

**Mr. Feehan:** Thank you, Madam Chair. I appreciate the opportunity to speak to this bill. I did have an opportunity to raise some of my questions during debate at the second reading stage, and I haven't necessarily heard all the answers to this, so perhaps I will address some of them again. Perhaps I might have missed some of the answers, not always being able to be present when the answers are given. Certainly, I want to start by saying that overall we are happy to support this bill with some amendments. I think we'll be bringing forward amendments this evening, friendly amendments, to help make sure that this bill is moving in the direction that we want it to.

I know that typically, given my role as the critic for Indigenous Relations, I often spend a significant part of my time when talking about bills and talking about how they particularly affect First Nations, and I will do so again this evening because I guess one of the three major thrusts of this bill particularly affects First Nations, and that is the intention to recognize First Nations police forces. Let me absolutely put on the record yet again, as we have many times before, that this opposition side of the House fully supports the idea of recognizing First Nations police forces.

They have been actually long standing in the province of Alberta. A number of nations have had them, at least at one time or another, and some of them have been continuous over the last number of years. I know that in speaking to some members from a number of different nations since this bill has come out, they will now go back to looking at whether or not they can initiate a police service in their own communities, whether they've had one or not, because they essentially believe that the relationship between themselves and the police services in this province has not always been at their best and certainly would like to be able to step in, not just simply to voice their concerns about the police services that are presently providing services on-reserve but actually to provide an alternative that they think would be able to address the concerns that are underlying there.

Of course, when you speak to people in the communities, the biggest issue that they talk about is feeling that they experience a significant amount of racism at the hands of the police services in their communities. They believe that if they are able to create services of their own that are staffed by people who either come from their own communities or have a deep understanding of First

Nations ways of being, they'll be able to reduce some of the problems.

They're not naive to understand that many of the concerns of policing services come from the issue of people who are in conflict with policing services. As such, you know, there are two sides to this story, and they're quite aware of that. They know that simply having a First Nations police force won't suddenly make everybody love everything that the police are doing, particularly those who have run afoul of the law. But they believe that there are different ways that policing can be done and that an emphasis that recognizes a First Nations view of the world and ways of handling misbehaviour by their own members would be enhanced by having people who are deeply embedded in the community and who share the same desires, the ultimate desires. I think pretty much all of us truly believe that policing is at its best when it helps people to return to the fold of people who are doing good rather than people who are engaged in misdeeds.

The basis of this bill, to allow the recognition of First Nations policing forces, is very good, and certainly we will offer our supports to the nations in terms of thinking about how they might create these services and how they might move forward. There are still a number of questions, I think, that are left open. I know that while the police forces that currently exist certainly do an excellent job when they possibly can, they are limited in a number of ways, both financially and in terms of some of the policy issues. I was hoping that this bill might be able to correct the policy issues or the minister may be able to identify that these issues may be resolved after the bill in terms of the regulations that are put together to move forward.

I know I had an opportunity, when I was the Minister of Indigenous Relations, to visit a number of reserves, and I spent some time down at Blood reserve, where they have quite a significant police force. In fact, right now I believe they have somewhere in the neighbourhood of 37 officers as part of the Blood Tribe police force and 25 civilian staff, so it is a fairly comprehensive service serving right now. The Blood Tribe has somewhere in the neighbourhood of 12,000 to 13,000 members who either live on or are associated with the First Nations there, but they also have an interest in expanding that service to not only include members of the Blood Tribe but to include all three of the Blackfoot Confederacy nations, so that would be Piikani, Kainai, and Siksika. As a result, that expansion would require significant co-ordination and support, and it may not be that one single force actually works for all three nations. But I know, speaking with one of the councillors at Siksika, that they indicated that they would be moving ahead either on their own or in co-ordination with the Blood community. A lot of work needs to happen here in this area, and I think there are some particular things that need to be addressed.

For example, right now this bill, as far as I can see – perhaps the minister would be able to correct me quite quickly on this – doesn't seem to address the issue of dispatch and whether or not finances or a program will be established to ensure that dispatch services will be available to the First Nations policing force. Presently there doesn't seem to be any particular mention of it in the legislation, perhaps because it's not a legislative thing that needs to be dealt with but could be dealt with in other ways apart from the government.

As well, I think that there are some concerns about the issue of lock-ups, whether the nations will have the authority to arrest and detain people in the same way as other police forces. Of course, that means that there are responsibilities that go beyond the policing to the maintenance of people in custody and all the associated work around that and whether or not this bill is providing for the resources, is providing for the work to do that kind of thing, and to

ensure that when this police force is in effect, it truly has the ability to engage in all of the things that police forces need to do. As I mentioned, both dispatch and lock-ups seem to be issues that are important.

7:40

As well, another issue that came forward in my conversations with First Nations around this particular bill and my previous work as Minister of Indigenous Relations revealed the desire by these First Nations to attach to their police forces a different mechanism of responding to criminal acts in the community. Blood Tribe, for example, has particularly requested a service wherein they would have court actually occur on Kainai and in those services that they would have not only the usual work that's done in front of a justice and whatever bench happens to be there but also to introduce a pretty significant range of community sentencing circles in terms of their work so that police officers would not only be involved as police officers are in the rest of the province but also would be involved in attending community sentencing circles and working with offenders in a manner consistent with indigenous historical law.

I think that that, you know, begs the whole larger question about indigenous laws. I know that there have been some pretty comprehensive pieces of work being done both here at the University of Alberta, by the way, and across the country in terms of identifying indigenous laws and identifying their historical background and their application in our modern times. It would really be interesting to know whether or not this bill will allow the police services to respond to the laws that are being identified under the indigenous law analysis and engage in the types of practices that would be considered more traditional in responding to misdeeds by people in the community.

So it seems to me like there are still lots of questions here. We absolutely support the direction of this bill and just would really like to see a number of things done to either enhance the bill if necessary or possible or to ensure that there is another piece of work that's going to be attached to this bill that will allow us to address the types of issues that I'm bringing up right now. I guess I'm fairly confident that if time were spent with the First Nations who are interested in this type of policing services, we would certainly find very quickly that they have other issues. I'm trying to quickly summarize in my short 15-minute allotment here a number of the concerns that have been brought up to me by First Nations communities.

You know, of course, they are very interested in making sure that they have full relationships with other police forces and that the communication between themselves and, let's say, the RCMP or perhaps the city of Edmonton or city of Calgary or any other police force that may exist in the province of Alberta as time goes on – that they have the full ability to work back and forth to deal in the reality that many First Nations people spend a significant amount of time both on- and off-reserve and therefore are constantly switching jurisdictions. Their ability to respond to issues of band council resolutions that maybe have a very different effect than they do in other places; for example, it is quite common in band councils for them to banish people from the reserve lands, from the First Nations, whenever they believe that their presence is particularly problematic for the community.

The example I've been given a number of times is people who do not live on the reserve but come onto the reserve to sell drugs. They would certainly want to have clarity around their ability to respond to people who are not reserve members but who commit acts against the law on-reserve. That, of course, was where the issues of dispatch came up and the issues of lock-ups came up and how that would be

dealt with and how that would be supported by this bill. Do they have all the authorities that they need in order to move ahead and be fully functional as either the city of Calgary or city of Edmonton or RCMP presently have, or is there more work to be done to ensure that they aren't somehow a secondary service? I really don't think that's the intention of the government here.

I'm just offering these as some of the comments that have been given to me by First Nations as we move forward with this bill and just to suggest that I think that there is lots of good conversation that yet can still happen to really help move us along a road to reconciliation in terms of giving First Nations the ability to govern themselves appropriately. That includes policing as much as it does the other aspects of governance, which they're certainly asking or expecting to happen for them.

I also am interested in the issues of the police commissions. I understand that police commissions will be necessary for all these police forces. I guess I'm just wondering about how it is decided who sits on those commissions, how much the First Nations will have the ability to make decisions about who sits on those police commissions, and how much we will guarantee that there is First Nations representation on the commission, that the people who sit on the commissions are indeed from a First Nation. Perhaps it's not the nation where the police force is from, but perhaps it would also involve people from that First Nation. I'd be very interested to hear from the minister about that process, about the particular role of First Nations in identifying people to sit on the commission, of actually assigning people to sit on that commission, and whether or not band councils will have the ability to make those kinds of decisions – it was traditional in their communities to identify members of their own community, to put their names forward – or whether or not that will constantly be vetted or vetoed by the provincial minister. I think the band council is very concerned about having political appointments on these police commissions as they are afraid that it will shift them away from having the ability to shape and form the police force in the way that they wish to shape and form the commission.

You know, those are some of the concerns that I have, and I just will leave that here and hope that I can hear a little bit more from the minister about some of the intentions and some of the choices to be made.

Thank you.

**The Chair:** Any members wishing to speak to Bill 38? The hon. Member for Calgary-McCall.

**Mr. Sabir:** Thank you, Madam Chair. I rise to move an amendment to the Justice Statutes Amendment Act, 2020. I have the requisite number of copies.

**The Chair:** Hon. members, this will be known as amendment A2. Hon. member, please proceed.

**Mr. Sabir:** Thank you, Madam Chair. It's a brief amendment. I will read the text for the record. The Member for Calgary-McCall to move that Bill 38, Justice Statutes Amendment Act, 2020, be amended in section 6(5) by adding the following immediately after the proposed section 44(d.3):

(d.4) programs designed to eradicate or prevent systemic racism within the justice system;

7:50

Madam Chair, Albertans deserve a government that has their backs and will build a better society for every Albertan. Systemic racism in the justice system in Alberta is real. Justice needs to be accessible to all. Eight minutes and 46 seconds: that is how long

Derek Chauvin knelt on the neck of George Floyd. In 2005 members of the Stoney Nakoda near Cochrane raised alarm for RCMP racial profiling and overpolicing on-reserve, including parking on-reserve to just run licence plates. Also, Judge John Reilly, who presided over the provincial court for the Banff-Cochrane area, stated that 75 per cent of criminal cases involve members of the reserve, yet the reserve is only 4 per cent of the population in the Banff-Cochrane area.

Athabasca Chipewyan First Nation Chief Allan Adam was battered by RCMP in Fort McMurray in March. Indigenous women are nearly 10 times more likely to be street checked by Edmonton police. Indigenous people are six times more likely than white people to be street checked by Edmonton police. Black people are nearly five times more likely than white people to be street checked by Edmonton police.

Black, indigenous, and other racialized Albertans experience racism at the hands of police as well as are overrepresented in the prison and justice system. Two recent cases from the Supreme Court of Canada – *R. versus Le*, 2019, and *R. versus Ahmad*, 2020 – stated that police services and the justice system must end discriminatory practices such as racial profiling. Over half of Edmontonians surveyed in the summer believe there is a problem with police interactions with black, indigenous, and other racialized communities.

Alberta RCMP Deputy Commissioner Curtis Zablocki denies that there is any systemic racism in policing in Canada, but evidence shows otherwise. Black men are disproportionately charged for minor drug offences. This is racism. Visible minorities are more likely to be carded. That is racism. Jails are disproportionately filled with racialized and indigenous people, who are granted bail less frequently and sentenced to longer prison time than white offenders. That is racism.

The purpose and function of the funds raised through civil forfeiture is to support victims of crime and dissuade criminal activity. Addressing racism will make the justice system fairer, and I encourage all the members of this House to support this amendment.

Thank you, Madam Chair.

**The Chair:** Any other members wishing to join debate on amendment A2? The hon. Member for Edmonton-Rutherford.

**Mr. Feehan:** Thank you, Madam Chair. I appreciate the opportunity to speak to this amendment. I think it's quite important that we include in this bill everything that we possibly can to ensure that we are addressing the systemic racism which is part of, you know, basically any system in the western world.

I know that people are very concerned when we say that somehow it's an attack on, you know, the police force or an attack on people involved, and I think it's just really important that we recognize that it's not intended to be an attack. It's not, in fact, an attack; it's a recognition. It's a recognition that when systems are established, they're established by people who are in authority at the time and who have the power to make systems, who organize in a particular way. It's not something horrible to say that they tend to organize a system around things that make sense to them themselves, with all intent to be fair and just when they do that. It doesn't mean that it turns out that way.

You know, I was a social worker for many years. I certainly have had the opportunity to look at the issue of systemic barriers that are experienced by people who are not easily contained within sort of the majority group, whether that be people because of their race or people because of their religion or people because of their sexual orientation or people because of their gender or many other issues.

They frequently will tell us, when we do an analysis, that the problem is that their lived experience is often not properly reflected in the way the systems are established.

It doesn't mean that we have a problem of racism like we used to have back in the day, when we would say, "No blacks can go here" or "Will not hire any First Nations people" or "Will not hire people who are gay." Those kinds of things were very obvious forms of discrimination that we as a society have managed to root out, and for the most part we've eliminated those kinds of overt forms of racism. Instead, in our era what we are challenged to do is to look at the ways in which the structures themselves are problematic. It's not that an individual has a racist attitude or that the law itself directs a racist practice but that the law is established in such a way that systemically it affects one group of people differentially than it affects another group of people. When that happens, it's our job to sit down with the people who are being affected differentially and to come to a rich understanding of how it is that they do experience this process, which many, you know, lucky people like myself, an old, middle-aged white guy, don't generally feel is problematic, and say to them: okay, you need to help me understand why this is problematic for you.

For example, you know, carding is something that's been raised in this House many, many times. I can tell you as a person who's lived in the city of Edmonton for 60 years that I have yet to be carded, never once in my life. Yet I speak with First Nations and citizens of colour, and they tell me – some of them have talked about being carded multiple times in the same week. We know that there's nothing in the actual legislation that says, "You should card people of colour more often" or "You should not card people who are old, white guys," like me, but, in fact, in the practice that's what's ended up happening. It's our job, then, to go and be able to look at that and be able to make changes on that.

That's what this amendment is getting to. We should be taking some of the monies from the forfeiture, and we should be putting them towards specific programs that look at: what are the structural issues here? How is it that people are being differentially affected?

I know I had a great conversation with some young women in Calgary a few months back now I guess it is, Sinit and Semhar Abraha. They were advocating to me and to the University of Calgary, where they are students, and to the city of Calgary the need to actually spend some time understanding what the problem is first. The method that they were recommending is that we begin to collect race-based data; that is, we actually ask the question: how does this differentially affect different groups of people based on the colour of their skin? I think that there are some very important ways that we can use that data if it's done properly.

For example, when we were having this conversation, they mentioned to me, "Do you know that there are absolutely no people of colour in the school of Veterinary Medicine at the University of Calgary?" I said: "No, I didn't know that fact. That's interesting." They said: "It's not because somebody is saying that you can't go there. Certainly, they can go there. And it's certainly not because people of colour don't have the marks to get in. Of course they do. They, you know, are just as likely to be able to be eligible, but it hasn't happened." So they just want to ask the question. From the data that they gathered, if you look at that particular faculty, there are zero persons of colour in that faculty. That's a point of data. We just simply take that point of data, and we go and we ask the question: is there something structural that's happening here? Is there something that makes it so that people of colour don't choose to go into that faculty, or are they having trouble getting in when they're trying to get in? What is it that's happening here? So the whole point of collecting race-based data and looking at structural issues isn't to be blaming but, rather, to ask good questions that can

help us to make a better structure, a better system, that will not differentially affect people in the community.

8:00

I thought, you know, that these young women, both of them in their early 20s, really super bright, very engaged in the community, had a lot to teach me, of course, and had a lot to offer. This is exactly the kind of amendment that will actually lead to the kind of change that they're seeking. It will allow us to take monies and to put them toward programs that are designed to eradicate or prevent systemic racism within the justice system, not because we're calling the justice system racist but because we know that all structures by their nature differentially affect people from time to time and that it's just part of the work that we have to do, to look at how those structures do affect people differentially.

The best way to do that is to collect good data on them. Then it will identify, and if there is a statistically significant difference between one group of people and another in terms of how they're being affected by a particular system, then it's always a good question to ask: why is that? Why is it that women are underrepresented, why is it that gay people are underrepresented, why is it that people with disabilities are underrepresented, and is there something we can do to correct that? Not that somebody has done something terrible or bad or intentionally sought to, you know, be prejudiced against a person with a disability, but somehow something about the circumstances has resulted in the fact that people with disabilities are not in all the places that they should be, not represented on all the boards, not in all the school programs, or are differentially affected in terms of their interactions with police officers or social workers like myself or anyone else.

I can assure you that, you know, we ask that question a lot in my field of practice, which was social work for many years, about our own practice, so we're not pointing fingers somewhere else. One of the major questions we ask in the first couple of classes in social work is: how is it that you are differentially experiencing the world than people who are not like you? Where is it that you have privileges of not having to worry about getting carded, for example? Where is it that the way things are set up, somebody else has a different experience than you have?

Then, of course, we go on to say: well, what about actual social work practice? What is it about social work practice that means that we find ourselves in the homes of First Nations people talking to them about their children more often, just percentagewise, than we are for non First Nations people? Is there something that we are doing wrong? Are we identifying First Nations people inappropriately?

Then we go back and we change our practice. We say: okay; social work has to take responsibility for this. In fact, we even put that in our code of ethics and said that you have a responsibility to look at those numbers and to begin to ask the question about: why are we doing that? Why are First Nations children disproportionately in the care of child welfare? What is it about social work practice that is somehow abetting that, and how do we change that?

That's what this amendment is about. It's just about some self-examination, some appropriate questioning, using good data to make good decisions, and that's all we're asking at this particular point. I would commend everyone in this House to support this amendment.

Thank you.

**The Chair:** Any other members wishing to join debate on amendment A2? The hon. Member for St. Albert.

**Ms Renaud:** Well, thank you, Madam Chair. It's my pleasure to rise and speak to the amendment moved by my colleague that essentially would allow some of the funds to be moved and support programs that are designed to eradicate or prevent systemic racism within the justice system.

Just to echo some of the comments that my colleague made when speaking in support of this amendment, I think that justice certainly does need to be accessible to all, and I think that what has happened over the last year, well – let's be honest – what has happened over the last decade but, really, what has happened over the last year, has really focused our attention on systemic racism and that it is a problem.

I think, you know, that if there was a blessing at all to what happened a few months ago, where I think we were all sort of stunned into addressing some of the systemic racism in systems, it was when we had to see the video of Mr. Floyd. I think we've seen subsequent videos. We'd certainly seen videos before that. We don't have videos of instances like I think it was Breonna Taylor and so many other Americans. We have examples of that in Canada. We have some very disturbing examples of that here in Alberta.

But I think the upside to that was that it forced us to recognize that there are inherent problems within the system and not just with law enforcement but through the entire justice system, which would include courts, which would also include corrections and things like that. I think it also forced a discussion on what systemic racism is. I think that we can all probably give a pretty good definition of what racism is and what we believe it looks like, and perhaps we have anecdotal examples of racism that we've seen. But what it did is force us to talk about systemic racism, and that is a whole other ball game.

I think what is so good about this particular amendment is that it's saying: okay; we support it if the government is choosing to, you know, create ways for restitution of property, if it is property that is taken away, that some of that be directed to create real change. I certainly do support that.

My colleague talked about some of the recent examples that we've seen, and I think that it's really important to recognize that we have issues here. My other colleague mentioned the overrepresentation in different aspects of the justice system – people of colour, indigenous people – and I think we can all agree that that's a reality. It's not up for debate. These are statistics.

You know, one of the things, as I was just getting ready to stand up to talk about this amendment – I just wanted to remind myself. It seems like it was 10 years ago – I think that in COVID times time is slowing down a little bit – but it wasn't that long ago that we saw mass demonstrations, actually, all over the world, really, sparked from the United States from some of the things that happened. Here in our own province we saw massive demonstrations in most of our cities, in a lot of the small communities even. People turned out to really try to send a message. I think we can all remember the signs about: racism is a pandemic. In many ways I suppose you could make that comparison.

We were forced to talk about that. Right at the time that all of these things were happening – and that was in the summer – we had examples of some of our own leaders in Alberta saying that, really, they didn't think it was a problem.

One of the recent reportings – and this happened. I think it was Carolyn Dunn, and it was a CBC report. That was done on June 19, 2020. I will table this article tomorrow, Madam Chair. And I'm not saying this to point fingers, to say, "This person is bad," but I think it's just another example of perhaps the lack of awareness of what systemic racism truly is.

We had the Alberta RCMP deputy commissioner denying the fact that systemic racism existed in policing in Canada. This came one



day after the announcement of the ASIRT investigation around – I think that probably a lot of people in this place saw that video. It was the arrest – I guess it was the arrest, if that's the correct term, or if he was just detained – of Chief Allan Adam. You know, thinking back to that time, again, it seems like a very long time ago. It actually wasn't. That was such a crystal clear example of the justice system perhaps not realizing, you know, what we need to work on. I think that sometimes when you're very close to something, it is difficult to see what the weaknesses are.

I think that this particular amendment, if accepted, would demonstrate the members opposite agreeing to the fact that we're not doing enough to invest in making real, wholesale changes, because when we do address systemic racism, we all benefit from it as Albertans, as Canadians. I hope that we can all agree with that.

**8:10**

When we invest in creating opportunities for greater diversity of race and background to ensure that we don't have insufficient numbers of, say, for example, racialized judges, that we do have a more restorative approach, that we end divisive messaging – you know, it's unfortunate that in this place, instead of us talking about reform of the justice system or perhaps where our weaknesses are based on the history, based on Canadian history, that is full of examples of racism, instead of saying, "Oh, members over there want to defund the police," which is ridiculous – what we're talking about is addressing systemic racism, not defunding law enforcement, not defunding, not stopping the activities that essential law enforcement deliver.

We're talking about addressing systemic problems that are actually costing us so much in terms of lost potential of human beings in addition to the financial cost. I mean, you think alone about the people that are incarcerated, and you think about the numbers of people, particularly racialized people or indigenous people, that are in the system, which is not good. But all of these things, Madam Chair, actually require investment. They require an investment, not just a commitment, and we say this all the time. The words that you say are one thing. You can say, you know, whatever you like, but it's what you do after that is really important.

If the government members are saying that they are committed to addressing racism and, in particular, systemic racism, what they're doing really doesn't back that up. We know that they've cut the human rights education fund, the multiculturalism fund. They cut the antiracism grant, and I think we've seen a number of examples where the government has failed to truly listen to their own Anti-Racism Advisory Council.

If you truly want to modernize systems – and by "modernize" I mean address the weaknesses that exist. I think all of us as Canadians, as citizens, understand – I think those of us that are older probably realize that the education we received was not very good at teaching us all of our history, not just the good stuff and who discovered what river and, you know, Hudson Bay and all of that. But we weren't taught, really, some of the huge injustices to so many people, so many things that happened in our own country. This is a side note, but I certainly hope that, with the Minister of Education, her commitment to addressing and ending systemic racism is there, because I do certainly have concerns about the curriculum. But that debate is for another day.

But, you know, I just want to say that, for the government members, I think that we've seen over and over and over and over and over again their unwillingness to move, even budge from their world view that what they're presenting is absolutely correct and that there's no way that it could be made any better. You can just look at that, the number of amendments or changes that they've admitted. I think this is a very reasonable amendment to

say: I think we can all agree that we have problems, that we have issues. We always are going to, but the hope is that you're always progressing and that you're always getting better and that you're always investing. What this amendment does is say: we want to move some of those funds and invest them into making the justice system address some of the systemic racism that exists in the justice system.

I think, again, the purpose and function of the funds raised through civil forfeiture is to support victims of crime and dissuade criminal activity, but the bottom line is that addressing racism within these very systems will make the justice system more fair. It just makes sense. It's just common sense. The systemic changes: I mean, they've been built up over decades and decades, generations, actually. So without a very concentrated effort – and that requires investment, not just empty words about: oh, yes, we support this, we support that, we are progressive, we want this, we want that. It doesn't really matter. It's all about what you do.

With that, Madam Chair, I will let one of my colleagues also add their voice to this. It's my sincere hope that all members of this Chamber will support this amendment.

Thank you.

**The Chair:** Any other members wishing to join debate on amendment A2? The hon. Member for Edmonton-Ellerslie.

**Member Loyola:** Thank you very much, Madam Chair. For me this is an important amendment that I wish that the government would consider because, of course, without a doubt, we actually need more racialized people within all the institutions of our fine province and even across our country.

One of the things that I wanted to share with the House, actually, is an experience that I used to have repeatedly, and this is going back to the days when I used to run my own business. When I initially started off my own business, I was doing – this was, like, fresh out of university. I couldn't find a job, so I decided that I was going to do lawn maintenance. I started doing lawn maintenance, and of course during the wintertime that meant I wasn't mowing lawns, but I was actually clearing snow from sidewalks. This is what I had to do: clearing snow from sidewalks. And let me tell you, Madam Chair, it was probably one of the best times of my life. You know, I'd put in, like, a 14-, 16-hour day, shovelling snow the entire day. I was in the best shape of my life.

But I want to tell you this. I actually had a good buddy who was from New Orleans, and his name was Fred. He played college ball down in the States, and he actually was invited up to play on the Edmonton Eskimos. Of course, during the off-season Fred needed to stay in shape, and, as I already stated, you know, shovelling snow for 14 to 16 hours a day keeps you in quite good shape. So Fred decided that he was going to come and join me, and we started working together, and we started clearing snow from sidewalks. Sometimes, and I'll be honest, we'd be like: okay; well, let's throw the snow blower in the back of my S10, right? But for those of you who've thrown a snow blower in the back of an S10 and you've travelled for a bit, you know that the machine will freeze up on you, and then it takes a while to get the thing started. It's better just to hand bomb and just clear that snow with a shovel by hand, use good old elbow grease, get it done.

That's what Fred and I used to do. We used to travel to all these different neighbourhoods and – you know what, Madam Chair? – some of our clients wanted their snow cleared at the beginning of the day, before they exited their driveway, because, of course, as you may know, when you exit, it leaves a track of snow there, and some of the clients didn't like that. So they were like: "You know what? I want it cleared before I actually leave the house in the

morning.” But lo and behold these same clients wanted it cleaned before they got home again at night, which meant that I’d start my day off at, like, 6 o’clock in the morning most days, sometimes a little bit earlier, 5:30, 5 o’clock, to make sure to get those driveways done. By the end of the day I’m back at that same property because they wanted to make sure that the snow was cleared from their property.

But I digress. The reason why I bring this up is because I can’t tell you the number of times – now, Fred, of course, was a black man, and I was a Latino, and we’re driving around in an S10 through residential neighbourhoods with a snow blower in the back of my S10. I can’t tell you the number of times we were stopped by police officers. Now, I completely respect that the police officers were doing their job. They were like: “Okay. We see two guys rolling through a residential neighbourhood. They’ve got a snow blower in the back of their truck. These guys could be up to something.” I don’t know.

I don’t know what’s going through the mind of the police officer, but I can tell you what was going through Fred’s and my mind. We were like: “Why are we repeatedly being stopped? Does it have something to do with the fact that you’re black and I’m Latino? Is this what it’s all about?” You know what? We’re never going to get the answer to that question because we can never ask the police officers that stopped us. We can never ask them that question because the time for that has come and gone. But I can tell you this, Madam Chair. I have had countless experiences in my life where I believe, it is my perspective, it is my particular opinion, my humble opinion, that I have been stopped, I have been searched, I’ve been questioned all because, I think, I am a Latino, or what the system likes to call a visible minority.

**8:20**

So for me it’s an absolute essential to get up and support this amendment because, of course, I do believe that we need to address the systemic racism – and, like, I haven’t even gone there. Like, I mean, I’m talking about personal discrimination against individuals that already happens. Yes, this is a part of it. This is racism, to some degree, whether it’s done malevolently or done in an ignorant fashion but regardless of that fact, it happens. But even more importantly, we need to deal with the systemic racism that exists within all of our institutions within this fine province. So let’s dedicate some time, some effort towards actually addressing the reality that continues to negatively impact specific groups within the province that we call Alberta.

We come with different experiences. We come with different ways of thinking. But that doesn’t mean that we’re any less Albertan than anybody else. You know what? I’ve heard plenty of the members from the other side get up and say specifically this, that they appreciate the diversity that is Alberta and the number of people that we have here from so many different walks of life that now call Alberta home. We can all agree that this enriches our province, not only economically but socially, politically, culturally. So, then, I would assume that the members on the other side of the House would have absolutely no problem supporting this particular amendment. I can hope that the members on the other side are going to vote for this amendment because for them to vote against this particular amendment, I don’t know what that says about this government and what it says about the members on the other side.

Now, I’m sharing with you just the limited experience that I’ve had as a Latino here in this province for the last 46 years – pardon me; 45 years – right? I cannot tell you the number of people that I have heard from from Cree, Dene brothers and sisters and even Mohawk brothers and sisters that now call Treaty 6 and Treaty 7

their home. I’ll never forget one of the – you know what? My dad passed away in 2006. His birthday was recently, so I’m reminded of this. My dad used to have a friend who was from Colombia. For the members on the other side that don’t know, us Latinos are a mix between indigenous and Spanish. Some of us look more indigenous; some of us look more Spanish. But some of us, we’re just a mix right down the middle. But this particular friend of my father’s who was Colombian, he looked completely First Nations. Like, when you looked at him, you probably thought he was a native guy right here from Treaty 6. He was probably Cree, Dene. I don’t know.

But I’ll tell you something, Madam Chair. This individual was actually pulled – well, and I’m talking about, like, this was late 1970s, so I’m hoping that we’ve come a long way since then. What happened to this gentleman was absolutely tragic. Because he didn’t speak the language, a police officer thought that he was somehow playing ignorant, thinking that he didn’t know the language, and thought he was actually indigenous. Unfortunately, that individual and what happened on that particular day when he was pulled over, led to his arrest. It wasn’t quite what happened to George Floyd, but they did inflict pain on this individual all because of the way he looked.

It’s absolutely essential that we rid our society – that we rid our society – of the systemic racism that it currently contains. This is not a political issue because every Albertan, no matter what they look like, no matter what their religion, no matter what their gender, their sexual preference, anything that you want to state, does not deserve to be discriminated by the state, by law enforcement, or for any institution for that matter.

Those are my comments for this evening, Madam Chair. Thank you very much.

**The Chair:** Any other members wishing to speak to amendment A2? The hon. Minister of Justice.

**Mr. Madu:** Thank you, Madam Chair. It is my pleasure to rise and to speak to the amendment that has been proposed by the Member for Calgary-McCall. As I sit here and listen to the contributions from the Member for Edmonton-Rutherford, Member for Calgary-McCall himself, Member for St. Albert, and now Member for Edmonton-Ellerslie, you know, I feel a sense of sadness because here we go again, trying to inject unnecessary politics into an important piece of legislation that is before this Assembly, the Justice Statutes Amendment Act, a bill that for the first time in our history finally recognized the First Nations police service and commission in the Police Act, something that they have been calling for for decades, and finally this government was finally able to get that done for them.

Madam Chair, before I tabled this bill, I had the opportunity to meet with the grand chiefs of our First Nations communities, and they thanked this government and thanked me for having the courage to finally give them something that they have been asking for for decades. It is this government, the one that the members opposite would like to accuse of all kinds of racist acts and behaviours. It is this same government that finally introduced the Justice Statutes Amendment Act as amending the Police Act to put our First Nations police services and commission on the same footing with the Edmonton Police Service, with the Calgary Police Service, Lethbridge, Medicine Hat, Camrose so that the chiefs of the First Nations police services, with their chiefs and grand chiefs, can finally build their own police services, hire their own people so that they can enforce laws and their rules in a way that is consistent with their customs, traditions while still upholding the rule of law. We got that done.

8:30

Madam Chair, just last week this same government took a historic step, and it's something that the members for Edmonton-Rutherford and Edmonton-Ellerslie just spoke about: carding. This same government took the historic step, the bold step to finally bring an end to the practice of carding that the members opposite have been complaining about. In fact, Madam Chair, before this Assembly was a motion between 2016 and 2019, while the members opposite were in charge of our province, protested by members from the black community and indigenous community, calling upon the members opposite while they were in government to ban that particular practice. There were consultations. There were written submissions, online surveys. There were meetings in this Assembly, in this historic building where we have the opportunity to represent the good people of Alberta. They held meetings in this building where they heard from community leaders, from minority communities, who were clear with them that that process needed to come to an end.

You know what? The members opposite did not lift a finger. Instead, they ridiculed the Member for Calgary-West, who pressed them as to why they would not take steps to ban carding. I recall reading in *Hansard* that the then NDP Justice minister ridiculed the Member for Calgary-West along the following lines, saying that she didn't know where he got his law degree from. The Member for Calgary-West was speaking on the reason why it was important for that government at the time to bring an end to the practice of carding, and they ridiculed him. Madam Chair, it is these same members opposite that have now brought before this Assembly the amendment to Bill 38.

Madam Chair, a few times I have risen before the floor of this House to speak about issues like this, and it is this amendment that sometimes makes me want to, you know, really push hard against the members opposite. For four years they did nothing. They like to talk about these issues, and I think for our citizens at home watching tonight, this is important to all of us as Albertans and it is not enough to talk about problems. It is not enough to want to use issues that affect us all as a political football for electoral purposes. People expect us to take the bold step to fix them rather than the politics of it. That is exactly what this government, that I am proud to be part of, is doing and will continue to do.

Madam Chair, we heard it loud and clear from our First Nations leaders and community that recognizing the First Nations police service and commission was important to them. The members opposite had the chance. They had the chance for four years to get that done. They did not do that; we got that done for them. You know, our First Nations people and black people also complained about carding. The members opposite had four years to get that done; they lifted no finger. This government got it done for them. We don't just talk about it, whether to fight the problems, and we move ahead to provide practical solutions, not a divisive amendment that achieves nothing other than the politics of fear and division. I am interested in uniting all Albertans because we rise or fall together.

For the fourth time, this government took the historic step when we were elected and sworn into office. We had a historic meeting of all the First Nation leaders in this province to speak with them, to seek their guidance, to hear from them on how we can govern together so that the opportunity and the prosperity that this province represents – that they benefited from this opportunity. You know, Madam Chair, that is exactly what we on this side of the aisle are focused on, not divisive amendments and motions that seek to achieve nothing but division.

Madam Chair, the amendment that is being proposed would do nothing, you know, to achieve the purpose. All of that talk would do nothing to achieve all of those things. We are talking about an amendment to the Victims Restitution and Compensation Payment Act. We proposed a set of amendments that will strengthen that act, Victims Restitution and Compensation Payment Act, not divisive partisan amendments that looked at the purpose of that bill, that is meant to deal with providing compensation to victims of crime and how we can strengthen our justice system in a way that provides grants to be able to tackle crime and criminal behaviours. That's what that law is all about. That's what that act is all about.

Well, here we go again tonight in the NDP's classical nature. Rather than to propose amendments on how we can ensure that we strengthen the act in a way that responds to the real needs of victims of crime or how we can ensure that we prevent crime from occurring, instead, in their typical fashion, they want to sow seeds of division amongst the people of Alberta. I am sick and tired of the members opposite playing politics with people's lives.

You know, Madam Chair, I am proud of the amendments that I tabled before this Assembly with respect to the victims restitution and compensation payment amendment act, 2020. Those changes will enable Alberta to take away from criminals more tools of their trade and their profits to help reduce crime and increase community safety. It will expand the offences that are eligible for civil forfeiture, which will help deter a larger variety of crimes. Those changes will let the government use proceeds of crime to recover the cost of running the civil forfeiture program instead of relying on taxpayers, as we have seen in the past. The government will still use the proceeds of crime to fund grants for community crime prevention and victims of crime initiatives. We will make grants available to police agencies, which will help police reduce crime and deter criminals in our province and in our communities and allow us to strike the right balance between support for law enforcement and support for community groups. That is what the bill before us is all about.

The amendment that has been proposed by the members opposite is unfortunate. Racism is real. Madam Chair, I have spoken about racism on a very personal level publicly and before the floor of this House, before the floor of this historic Assembly.

8:40

I do not want us in this Chamber to minimize those experiences. Certainly, as long as I have the honour of representing the good people of Edmonton-South West, I will not allow the members opposite to play politics with an issue that affects us on a deep level. I am not interested in virtue signalling or the politics of racism. I am interested in practical steps that will help us achieve a more perfect society, and that's exactly what we have done. That's exactly what this government has done, Madam Chair. In the very short period that I have had the honour of being the Minister of Justice and the Solicitor General for our province, two big achievements: number one, include the First Nations police services and commission in the Police Act; number two, finally ban the practice of carding.

Madam Chair, you know, the police services of this province are as old as our province. I would want the members opposite to focus on amendments and things that would actually provide a meaningful impact on Albertans rather than sowing seeds of division and fear. I need them to focus on practical solutions, not, you know, pitching one Albertan against another.

Our First Nations people understand that our future is bound together, that we rise and fall together as one people, and that is why I am proud of this government, of all we did with the Alberta Indigenous Opportunities Corporation Act: \$1 billion that this

government set aside to help our First Nations people participate in the prosperity that our great province offers, something that has been hailed by provinces and territories and governments across this land. Historic. Never done before. Madam Chair, this government got that done. So we will never be lectured by the members opposite on what we need to do in order to ensure prosperity for all Albertans or level the ground for all Albertans.

Madam Chair, we go to work, and we solve problems, not virtue signalling, not the politics of anger, of fear, or division. That's what the members opposite are all about. That has been my own experience for the time that I have been in this House.

With that, Madam Chair, I would urge all members of this Assembly: if you are serious about solving problems and not the politics of it, if you are serious about not sowing seeds of division and anger and creating fear and anxiety amongst our population, if you are serious about tackling problems that are going to be impactful on the lives of our fellow citizens, I am urging you tonight not to fall into the NDP's tactic and to vote down this amendment because it achieves absolutely nothing.

Thank you, Madam Chair.

**The Chair:** Any other members wishing to join debate on amendment A2?

Seeing none, I will call the question on amendment A2 as moved by the hon. Member for Calgary-McCall.

[Motion on amendment A2 lost]

**The Chair:** We are back on the main bill in Committee of the Whole, Bill 38. The hon. Member for Calgary-McCall.

**Mr. Sabir:** Thank you, Madam Chair. I've been here for 16 years in Alberta. Earlier my colleague from Edmonton-Rutherford was speaking. He said that he'd been here for 60 years, and he's yet to be carded. I wish I was able to say that, and frankly I represent many of those Albertans who won't be able to say that. On these issues that are important to our communities, on issues of racism, on issues of systemic racism, the Justice minister and the government will be lectured by us. They will be held accountable for what they do. If they won't show up in the provincial-territorial ministers' conference discussing systemic racism, discussing policing, and all those important things like human rights, they will be lectured. They will have to hear from us.

It's a sad day for Alberta when the Justice minister thinks that among other things, that we agree with, the restitution fund should be used for, to add grants for racism and grants to address systemic racism is divisive. It's somehow the politics of fear and racism. Nothing can be further from the truth.

**An Hon. Member:** Shame.

**Mr. Sabir:** The Justice minister should be ashamed of those remarks.

With that, I will move another amendment, Madam Chair. I have the requisite number of copies of that amendment.

**The Chair:** Hon. members, this will be known as amendment A3. Please note that it is two pages.

**Mr. Sabir:** I can try to kind of succinctly describe what it's doing.

**The Chair:** That would be better.

**Mr. Sabir:** If any member wishes to have a copy, I have the requisite number of copies.

**The Chair:** Thank you. Please proceed.

**Mr. Sabir:** Madam Chair, this amendment relates to the changes to Queen's Counsel. Queen's Counsel is an honour awarded to distinguished lawyers, with some exceptions. It dates back to the 16th century in England, and it has come to designate senior members of the legal profession. However, this has entrenched a sexist hierarchy in the legal profession despite graduating law school and being called to the bar at parity. In the past 10 years Alberta has awarded 388 lawyers as QC, and I congratulate each and every one of them for their accomplishments. But of these 388 lawyers, only 144 are women, and the most recent are two UCP cabinet ministers. That's 37 per cent women. This gender inequality is not solely an Albertan problem. Other jurisdictions with QCs also have similar divides in gendered awarding of QCs. Alberta can certainly be a leader in the world in recognizing the contributions of women to the legal profession.

Something happens in the years between graduating from law school and earning the experience and recognition to gain QC status, leading to a 13 per cent reduction in female representation, 13 per cent fewer females getting QC status. I would suggest – and I think many would agree – that it is likely due to the responsibilities of caregiving. Caregiving, I understand, is not solely a female responsibility and encompasses more than just parenting, but the vast majority of caregiving tends to be done by women. It is important that the hard work of people in the legal profession who have caregiving responsibilities on top should be recognized and appreciated.

**8:50**

This amendment also introduces the requirement for the appointee to be a resident of Alberta at the time of their appointment to Queen's Counsel. In most provinces and the federal government all have the ability to award a QC to exceptional lawyers. The Alberta government should also be focusing on awarding lawyers in Alberta who are working hard, who are contributing positively to this profession, and it seems reasonable to not just require in Alberta a QC recipient to have five years of experience in Alberta but also to be a resident of the province at the time of the award.

Another change to the bill in this amendment is to entrench into legislation the basis upon which a person is to be considered for QC. Other provinces have these specifics written into law to ensure certainty and consistency in the awarding of QC. Including correct characteristics and qualifications in legislation will ensure that QC is not used as a political quid pro quo.

This will bring legitimacy back to the designation. This will ensure greater participation and inclusion of women in the status. This will take into account the caregiving responsibilities that more often than not fall to the women. I hope that that minister doesn't see it as fear and smear and divisive. I urge all members of this House to support this reasonable amendment.

Thank you, Madam Chair.

**The Chair:** Any members wishing to speak to amendment A3 on Bill 38 in Committee of the Whole? The hon. Member for Edmonton-McClung.

**Mr. Dach:** Thank you, Madam Chair. Pleased to rise to speak to the amendment to Bill 38. I know that this may be an idea or may be a designation in the legal profession that many Albertans have seen when they perhaps will have been looking for the services of a lawyer and seen the credential QC after the lawyer's name and not thought too much of it or not really understood what it is.

I happen to have been exposed to some knowledge of the designation earlier in my life when I volunteered as a court intake

unit worker with the Solicitor General's department and would involve myself in courtrooms 65 and 68, courtrooms of first appearance, and, of course, would be consulting with, quite often, duty counsel. Then, of course, lawyers would be representing the members of the public who'd been charged, and they were often lawyers who had the QC designation. Of course, back then if you saw that, you went, "Whoa." You kind of knew that they were something special because it was a designation, and it still is something that seemed to dignify the credentials of a lawyer. It's not something that should be granted lightly, and I think that the honour of having the Queen's Counsel designation is something that is equally shared and equally respected by both men and women in the profession.

However, in those years that I was a volunteer probation officer with the Solicitor General's court intake unit, I don't remember meeting even one woman lawyer who had the designation. It speaks to the imbalance in the awarding of the designation on a gendered basis that was prevalent then and is prevalent now, by the numbers that have been related to this House about the percentage of females versus males who have been given the designation. I think it's incumbent upon us as members of this House, the legislators, to ensure that that imbalance is recognized and to ensure that it's challenged and that the specifics of the designation, the qualifications, demand that gender parity be recognized as a critical element of decision-making in awarding the QC designation.

I also worked as a real estate agent, as all of this House will know, for many years and during that time, of course, had interactions with lawyers in many, many cases. Of course, they in a number of cases would be recipients of the QC designation. Once again, I know that it was a dignified mark of respect if indeed a lawyer could present those initials after his or her title. Within the real estate profession that was recognized, but I think the public should be made more aware not only of the definition of the designation but also of the criteria by which a lawyer will be granted that designation. It should be, I think, much more widely disseminated publicly.

Perhaps the Law Society can take some responsibility for doing that. They know that they have their annual law clinics at U of A, and I'm sure U of C has that as well. But I think there's a responsibility for the government as well to advertise much better publicly what that QC designation is and therefore allow the public to understand that it's a meaningful designation that they should take special note of when they are looking at the credentials of a particular practitioner in the field of law.

I do want to ask and publicly wonder why this is being done right now, in the middle of a pandemic. "What's the urgency of it?" is something that behooves me. On top of that, I don't know how far and wide the legal profession was even consulted on it or the legal academic world was consulted as far as stakeholder consultation was concerned on this designation. I know that the system needs to be improved, and the designation of QC is something that should have validity and should be justified in terms of the experience of the lawyer involved and the positive impact that they have had over the course of his or her career.

But the legal profession, I think, should be strongly involved in the consultation to make these changes, and I'm not certain that I've seen evidence of that from the minister as he brought forward the legislation, so that's something perhaps I'd like to hear a bit more about. What, in fact, has the legal profession said? What does the Law Society of Alberta have to say about this change in designation? Was it something that they were calling for, or was it something that this government, this ministry thought it was just time to do? I don't exactly understand which direction that went with the cart coming before the horse.

9:00

It's important that the designation of QC have the dignity that historically it has generated in those who have been receiving it, but I know that there are other considerations in this day and age that we have to make and that is also one of realizing that the designation should be granted in a way that reflects the gender reality in the legal profession. The percentages that have been shown of the recipients who are receiving it clearly indicate that there's an imbalance towards males versus females in terms of recipients of the QC designation. I think it diminishes the dignity of the designation when it gets blamed, I guess, for having a lack of fidelity with gender parity. I know that that's something that we should be sensitive to.

Other provinces, Madam Chair, have written, definitely, the specifics into law, and I don't know if we've seen a proper crossjurisdictional analysis, either, of what other provinces have done. Perhaps even an international crossjurisdictional analysis in terms of modernizing this designation should have been something that this government engaged in as part of an analysis of what modernization of the designation would mean here in Alberta.

The legislation that entrenches the changes of this designation is something that we should not take lightly, and I hope that the government will see fit to accept the amendments that we've brought forward.

With that, I'll seek the counsel of other members who may wish to speak to the amendment and hope that the House rises to support it.

**The Chair:** Any other members wishing to speak to amendment A3? The hon. Minister of Justice.

**Mr. Madu:** Thank you, Madam Chair. Once again I rise to speak to this amendment proposed by the Member for Calgary-McCall. You know, I would like to respond to this amendment by telling this Chamber a short story about how I ended up in the legal profession.

Now, Madam Chair, I was 10 years old, the seventh of 11 children. At 10 years old, in that part of the country – I was born in southeast Nigeria – in a whole community that's akin to a local government: at that point in time there was not a single lawyer, not one lawyer in the entire community. I didn't know what it means to be a lawyer. I had no clue. No idea.

My dad's eldest sister, may her soul rest in perfect peace, who passed away a couple of years ago at the age of – hear this, Madam Chair – 109 years old: she took me one evening at about 5 p.m. Nigerian time for a walk on a winding road on the path that my ancestors walked upon whilst they lived, and she was speaking to me in my native Igbo language. She used to call me – she had a pet name for me. Translated in English it's the man who founded my clan. She said to me that she went somewhere and she saw – this was at a time when Great Britain still had colonial judges and lawyers manning even the customary court in Nigeria, and she was telling that she went somewhere, another town, and she saw these beautiful men and women in beautiful robes, and she had no idea who they were. She had no idea what they do. All she knew was that she liked them and that she wanted this boy, her nephew, to be like them. As she was telling me these stories, we were going through the very tiny winding road, and she said to me that it would be a great honour if our family could be one of the first to produce a lawyer, in our native language describing that image that she saw. I didn't know what it was.

Madam Chair, when I finished – and that stuck with me. It never left me, at age 10. It was not until I got to high school that I then started to ask my teachers to explain who those people were. That

was the first time I heard then the word “lawyer” in my native Igbo language. That was when I piqued an interest that if I had an opportunity to go to university, I was going to study law.

Madam Chair, that ambition was nearly threatened by poverty. Both of my parents, mom and dad, never saw the four walls of any education, never went to primary, nursery, never held a pen before. There was no money. They were, you know, rural farmers. Now, I understand that the farmers in this part of the world are completely different from the farmers we had when I was growing up. These were peasant farmers. They only farmed for the things that they eat and sell in the local market.

There was no money to go to university, but somehow I was blessed with the type of intelligence that the folks I went to school with – I went to a village secondary school not too far from my home where we were taught English and my local Igbo language. I would be the first in my high school class to make it to university, the very first from that particular school, and not just any university. From that rural village I made it to Nigeria’s best elite university.

But all of that was threatened by extreme poverty because my parents didn’t have the means to send me to university, to pay for my way to university, and their poverty was made worse by the aftermath of the bloody civil war of ’67-’70. I was born in ’74, Madam Chair, four years after the end of that war that cost the lives of 3 million Igbos; 1.5 million children died of kwashiorkor, death by starvation. At that point in time in our history food was all every family from where I was born and raised cared for. If you had one square meal a day, that was a good day.

Then, at the end of my high school, miraculously, I did so well. One attempt, second attempt: the secondary exam and then the national exam for university. But all of that again was threatened when I got to Lagos. There was no money.

**9:10**

I had to, you know, turn myself into a trader on the streets of Lagos, buying shirts and shoes and going from one bank to another because those were the only places I could find people who wear work shirts and shoes and ties. Peddling that on the streets of Lagos, I put myself through university. It was paid for by that hard work. That was how I graduated as a lawyer from the prestigious University of Lagos.

I know what it means to be able to recognize hard work. I know what it means to build a merit-based system. It was only hard work, it was only my intelligence that made it possible for me to be able to go to university. That’s why I’m here. I know what it means. I know the place of hard work. I know the place of a merit-based system.

When I finally came here, Madam Chair, all of that again was threatened by, you know, poverty. By the eighth month of being in Edmonton, I had run out of money. My wife was a master’s student at the U of A, master in law, who, by the way, came to the U of A by a sure bent of hard work and intelligence on a scholarship because she was the best graduating law student in all of our country, made the first class at the law school. My family knows what it means to work hard, to fight for the things we believe in, to ensure that a system that rewards hard work is what we must all strive for.

Now, there’s no question that oftentimes folks like myself may not have the financial means, but that’s also where a functional economy comes in. You know, Madam Chair, my first employment when I came to this country was at a small unit at the University of Alberta hospital called patient food services, where I had the greatest honour of my life: to be able to make meals and wash dishes that were used to care for many of our citizens at a critical state in their life, gravely ill in the hospital. It was from that

employment that I began to save money for my law exams. Finally, I got the opportunity to qualify, despite all of those obstacles, all of those hardships, as a lawyer called to the bar, one of the proudest moments of my life.

You know, Madam Chair, the day I was called to the bar here, there were over a hundred people in the courtroom. The court in Edmonton had never seen that size of people coming to celebrate a lawyer being called to the bar before. It was a rainbow coalition. There were blacks, whites, Asians, Latinos. There were brown people, you name it. My mentor, who called me to the bar – many of you here in this particular room will know him – the Right Honourable Justice Russel Brown of the Supreme Court of Canada: on that particular day he looked to the crowd and he said, “Kaycee, I am going to say something that was not part of my prepared remarks because of the size of the people in this particular courtroom.” Mr. Justice Russel Brown rose and said to the audience something along the following lines.

He said to the audience: you have come to this great meritocracy, that in this province it doesn’t matter who you are. That’s why in many of my prepared speeches you will find that language. It doesn’t matter who you are or where you come from or the circumstances of your life where you began, where you started. In this province if you work hard and believe, you will achieve your dreams in this province. That is how a little boy born in abject poverty in the rainforests of southeastern Nigeria, whose parents and siblings went through a devastating civil war, had enormous difficulty to go to secondary school and university, made it all the way to this promised land and now stands before you as the Minister of Justice and Solicitor General. I know what it means to be able to recognize folks who have earned their place in life.

That is why, Madam Chair, I was proud to table the Justice Statutes Amendment Act, 2020, that will amend the Queen’s Counsel designation. For the first time, once again, in our history we are expanding the qualifications for more lawyers, Alberta lawyers. We are putting them on the path to be recognized because that is so dear and important to my heart. As long as you were called in a Commonwealth country and you are here as a lawyer, you can rest assured that you would eventually, if you meet those requirements, receive that designation. More women are going to be designated Queen’s Counsel because of the changes contained in this bill. More minorities are going to be designated Queen’s Counsel because of the changes in this bill. This is what we stand for. We don’t play politics with hard work and levelling the ground. After all, that’s what Alberta is all about. So you can understand why it is painful for me any time we come forward with something that brings us closer to that perfect place, and the members opposite want to play politics with it.

Just look at this amendment. I am sure you would be very, very hard to find a single Alberta lawyer who understands our legal system and our legal traditions, who understands what it means to be a lawyer, what it means to be designated a Queen’s Counsel, that will support this because they understand that this is politics, nothing else, that is minimizing, making a mockery of a system that is built on merit. We as a people must never allow that to happen, and if we do, someone like myself maybe may not have ended up before this historic Chamber.

We want people to know that there is no limit to their possibilities if they believe and work hard and treat their neighbours the way you would want to be treated and don’t see the obstacles of life as a limitation to what you can achieve, see them as opportunity.

Many of the minority people I know in this country: my story is very similar to their story. That’s why I’m so proud of the amendment that I have brought forward with respect to the Queen’s Counsel. That’s why I am proud to have brought an amendment to

amend the Police Act. That's why I'm proud to have ended the carding that habitually discriminated against minority folks. But that is what this government that I am part of is all about, not partisan, petty politics. That's not what we are for. That's not what built Alberta. What built this province was hard work. People came here and met unimaginable, difficult, hard circumstances. In the midst of it all they built the most prosperous province in this country. We want to maintain that.

9:20

Given all of that, I will urge members of this Assembly to once again not succumb to the NDP's politics of division and vote against this amendment. Thank you, Madam Chair.

**The Chair:** Are there any other members wishing to speak to amendment A3?

Seeing none, I will call the question.

[Motion on amendment A3 lost]

**The Chair:** We are back on the main. Any members wishing to speak? The hon. Member for Calgary-McCall.

**Mr. Sabir:** Thank you, Madam Chair. It's a sad day, and it's unfortunate that the Minister of Justice and this government don't see childbearing, child caring as hard work that merits QC designation.

But let's try another amendment. I have the requisite number of copies for that as well.

**The Chair:** You like those two-pagers these days.

This will be known as amendment A4, and as I said, this is two pages.

Hon. member, you can summarize.

**Mr. Sabir:** Again, it's a bit lengthier, so I will try to summarize it as best. I think I have spoken about the significance of the QC designation and those who contribute and dedicate their time to the legal profession, and I have talked about inclusion and why inclusion is important in the highest level of the legal profession. This amendment is essentially doing two things. One, again it's asking this government that when considering QC designations, the time that lawyers, professionals take out of their practice for caregiving should be accounted for.

[Mr. Milliken in the chair]

The second thing is that if a person has practised for 20 years as a lawyer in good standing, they should be automatically recognized as a QC. What more of a contribution or dedication could there be than 20 years of service in good standing in the legal profession? The legal system is one of the pillars of our society, and we should recognize the long-standing service of individuals who are supporting it. I think that 20 years is a long enough time, and individuals who have committed that time to serving justice deserve to be recognized. This amendment simply will give all lawyers who meet that requirement, having served in the legal profession for 20 years in good standing – it will recognize their service, and it will also remove politics from the status and ensure that there is some objective way of getting it.

Again, I encourage members of the Assembly to vote in favour of that because 20 years is a long enough time for anyone to serve in the legal profession. Again, I'm urging the government, urging the Justice minister to recognize caregiving as hard work that merits to be included when we are counting the time frame for QC designation.

With that, I will take my seat and urge everyone to support this reasonable amendment.

[Mr. Reid in the chair]

**The Acting Chair:** Thank you, hon. Member. Any other members looking to speak to amendment A4? Seeing none, I'm prepared to call the question.

[Motion on amendment A4 lost]

**The Acting Chair:** We are now back on the main bill, Bill 38. Anyone wishing to speak to the bill?

Seeing no one, I'm prepared to call the question.

[The remaining clauses of Bill 38 agreed to]

[Title and preamble agreed to]

**The Acting Chair:** Shall the bill be reported? All those in favour, say aye.

**Hon. Members:** Aye.

**The Acting Chair:** All those opposed? Also carried.

### Bill 39

#### Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020

**The Acting Chair:** We will now move on. Anyone wishing to speak to the bill tonight? I see the hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Mr. Chair. May I confirm that we are on amendment I believe it was – I'm not sure what it was called, ND5 maybe. Is that correct?

**The Acting Chair:** We are speaking to amendment A3 on the bill.

**Ms Pancholi:** Thank you, Mr. Chair. I appreciate the opportunity to rise in support of amendment A3. This amendment is intended to amend Bill 39 by revising the section that sets out the principles of the act, and the principles are – within Bill 39 the preamble section is repealed, and it is replaced with this principles act, which is to guide both parents, child care providers, the minister, all of the actors who are involved and engaged by the Child Care Licensing Act on how it should be interpreted and applied. These are really the foundational principles that guide the early learning and child care sector and, of course, all of the various educators, the providers, the parents, the children, the ministry, the minister and how to interpret and apply this act. They're deeply important to help when there is, of course, interpretive issues or challenges and to remind everybody of the purpose of the Child Care Licensing Act. More importantly, I think it highlights the importance of early learning and child care.

[Mr. Milliken in the chair]

This amendment proposes to change what has been put forward in Bill 39 as principles because, quite frankly, Mr. Chair, we feel that it does not adequately address all of the various and significant guiding principles and actors in the child care and early learning system. The intention here is – it's not contrary to what was provided in Bill 39 – simply to add to and clarify and recognize the values and guiding principles behind early learning and child care in Alberta. For example – and I want to be clear, actually, when I talk about what's set out as proposed amendments. Not only were we drawing from the submissions of stakeholders to the child care licensing consultation review that was done earlier this year by the ministry; I looked very carefully at the submissions provided by a

number of stakeholders, and there was a consistent theme that it was very important that we underline key aspects of the principles guiding our early learning and child care system. For example, Mr. Chair, earlier in this session I tabled, I think, roughly about 12 to 13 written submissions that were provided by child care stakeholders and early learning stakeholders, and it is from that that these principles that are set out in amendment A3 are driven.

9:30

For example, Mr. Chair, it's intended to highlight that the best interests of the child are paramount. This should be guiding any legislation that we do. We talk about it, of course, within the child intervention frameworks and also within education, but it should also be part of early learning and child care. It should talk about that the best interests of the child are paramount, so it highlights that. Of course, the safety, security, and well-being, which is already in Bill 39, is addressed, but it also talks about the best interests of the child.

It also adds what is very important. If we're going to actually be looking at delivering a quality early learning and child care framework in this province, we have to recognize within the principles of the act that children have a right to access high-quality early learning, and part of that, Mr. Chair, is to recognize that child care is not simply babysitting. It's not just temporary supervision. It is actually about the early learning of a child, and when we talk about early learning, it's important to recognize that the critical years in a child's development are in those early years, those years from zero to five. We have an education system that, of course, makes formal education mandatory as of age six, but anybody who has children and, more importantly, the experts – not more importantly, but also the experts in early learning and child development will tell you that learning does not begin when a child walks through the door of a school. Learning for a child begins long before that.

Of course, it doesn't look like formal education. When we talk about learning in children who are, you know, age one, two to five, it's about play. It's about appropriate learning, but it is learning. It is very key that we recognize that children have a right to learning, quality early learning, as soon as they're born. It will look different, of course, for children that young, but it does not only begin – we do not only have an interest in making sure that children are educated when they turn six. That interest begins long before that, Mr. Chair. The principles have to recognize those early, critical years for the social, intellectual development of a child and that they have a right to access that.

I know that we recently celebrated National Child Day in this Assembly and across the country to recognize the UN declaration on the rights of the child. I heard the minister speak up and make a statement expressing her commitment to the principles set out in that declaration, which include the right to learn, which include the right for care in their early years. This is to reflect that. Children have a right to access high-quality early learning, recognizing that birth to age five is a critical period for a child's development.

The amendment A3 also adds in the principles section that, in addition to flexibility – flexibility is, of course, important in our child care system, but it's also important that we have affordability and inclusivity. Those are very important factors of quality early learning, and I've maintained – Mr. Chair, I've spoken a number of times in this House on a number of issues related to child care to talk about that if child care is not affordable, it is not accessible. We know. StatsCan is clear that over 50 per cent of parents identify affordability as the number one challenge to accessing child care.

If we can't recognize the importance of affordability – as high quality as a program may be, even accessible in terms of being located within close to the family or close to where they would live or work, maybe accessible in terms of a space being available, or

even accessible meaning that there's a program that meets the special learning needs of that specific child, if it is not affordable, children cannot access it. That's the reality, Mr. Chair, and we need to recognize that while flexibility is deeply important to respond to the needs of parents, it's also deeply important that it is affordable. This recognizes that as well as inclusivity – because we know that children, again, don't suddenly develop special learning needs when they enter the school system. We know how important that is in the early years and, in fact, that early interventions and supports can make a critical difference in a child's life.

Inclusivity, meaning making sure that there's child care programming that suits the needs and that is adaptable and responsive and supportive to children regardless of their needs, needs to be there as well. I think that's something that this government could get behind. I know that the minister has expressed her commitment to inclusion and inclusivity in child care, and this recognizes that, that it is an important part of access and parent choice. Again, if there's not an appropriate, inclusive program for the child, parents do not have choice.

The proposed amendment also sets out the recognition of properly qualified and supported early childhood educators for quality early learning. I found that to be a glaring absence – I have to be honest, Mr. Chair – in Bill 39, that it did not recognize the importance of early childhood educators. Every single stakeholder and I know the minister herself and I know a number of others, I believe the Minister of Municipal Affairs when she was guiding the child care consultation review, recognize that the most important indicator of quality for early learning in child care is a qualified and educated early childhood education workforce. That is the number one indicator of quality, so we have to recognize in our principles that without strong, qualified, and supported early childhood educators, we cannot achieve the objectives of quality early learning in child care.

Amendment A3 also recognizes the role of indigenous families and educators as partners to develop early learning programs that include indigenous traditions, language, and ways of knowing. Again, early learning in child care is part of that spectrum. It's part of that spectrum of early childhood intervention, and that means making sure that we have programs that meet the cultural, traditional, and historical needs of children, all children. This recognizes the role of indigenous families. We know that children of any cultural background need to have that connection, but specifically if we want our children to have the opportunity to succeed, particularly indigenous children, we need to recognize the role of their families in developing early learning in childhood programs that meet those needs as well as the role of indigenous educators because they play such a key role in making sure that all children have a way to learn that meets their cultural and traditional needs.

It also adds, Mr. Chair, the requirement of collection, analysis, and sharing of information and data to allow for proper system planning and continuous improvement. This is critical because without having the proper data and collection, we can't improve the system. It means having systems in place to make sure we are measuring quality, we are measuring things such as: where is the need for child care? What kind of need is it? What are parents looking for? What are the barriers for them to access child care? When we talk about developing spaces in child care, it's critical to have the right information because if we're going to have a system that's responsive, we need to have the data.

As I mentioned, Mr. Chair, these amendments to the principles were developed in close consultation. I consulted significantly with the Association of Early Childhood Educators of Alberta. I heard from the Alberta Early Learning and Care Leaders Caucus, the



Edmonton Council for Early Learning and Care, Muttart Foundation, Childcare Association for Resources to Administrators. This is all set out in submissions by all of those stakeholders as well as many others, including Get Outside and Play! They all spoke to: these are the indicators, these are the values that should be guiding our early learning in child care system. This amendment was drafted with those submissions in mind, from the experts in early learning in child care.

I hope that the members of government will thoughtfully consider this amendment. It is intended to give light to some of the principles that I know I've heard the minister express, that I've heard other members of the government express about the value of early learning in child care, and it's to really support the strongest early learning in child care system that we have.

Thank you, Mr. Chair.

**The Deputy Chair:** Thank you, hon. member.

I see the hon. Minister of Children's Services has risen.

**Ms Schulz:** Thank you very much, Mr. Chair. I do just want to speak to this proposed amendment, amendment A3, just to provide a little bit of context on why I would encourage all members of this House to vote against the amendment being put forward. You know, when we look at the wide consultations that were undertaken, particularly by the Minister of Municipal Affairs, again – and I've said this before, and child care operators and educators across the province have said it – this is the most comprehensive consultation completed in over a decade on this topic, speaking to over 10,000 people who provided input into this very important legislation.

We also reviewed the submissions of the stakeholders that the member opposite referenced. I think the difference, really, between our side and the members opposite is that we didn't choose to base our legislation on ideology or listen to only a select few of the stakeholders, you know, picking and choosing what fit within the framework we wanted. We really, truly left this up to operators, educators, and Alberta parents.

When we look at the proposed amendment, specifically when we're talking about the best interests of the child, absolutely, this is important, but the piece where the member opposite proposes suggesting it is paramount to all other interests, Mr. Chair, is not recommended, to add this into the principles. It's not defined in the legislation, and it would then be unclear how it would be applied throughout the remainder of the act.

9:40

Also, it's a legal concern, and I think that as a lawyer who has had a role in drafting legislation before, I would hope that the member opposite would understand that the reason why we can't or it is recommended to not go down this path is that saying that it is paramount to all other interests could then have broad implications as any actions or decisions of the statutory director and those regulated by the act in regulation would then be measured against this principle. Without fully defining it later on, it's not necessary. It is included in other aspects. The best interests, the safety, the security, the well-being, the importance of early childhood development: that is all in there. But suggesting that one issue or concern is paramount to all other interests is not something that we would recommend putting into the act.

We absolutely agree that all children have a right to access high-quality early learning and child care. However, when we start building in things like birth to age five – we know that the early years are hugely important, but we also know that child care in Alberta in this legislation covers the ages of zero to 12. That is more

comprehensive of what currently exists when we're looking across the board from child care to preschool to day homes and also to out of school care. Mr. Chair, we would not be adding that in, and really, truly it's already covered in the matters to be considered.

When we talk about including affordability right into the legislation, this is a hugely important piece of our approach to child care. We are committed to high-quality, accessible, and affordable child care for those who need it most. I would guess that this is perhaps a sneaky way of building again the ideological approach to \$25-a-day child care right into the legislation. Obviously, that's not something that Albertans chose to support in the last election, so that's not something that we would build into our legislation.

Inclusion and inclusiveness of child care is covered in the matters to be considered, that providers shall take into consideration the diversity of needs, including those who are experiencing economic vulnerability. Mr. Chair, I would suggest that those pieces are already covered. In some of the cases where the member opposite has been suggesting that we provide more specifics, we would not advise to do that, especially in places where they're not clearly defined later on throughout the act.

I really do want to say that when we do talk about, again, affordability, accessibility, high quality, we know that this can be addressed through other ways, not just through the legislation but also through the policy and programming decisions that we make as a government. That's why we continue to invest \$400 million a year in child care here in Alberta. Our wage top-ups for our early childhood educators, which we know are the number one contributor to high-quality early learning and child care programs, are the highest in the country, Mr. Chair.

You know, I know that the members opposite like to talk a lot about \$25 a day, but I do want to say it again, that under our new subsidy program – we can talk about \$25 a day for parents across the province, but what we have now is a model where parents can access child care for as low as \$13 a day, Mr. Chair. The best part about that is that it's in the centre of the parents' choice, not the choice of the government, not the choice of the members opposite, not picking winners and losers, not picking not-for-profits over private operators, because we know that 60 per cent of our operators here in Alberta are, in fact, private operators. It really, truly is about supporting parents, respecting the choices that they make, and making sure that the parents who really, truly need help, low- to middle-income families, are going to have that help so that they can get back to work and take part in the workforce.

With that, Mr. Chair, I would encourage all members of this House to vote down this amendment.

**The Deputy Chair:** Thank you, hon. minister.

Are there any other members looking to join debate on amendment A3? Seeing none.

[Motion on amendment A3 lost]

**The Deputy Chair:** Moving back to the main bill, Bill 39. I see the hon. Member for Edmonton-Whitemud has risen.

**Ms Pancholi:** Thank you, Mr. Chair. It's a pleasure to rise once again in Committee of the Whole on Bill 39. I think we're in for a bumpy ride here, folks. It sounds like – it's unfortunate that, you know, the minister mentioned the \$25-per-day program multiple times when nobody on this side did. I did not raise that today. The purpose of affordability is not only the \$25 per day, as I mentioned previous times to the minister. By all means, if she had problems with the \$25-per-day program, which seemed to be limited to the fact that not everybody had access to it, I mean, the obvious solution would be to provide access to everybody.

Certainly, if she has another way to address affordability, she can do that. Affordability as a principle seems like a pretty valuable commitment to make, but it doesn't seem like the minister is willing to even commit to the concept of affordability within this act, which is very troubling, I think, for the over 50 per cent of Albertans who have indicated that affordability is the number one challenge for them to access child care.

Moving on, Mr. Chair, I am pleased to introduce another amendment to Bill 39, and I'll provide that now.

**The Deputy Chair:** It's a little long to just read in, so what I'll say is that copies will be made available to everybody if they put their hands up. Copies will also be available at both tables close to the entrances.

If you would be so kind, hon. member, if you would give us perhaps an overview of the intent rather than reading it in. For the record, of course, this will be A4, seeing as how we just dealt with A3. The hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Mr. Chair. Yes, I realize it is a lengthy amendment, so I appreciate, for the sake of brevity, not reading it into the record. Essentially, what this does is that this amends section 1.2 of Bill 39, which is currently titled Matters to Be Considered by Providers of Child Care Programs, and it sets out in section 1.2 a number of matters, as described, to be considered by providers of child care programs. While there are some pieces within 1.2 as proposed in Bill 39 which I think are very valuable – in fact, I think all of them in some way are valuable. The concern that we felt and why I'm bringing forward this amendment is as a result of reviewing submissions that were provided and hearing feedback from several child care providers and educators – private, not-for-profit, former and current \$25 per day but also many, many who are not – family day home programs who were very deeply concerned about the government's decision in the spring to abruptly cancel the accreditation process.

For those who may not be familiar, the accreditation standards were to set out what would be described as the quality standards for early learning and child care. Currently within the child care licensing regulation there is a significant amount of regulation of things that can relate to quality but primarily are around health and safety, things like, you know, fire codes, square footage for each child, ratios, those kinds of things, and those were the standards that had to be met, of course, for licensing. In order to be accredited, there were a number of standards that were set out in accreditation, and those were the quality standards of early learning and child care.

Now, there were certainly some concerns – and I heard those as well – about the process around accreditation, but I think what was surprising and the question that the early learning and child care sector very much had at the time that accreditation was cancelled abruptly without consultation was: where would those quality standards live? How would we make sure that early learning and child care programs were not simply just meeting the minimum safety requirements set out in the regulation, but how do we hold them to the quality standards?

The commitment that was made by the minister at that time – a number of stakeholders spoke to it – was that they felt that there was a commitment that those quality standards would somehow be reflected in legislation. That was what their expectation was. Certainly, we want to ensure that if we are truly committed to early learning and child care, we're not just meeting health and safety standards but that we're actually meeting quality standards in terms of the delivery of early learning. That's the intent behind this amendment, to incorporate into the act the standards that were formerly set out in accreditation.

9:50

Now, you know, in discussion with the minister when we got a bill briefing, we talked about that and: is this going to be where accreditation standards were going to be met? We know that this might not be the only way. We don't know what the regulation is going to look like, Mr. Chair, but certainly, in looking at what's set out in the matters to be considered, a number of concerns were raised by stakeholders about a few things. One, it certainly did not reflect the same quality of standards that were previously set out in accreditation. It did not meet those higher expectations that we have around the quality of the program that would be delivered: that it would be evidence based, that it would provide positive, supportive relationships and enriched emotional environments that foster children's well-being and development, that it didn't meet the requirements I talked about in accreditation about how program planning and practices must support every child's optimal development in an inclusive learning environment.

Although it does mention the importance of play in Bill 39, it doesn't talk about exploration, problem-solving, creativity, and positive communications, that accreditation addresses things like fostering relationships with families that are supportive and respectful, that they must create a supportive work environment. Speaking to the educators but not just the educators, accreditation spoke to the teams, the pedagogical experts, the supports that were available outside of simply the child care centre or the child care program to make sure that there are supportive environments, but also it's collaboration with community organizations and services and that there was an expectation that child care programs continuously improve through demonstrated ongoing self-monitoring and evaluation processes. This is designed to simply reflect that, that those accreditation standards are still required to be met.

It also includes, Mr. Chair, the requirement that every child care program must have an early childhood education curriculum. Now, I know the minister is very supportive of the Flight early learning and care curriculum or framework that was an Alberta-developed curriculum that's been used to very good response in child care programs. It's a framework, and I've heard the minister speak to the fact that other child care programs could certainly use a different education curriculum than Flight and still be quality. We agree with that. What I understand from my consultation with stakeholders is that Flight is still a framework and that many existing quality early learning education frameworks or curriculums would fit within that framework.

Certainly, what we've drafted here is an amendment that describes – it's not specifically mandating Flight, but that was a common request from stakeholders, that Flight is a fantastic early childhood education framework and that it should be incorporated into legislation. But what we've proposed here is that there must be a quality early childhood education curriculum. It must be approved by the minister. It could be Flight; it could be another kind of curriculum developed by centres. I know lots of centres use great programs. But there should be a requirement that there be a curriculum that is approved by the minister. It must meet the former accreditation standards. I've heard the minister speak to the fact – and we know this to be true – that over 90 per cent of existing child care programs met accreditation standards. It was not the exception; it was certainly more than the norm, which speaks highly to the quality of programming out there.

However, the concern that I think a lot of Albertans have, particularly those within child care, is that by removing accreditation, there's no requirement, there's no assessment whether or not those standards are being met, and certainly, as

worded in Bill 39, it's not mandatory that early childhood education programs meet accreditation standards. But it's not even mandatory within what's drafted in Bill 39 that child care programs have to meet these "matters to be considered." By their very definition, they're just called "matters to be considered."

This amendment also requires that child care programs have to meet these standards in order to be licensed, so it's part of the licensing process. It simply mandates for licensing that early childhood education programs meet the standards that were formerly set out in accreditation. It requires that they use an early childhood education curriculum that is approved by the minister. This is the commitment to quality, Mr. Chair.

Again, this amendment was developed in consultation with a number of stakeholders to really achieve what was consistently stated, even within the government's consultation report, that Flight, for example, as an early childhood education curriculum, and accreditation needed to be reflected in the legislation.

I will say, Mr. Chair, that I don't know what's coming in the regulations – we don't know what that's going to look like – but certainly I believe we need to make a commitment right now to quality programming standards within early learning and child care in order to be true to the commitment that this is about early learning and child care, that it is not about simply temporary supervision of children or glorified babysitting. We are talking about early learning, and this is a reflection of that. I really hope the government will consider this seriously and vote in support of this amendment.

**The Deputy Chair:** Thank you, hon. member.

Are there any members looking to join debate on amendment A4? I see the hon. Minister of Children's Services.

**Ms Schulz:** Thank you very much, Mr. Chair. I'll keep my remarks brief on this one. I would say that all of this will be – and the member opposite knows as we have discussed this in the past during this debate. Program plans will require operators to put forward what their plan or curriculum may be, but not for all, especially when we look at the fact that, you know, individual family day homes are also licensed under this. Some of them are not going to go out and develop a full-out curriculum. We are absolutely making Flight – it is a very exceptional curriculum framework. There was a lot of time and effort put into developing it. We are working through our bilateral funding to make that available to any and all providers who want to access that across the province, but we're not going to require that every single centre use the same curriculum across the province. We know that many different operators across the province offer diverse, unique, high-quality programming. We want to make sure – because they are the experts. We are not the experts. In fact, the educators and the operators are the experts. We want to give them the flexibility to come up with their program plan that meets the needs of their parents.

Also, continuous improvement. If there is one specific reason why I would not support this amendment – continuous improvement was the number one complaint that a lot of operators had about the previous accreditation process, not because they don't agree with continuous improvement. They absolutely do – they're experts; they're passionate about early learning and development – but they said that it had grown very subjective. They weren't sure what that meant, and it depended on the accreditation person that they were talking to, the accreditation officer that they were talking to in terms of what that really meant. We are not about to create additional subjectivity for operators across this province. We're going to leave it to them. They are experts, and all of this will be covered in their program plan.

With that, I would ask all members to not support this amendment.

**The Deputy Chair:** Thank you.

Are there any other members looking to join? I see the hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Mr. Chair. I wanted to make one further comment with respect to this amendment. While we know that many child care programs have met the former accreditation standards and that many will aspire to continue to do that, I do think that we have to be cognizant of and recognize the circumstances in which child care programs are currently operating. Over the past year child care programs have seen a significant number of cuts from this government, whether it be the benefit contribution grant or the staff attraction incentive. We've seen that during COVID this government provided the lowest level of financial support to the child care sector of any province in this country.

We saw, of course, that the \$25-per-day program is being cancelled. With that, not only does that affect affordability for parents, but it also, of course, means that the access that was provided and support that was provided for professional development and access to the Flight curriculum training will also be up in the air. The minister has made Flight available but to date has not provided any actual supports for educators to be able to engage in professional development or provided supports to the postsecondary sector so that they can actually open up more training spots.

Then, of course, Mr. Chair, we've seen very, very little financial support to increase or encourage quality since this government has taken place. The number one issue when I talk to child care centres right now, when they're talking about their fiscal realities, is that 80 to 90 per cent of their operating costs are wages. It's for staff. That's the primary cost for child care programs.

**10:00**

One of the most concerning things, which should be concerning for all of us, particularly when it comes to quality, is that they're saying that in order to save money, in order to be able to make up for the reduced capacity, which is not the fault, certainly, of this government, there have to be restrictions on the number of children because of COVID – but, certainly, that is having a huge impact on child care programs to be able to deliver their programs. They're operating at 50 per cent capacity, many of them, and they've dealt with a year full of cuts and very little support from this government. When they tell me, "How are they going to address the rising costs?" they're struggling with the idea of having to increase parent fees, but I can tell you that a number of them have already said that they will absolutely have to do that come January if they haven't already. They're saying that they're going to have to hire lower qualified staff because that's the only way that they can make ends meet.

The current government has created a situation where quality is under attack, and now the government won't even commit to the concepts of quality in their principles. They don't actually have to be legally defined; they're guiding principles. There are a number of words within the principles section right now, as proposed in Bill 39, that are not defined, accessibility being one of them. But the quality of programming is under attack right now by the lack of support from this government. When the minister says that a number of the programs are already great programs, that they meet accreditation standards, I can tell you that there is a very real risk that a number of the great, quality programs right now are going to really struggle to be able to meet high-quality programs because

they're going to have to hire lower quality staff, and they're going to have to cut a lot of the extra supports and services that they used to access regularly.

I know that a number of them used to provide PUF. They used to provide services to children with disabilities. They're no longer doing that because that's being pulled in by the school boards because they can't afford to have it being delivered anymore in a lot of child care programs. We know that children who are eligible for PUF have been reduced by this government. We know that those young children are no longer eligible for the same level of supports as before. So quality is very much under attack right now.

I believe that when we talk about, "Oh, that's okay; programs will continue to provide great programming because they already have, because they have for a number of years," that's at real risk right now, and that's an absolute result of this government's actions to date. Right now child care centres are cutting meal programs because they're saying – and I can speak from personal experience that my own child care centre, in an effort to not raise parent fees but to deal with the fiscal realities that they have right now, is no longer providing meals at our child care centre. That was a difficult decision, especially because there are so many children for whom that may be – the only proper food and meal that they eat are at their child care centre.

I would love to have the optimism that the minister has that quality will continue to just happen because we will it to be so and we'd like it to be so, but actually the responsibility of the minister is to take action and to actually commit to quality. Putting it in the act, putting the accreditation standards in the act, is important to recognize that we expect all child care programs to meet those standards, but perhaps the reason the minister is hesitant to put it into legislation right here is because she's not willing to support what's needed to do it. I think that's become very evident, Mr. Chair. I just want to comment on that because it is very important. When the minister strikes down commitments to principles around the best interests of the child and securing that all parents and children have a right to access affordable and inclusive child care, it's because she's not willing to support it.

She's not willing to do the things, Mr. Chair, that I believe are necessary and this government is not willing to do the things that are necessary to actually make sure those objectives are achieved. That's really what we're seeing when they strike down these amendments and when they refuse to actually respond to what stakeholders are talking about, about the need for quality curriculum and quality standards and commitments to these principles. They're saying that they're not willing to support that, and I believe that the early learning and child care sector and parents and children are getting that message loud and clear.

**The Deputy Chair:** Thank you.

Are there any other members looking to join debate? I see the hon. Member for Edmonton-Ellerslie has risen.

**Member Loyola:** Thank you very much, Mr. Chair. I just wanted to take an opportunity to relate some of the things that have been stated to me. This was even, like, before becoming elected because I had the honour and privilege, for many years, of participating at the community league level, specifically the Knottwood Community League. I remember meeting with so many parents during that period in my life, talking to mothers especially, because that's the tendency. The tendency is that it's women that are most concerned with early childhood education. I had a number of conversations with a number of mothers that talked about how quality programming standards were absolutely essential.

Now, I respect the fact that this minister, well, stated what she did. I mean, I don't necessarily agree with her perspective, and I get it. Like, she's talking to a lot of the providers. That's great, and it's true. I've said it before and I'll say it again many times, that we have child care providers in this province that just do an amazing job. They do an exceptional and amazing job. You know, regardless of the fact, the Member for Edmonton-Whitemud did address some of the issues, and the fact is that although we do have some that are just incredible at the work that they do and they love and they're passionate about the work that they do in terms of providing good-quality early childhood education to the people that they're providing that service for, not all of them have the same level of passion, not all of them have the same resources, and not all of them have the same experience with running their operation as others.

The reality, as the Member for Edmonton-Whitemud pointed out, is that when you start looking at the dollars and cents of it, you need to start asking yourself: okay; well, I need to take resources from one place and take it out of the other. What ends up happening is that you end up making sacrifices, and the people who are running these operations make sacrifices. A lot of the times what ends up happening is that they end up paying the people that work in these services less. They end up paying them less.

Now, I'm going to tell you, and I'll be really frank with you, that when we were in government and we implemented the \$25-a-day daycare program, one of the first things – and I'll let you know this. One of those \$25-a-day daycare programs was actually in my riding. It was actually in Edmonton-Ellerslie, and it was actually run out of the Sejong Multicultural Centre, just south of the Henday in Edmonton-Ellerslie. When I went there to actually tour the facility – I'd say that maybe it was about nine months after the program had been implemented – the manager that was actually taking me through the child care centre explicitly stated: you know, the \$25-a-day daycare program has made things so much better for us because we're actually able to pay the people that work with us a fair and just wage. Then they see the opportunity because what they were seeing is that they could come in and they could work within the establishment and that there was an opportunity for upward mobility within that kind of setting.

Now, here we are. We're going back in time again. Like, I often get up here in this House and I state how this government is taking us back in time. Here's just yet another example of how – you know, the \$25-a-day daycare program was actually working for a lot of people, and it was, like, working for everybody involved. It was working for the parents, it was working for the providers, and it was working for the children themselves, which is the most important aspect, that we can never forget, about what it is that we're doing.

This amendment, which basically is calling for accreditation standards to be put into the act – for this minister to just be, like: look, we're going to make sure that quality is written into the piece of legislation that we have before us. This is the minimum, what the Member for Edmonton-Whitemud is asking for. You know, we just heard this minister get up in this House and say: "You know what? No. Don't vote in favour of this." Essentially, we're saying, "Don't vote in favour of good-quality early childhood education," which is exactly what Albertan parents are asking for for their children in this province.

**10:10**

**The Deputy Chair:** Are there any other members looking to join debate? I see the hon. Minister of Municipal Affairs.

**Mrs. Allard:** Thank you very much, Mr. Chair. I'll keep my comments brief as it's getting later. I just wanted to speak briefly to

this amendment and address some of the things I've heard with respect to stakeholders and what we've heard from stakeholders. I actually as a private member of the government conducted consultations and spoke to the stakeholders, many, many, many stakeholders, for many hours, and I would have to say that many centres disagreed with some of the assertions that have been made here this evening from the members opposite. Many stakeholders talked about practical realities and living in smaller communities and the challenge to attract people who are interested in working in child care centres and some of the barriers to doing so. They talked about the lofty ideals from bigger urban centres that don't necessarily resonate outside of those centres, in more rural settings. I just wanted to stand and address that.

I would not encourage members of this Assembly to support this amendment because I don't think it is in service to all Albertans. I believe that we want a quality child care system, and ultimately we want children to thrive in care. I think that there are many ways to achieve that. Nobody in this House would say that we don't want quality child care workers and people who care for our children in those centres. But I would say that the ministry also would offer supports for centres who need support, who require assistance with operational decisions. There are a number of ways for that to be achieved outside of a very strict, formatted, one-size-fits-all system.

I would just say that I would like to echo the sentiments of all the stakeholders that I heard from and not just a select few, so I would urge members of this Assembly to vote down this amendment. Thank you very much, Mr. Chair.

**The Deputy Chair:** Thank you, hon. minister.

Are there any other members looking to join debate on A4?

[Motion on amendment A4 lost]

**The Deputy Chair:** Moving back to the main bill, Bill 39, Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020, are there any members looking to join the debate? I see the hon. Member for Calgary-East has risen.

**Mr. Singh:** Thank you, Mr. Chair. I rise here today to provide my support and deliver my thoughts on a very significant bill that seeks to address the concerns of Alberta families, Bill 39, Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020.

Before going further, I would like to express my appreciation to the minister for introducing this bill and for taking the lead to ensure that supports are provided to improve the quality and safety of child care. I commend the minister for taking time, for hearing the feedback that many of the parents, caregivers, early childhood educators, stakeholders, and licensing staff had given. Also, let me take the opportunity to extend my appreciation to all the stakeholders, who have provided 9,776 written submissions, survey responses as well as to 220 individuals who participated in 35 virtual engagement sessions with operators and to the 51 individuals that participated in three virtual engagement sessions with the presence of licensing staff.

These consultations with Albertans were made in order to properly update the legislation as the regulation is set to expire in January 2021. It reflected that parents want more options and better access to quality child care, particularly for more conveniently located spaces, flexible hours, and more support for children with complex needs. While child care providers need more flexibility, the amount of red tape and unnecessary government paperwork they face takes too much of their time away from doing what they do best.

Moreover, Mr. Chair, the current Child Care Licensing Act was last updated in 2008, so it's been more than a decade. There has

been significant time to reflect on the matters that need to be updated surrounding the legislation and introduce changes that would ensure more quality and safety in child care.

Bill 39 will update the act and simplify the language, best practices, and terminology, that will highlight the current standards and expectations of all the stakeholders, allowing less confusion and removing issues with interpretation of legislation and regulations.

I got the chance to meet and have a brief conversation with some of the staff of child care facilities in Calgary-East this September, and I was pleased to know that they had been doing their best to maintain safety as they reopened. In Alberta there are 2,916 licensed or approved child care programs, which includes child care, out of school care programs, family day home agencies, group family child care, preschools, and innovative child care programs. The Alberta government currently provides over \$394 million annually in funding for child care. Of this amount, \$280 million is invested in child care subsidies and supports while \$140 million is invested in wage top-ups and professional development funding for early childhood educators, which, Mr. Chair, is the highest level in the country.

Over the course of the pandemic \$99 million of government funding has been directly given to the child care operators through the safe restart agreement and sector-specific incentives from the government. In April the child care accreditation program concluded. Nonetheless, wage top-ups and professional development funding continued and have been expanded to all certified child care staff. An additional 2,000 child care professionals benefited from this funding.

With the health crisis we're facing coupled with low gas prices and a global recession, the government has launched a bold and ambitious strategy on our way to recovery. Alberta's recovery plan builds on our strengths with timely, targeted investments and bold policy reforms that will create tens of thousands of jobs and make Alberta more competitive in the long term. Let me just highlight that part of the recovery plan is to improve the lives of all Albertans through supports in every sector.

It also comes with the job-creation tax cut. The fiscal impact of the job-creation tax cut is estimated to be \$1 billion to \$1.3 billion over the next four years, based on the first-quarter update. Under the Alberta recovery plan the child care sector received roughly \$27 million, including roughly \$8 million from the previous mutual agreement. This proves that the government pays significant consideration to child care centres and approved family day homes to ensure they're ready to support families while safely restarting their services through Alberta's economic recovery.

Phase 1 of the funding amounted to \$6.7 million, which was provided to centres as a one-time grant to cover 25 per cent of overhead costs like rent and utilities. That accounts for the remaining portion of expenses not covered by funding under federal programs. Phase 2 amounted to \$3.2 million, provided upon reopening, the one-time grant of \$1,500 for cleaning and sanitizing supplies to adhere to public health guidelines as well as to assist with staff recruitment and training. Phase 3 of the funding amounts to \$15 million for a one-time grant, being received after three months of being open, to offset deferred bills and to address unforeseen operational issues. To recognize the effects from other programs, another part of the recovery planning is an additional \$2 million funding provided to family day homes and innovative preschool programs.

On the other hand, the federal government is providing \$72 million for the child care sector in Alberta under the safe restart agreement. This funding has enabled centres in other aspects to reopen and stay open safely. Funding can be used towards COVID-

19 related costs such as staffing requirements, additional proactive measures, and other operational costs. The provincial government ensured that supports are there for those who need them the most by enhancing the child care subsidy program to parents of about 28,000 children, who will receive an increase through this funding, with some paying as little as \$13 a day in a child care centre of their choice.

Prior to the COVID-19 pandemic 109,000 children were enrolled in a licensed or approved child care centre or a day home while there were about 18,000 Albertans working in the child care sector. As of October 9, 2020, approximately 2,795 – that is about 96 per cent – of programs have reopened, with an enrolment rate of 50 per cent.

**10:20**

Bill 39 will improve the standards for quality and safety in all licensed programs across Alberta so children are not only safe but are supported to meet their unique developmental milestones. This is done by adding new guiding principles and matters to be considered that outline the expectations for safety and quality directly into the legislation. So they are mandatory, not an option. This will assure parents that all licensed providers across Alberta are providing the highest quality of care.

Another aspect that Bill 39 introduces is increasing the requirement for background checks for anyone who will come into contact with children in a licensed program, in an effort to further increase child safety.

Bill 39 will also streamline licensing processes and requirements so that child care providers have more time and flexibility to support the unique needs of families. This can be accomplished by providing support to applicants before they apply by extending the initial licence period from one year to three years, also by giving licensing terms flexibility to spend more time with providers that need more assistance to better support the children in their program. In addition, this bill will allow extended hours of care, including overnight care, with additional standards for programs offering this option to ensure that children are well supported and that the programs take the necessary steps to accommodate overnight care. This effort to reduce red tape would give providers more flexibility. It's about enabling them to do what they do best and to use their expertise to support safety and appropriate child development.

Child care providers voiced that much of the paperwork, government processes, and requirements limited their time and ability to do their best. For that reason, Bill 39 permits and encourages the use of digital record keeping. An important aspect of Bill 39 is for all programs to follow the guiding principles and standards for quality and safety, which, in turn, enables them to focus more of their time on the children and families at their centres.

Mr. Chair, Bill 39 respects the importance of parents to make better informed decisions for the child. That is why the bill will require more information and transparency for parents. More requirements for parent notification in both licensed and unlicensed programs are the added measures in this bill on that matter. Also, to further achieve this matter, more information and resources will be provided to help parents in choosing the right option for their needs, including whether stop orders have been issued against an unlicensed provider within 24 months. The number of licensed child care types will be reduced from five to two; in particular, licensed facilities and family day homes will be licensed under agencies, so it is clear to parents which options are licensed by government. And to align with unlicensed private providers, this bill will allow a licensed home-based provider to provide care for up to six children, including their own.

In closing, Mr. Chair, let me just emphasize that the government has ensured that child care centres have the resources they need to operate safely. Child care is an essential part of Alberta's economic recovery, and an updated child care legislation will better meet the needs of children and families in Alberta. That's why today we have Bill 39, the Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020. This legislation will work towards more flexibility and transparency for parents, simplify the language and rules for operators, and emphasize the expectations of quality and safe practices in child care programs. A strong child care sector based on up-to-date legislation that reflects the needs of families will serve parents and children as we continue through the pandemic as well as into the future. Again, I would like to applaud the minister, all the stakeholders, and Albertans with children that have taken the time to provide feedback to not only better the quality, safety, and economy of Alberta but to respect and support the feedback of all workers and employers.

Thank you, Mr. Chair.

**The Deputy Chair:** Thank you, hon. member.

Are there any other members looking to join debate? I see the hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Mr. Chair. It's a pleasure to rise again in Committee of the Whole. I do have to comment, based on the last member's statements, which I'm sure were prepared for him because they sound very similar to comments we've already heard the minister repeat a number of times, I have to say that it's quite interesting to hear how often now this minister and this government are claiming credit for the \$99 million for the safe restart program. It's amazing how much this government hates the federal government – so much – but is very willing to take their dollars to support the programs that they're required to deliver and are responsible for and then take credit for it afterwards.

It's quite dishonest language to be referring to the \$99 million when, let's be clear, of that, it's \$17 million that were actually provided by this provincial government, and of that \$17 million, let's be clear, they actually have a surplus running every month of dollars that they are not spending on child care from their existing budget, because child care was shut down for two months entirely and it's been operating at about a 50 per cent capacity in the time since that. You know, by estimates – and I've asked the minister for clarification because certainly she has more information than I do, but she hasn't disputed the fact – there could be over \$100 million sitting in their budget unspent right now on child care, yet certainly they take credit for the \$83 million that was provided by the federal government to support the child care sector. That's just a clarification.

Mr. Chair, I would like to table another amendment if I may to Bill 39.

**The Deputy Chair:** Hon. member, do you still have the original?

**Ms Pancholi:** Would you like me to read it in? I do. Sorry. My apologies.

**The Deputy Chair:** Do you have the original, though?

**Ms Pancholi:** I do.

**The Deputy Chair:** Okay.

For the benefit of all those in the House, this will be amendment A5. If the hon. member could please read it in. Also, for everybody's benefit, if you put your hand up, you can get a copy of

it delivered. Otherwise, of course, there will always be copies at the side tables as well.

Go ahead and proceed.

**Ms Pancholi:** Thank you, Mr. Chair. If I may, it's a lengthy amendment as well, so I can summarize that if you would prefer.

**The Deputy Chair:** I think I've got the correct one here now. Is it the two-pager?

**Ms Pancholi:** Yes.

**The Deputy Chair:** Okay. Yeah, just give us the Coles Notes on it, please.

**Ms Pancholi:** Sure. Thank you, Mr. Chair. Actually, I've had an opportunity to speak to this issue a little bit already in debate on this bill. It is essentially an amendment that would reduce the number of children permitted in unlicensed child care settings. The proposed amendment is to change it to five children maximum, including the child care provider's own children. The amendment continues to maintain what is currently in the Child Care Licensing Act, which is that the maximum number of children permitted in a licensed family day home program would remain at six children, including that provider's own children. Just for clarification, under the current act a licensed family day home program may provide child care to six children, including their own children, but under the current act and regulations an unlicensed provider may provide child care to six children, plus their own children.

**10:30**

It's odd and it's counterintuitive, frankly, Mr. Chair, that an unlicensed child care provider can provide care to more children than a licensed family day home program. This seeks to not only correct that imbalance but also reduce the number of children that are permitted in an unlicensed day home setting. I've already had an opportunity to speak a little bit to this, but I wanted to be clear, for those Albertans who may not be aware, about unlicensed child care. Currently in our system unlicensed child care may be provided by any person. There is absolutely no regulation. There is no registration of who is providing unlicensed child care. It is completely unregulated and, if I might say, operates sort of in the shadows. There is nothing about safety and health that is currently set out, the standards that must be met.

I want to highlight sort of how counterintuitive that is. You know, in the city of Edmonton, for example, if I wanted to have three dogs – well, first of all, there's a maximum. I can only have three dogs in the city of Edmonton in my home, and I have to get a licence for that. If I want to sell food products out of my house, I actually have to follow certain requirements, and I have to get a home-based business licence. But right now we currently have a complete vacuum around any standards or safety requirements for the care of children in a private residence.

Now, that's been that way for a long time, and I think that there are significant challenges. We know that there are lots of different arrangements that occur, but we also know that there are a substantial number of private unlicensed providers who are – it's a business. It absolutely is a business. I also know that a lot of parents might not know the difference between an unlicensed private child care setting and a licensed family day home. They don't even know whether their provider is licensed or not.

The intention here, Mr. Chair, is to actually do one thing, to begin with. It is to reduce the number of children that are permitted to be in an unlicensed child care setting. It is proposing to lower it from where it currently is, at six children plus their own children – let's

be clear; that could be multiple; it could mean that a private, unlicensed provider has 10 children in their care, one provider to 10 children – and it now lowers it to five, including their own children. Now, this may seem like a significant change – and, in fact, it is slightly intended to be a change; that's the whole purpose behind it – but it's actually very consistent with what the regulations are around unlicensed child care in other provinces.

For example, in Ontario their requirements around unlicensed care are five children under the age of 13, no more than two children under the age of two. In Manitoba the requirements around unlicensed care are four children under the age of 12, no more than two under the age of two. B.C.: they're only allowed two children plus the provider's own children on top of that. This is actually very consistent with other provinces, to actually lower the number of children in care. Why is that important, Mr. Chair, that we actually reduce the number of children in an unlicensed setting? Well, as anybody who has had kids knows, it can be very stressful. It can be challenging. Certainly, the more children you have, the more stress there is, and we're often talking about very young children.

In fact, there was a – I've spoken about it already, and I think that the minister has as well. When we talk about what we should be doing around unlicensed child care, we have some clear recommendations as a result of the inquiry report from the fatality inquiry of Mackenzy Woolfsmith. That was the death of a 22-month-old toddler in a private, unlicensed child care setting. Now, there are a number of circumstances and recommendations that came out of that fatality inquiry from Justice Hawkes, which were that the recommendations were accepted, some completely and all in principle, by this ministry on September 25, 2019. Those recommendations included the recognition of the fact that child care, particularly in a day home, which is a private residence, usually one adult and that's it, can be very isolating, can be very challenging.

In fact, we know that the child care provider of Mackenzy Woolfsmith, who died in that family day home at the hands of her private, unlicensed child care provider, who was then criminally charged and convicted – that child care provider participated in the fatality inquiry, and she spoke very bluntly and clearly about her isolation and the struggles she was having and what led to the circumstances although there is still some lack of clarity around the specifics around what happened. She spoke about the isolation she felt and the fact that she had too many children in her care. She knew that that was a factor that led to the situation resulting in Mackenzy's death.

Mr. Chair, I believe it's important, and the fatality inquiry had a specific recommendation which stated that as part of an overall legislative review there should be a specific review to "shift the focus from solely regulating the size of unlicensed daycare to a focus on reducing risk and increasing protective factors in all forms of child care." I think there are a number of things that we can do, and I know that the minister will speak about some of the other things that they're doing around unlicensed care, but I think the number one thing that we can do to ensure the health and safety of children in unlicensed child care is to reduce the number of children in care. That is fundamental to this.

Now, I know the minister has said that there is a change in Bill 39 to the existing number of children allowed in licensed family day homes, to quote the Minister of Children's Services, to level the playing field. I talked about the disparity that there is. Actually, in our current framework more children are allowed in unlicensed than in licensed day homes. The minister has indicated that to level the playing field, which I think is a good first step, instead of lowering the number of children in unlicensed care, Bill 39 increases the number of children in licensed care. It actually says that now

licensed day homes can have six children plus their own. That's leveling the playing field.

I would argue that if the minister wanted to level the playing field in the interests of the safety and well-being of children, she should be reducing the number of children permitted in unlicensed care. Now, that would bring it down to six including their own children, but I think we need to go a step further and look at other jurisdictions who have lower, much lower, thresholds. I believe this is an important start, to say at least no more than five children including their own younger than school-aged children in their unlicensed day home. I think that's an important part of safety, and I believe it is something that would reflect a commitment to the recommendations that this government accepted from the Woolfsmith inquiry.

I think we also have to recognize that it's just a start. Let's be clear. When we talk about what's an appropriate ratio of adults to young children, we have in law and licensing that in a child care facility, in a day care, we have much lower ratios than this. We actually say, for example, that if there were a number of children under the age of three, there would have to be at least two, maybe three, depending on if there's an infant, educators or workers with that child. Somehow in a private residence where there's no other adult around, where there's nobody else to provide support if there is an emergency, if there is an accident, if the child care provider is having a bad day, we allow them to have more children in a completely unregulated setting. I think that, at a bare minimum, we can try to at least do what some of the other provinces are doing and reduce the number of children in care in an unlicensed setting.

I want to be clear, Mr. Chair. I've said it before. I know that there are some very good unlicensed private providers. I've spoken with a group that I know the minister has spoken with as well, Embolden, but others as well. I know there are some good, quality private child care programs, but they shouldn't be allowed to have more children than, say, for example, a licensed family day home. But the concern is that we don't know. There is such an absolute lack of information, a black hole of information about what happens in private residences in unlicensed settings. We simply don't know, and I think that's kind of shocking, frankly. When we think about how much prescription we have around so many other businesses but that when it comes to caring for children, we say that we won't interfere in that, I don't think that that's consistent with what most Albertans would expect when it comes to the health and safety and welfare of children.

At a bare minimum, Mr. Chair, this amendment lowers the number of children permitted in an unlicensed setting. It also maintains the current six children including their own children in a licensed family day home. I want to mention that this recommendation I'm putting forward is supported by stakeholders. It is supported by the Alberta Family Child Care Association, the Association of Early Childhood Educators of Alberta, the Muttart Foundation – there are actually many more than that – who have all indicated that if we're going to get serious about health and safety of children, we have to begin by lowering the number of children permitted in unlicensed child care settings.

I urge the government to support this amendment.

10:40

**The Deputy Chair:** Thank you, hon. member.

Are there any members wishing to join debate on amendment A5?

[Motion on amendment A5 lost]

**The Deputy Chair:** Going back to the main bill, I see the hon. Member for Edmonton-Whitemud has risen.

**Ms Pancholi:** Thank you, Mr. Chair. I rise to table yet another amendment to Bill 39, and I will provide copies of that right now.

**The Deputy Chair:** Did I get a sneak peek at this one earlier?

**Ms Pancholi:** I think so, yes.

**The Deputy Chair:** Then feel free to read this one right away because it's pretty short.

**Ms Pancholi:** Okay. Thanks.

**The Deputy Chair:** Again, all members, there will be copies on the tables, and if you put up your hands, you will receive one. This will be amendment A6.

If the hon. member could please continue.

**Ms Pancholi:** Thank you, Mr. Chair. This amendment is a proposal to amend the regulation-making authority of the Child Care Licensing Act. I just spoke at length about the lack of information that we have around unlicensed child care providers. We don't have any notice of who's providing it. We don't know where they're providing it. We don't always even know which children, how many children, what age of children. We don't know anything about the circumstances or contexts at the home in which a child is receiving care. Any requirements, for example, that somebody might think of as just instinctive – two things, for example: to make sure that there are criminal record checks and that we know who all the adults are that might be in the home – none of that occurs in unlicensed child care settings.

This amendment is one step to start addressing some of that lack of information about what happens in unlicensed child care settings, and it is also responsive to the fatality inquiry into the death of Mackenzy Woolfsmith. In that fatality inquiry there were a number of recommendations talking about increasing protective factors, reducing risk. I've had an opportunity to speak to that before, Mr. Chair, and those comments still stand about how we have to take many more measures to provide supports to unlicensed child care providers who are solitary, who are alone, who are dealing with high-stress situations and where those situations can lead to risk.

But none of the factors where we can really make a difference in beyond simply creating a more buyer-beware process – I know that the minister has talked about tool kits that are going to be provided to parents to understand a little bit more about the difference between unlicensed and licensed child care. That's important, but it doesn't address the fact that it still makes the parent responsible to do the legwork of finding out things that they may not know they even need to look for.

Like I said, Mr. Chair, I have a number of friends in my life who are incredibly educated, wonderful people, great parents, who didn't even know that there was such a difference between unlicensed and licensed child care. While that lack of information might be addressed by providing a tool kit – it might be helpful, for example, for a parent to be able to look up to see whether or not the provider they're considering has had a stop order issued in the last two years – to be honest, most parents won't know to access that. So we can't continue to rely on buyer beware when we're talking about our children's health and safety and welfare. We regulate so much more and more significantly than we regulate the care of children.

This amendment is not meant to get into the heart of how health and safety standards would be for unlicensed care. It's intended to



permit us to start to consider some of that work, and where it begins, Mr. Chair, is with the requirement – and this is simply a regulation-making authority. I want to be very clear. This is a provision that would allow us, if the minister chose to do so, to require unlicensed providers to register, to simply indicate that they are providing unlicensed care and that they may be required to register in order to provide unlicensed care. It is not licensing. It is not saying that there will all of a sudden be standards and requirements that, I appreciate, take a significant amount of work, consultation, research, and evidence to consider. I appreciate that we are not there yet in Alberta to be able to do that within this bill. But this bill establishes the authority for the minister to require that an unlicensed care provider can only provide child care to a child if they have registered. That begins the process, potentially, to look at even: where is unlicensed care being provided? In what context? How many children? Let's be clear. Unlicensed child care is predominantly accessed by low-income families. So this is an important piece to simply enable; it is an enabling piece of legislation to allow for the minister to start, if she so chooses, whatever government, whatever minister is in place, to do the work on a regulation to develop a registry, to simply keep track and to say: it's a bare minimum; you have to register. No funding would be attached, no licensing would necessarily be attached, unless, of course, that's what was decided in the regulations.

I believe that this is an important part to start to get at the heart of addressing health and safety and unlicensed child care, and I urge the members to support this.

**The Deputy Chair:** Thank you, hon member.

Are there any members? I see the hon. Minister of Children's Services.

**Ms Schulz:** Thank you very much, Mr. Chair. I will keep my comments brief on this one. Essentially, this is something that if we are going to keep as a government a registry of providers, we do that when they're licensed because by the nature of being licensed, they fall under the legislation. The member opposite does know this.

There are, however – there have been – suggestions that some of the unlicensed providers want to create a network or something like a Better Business Bureau type list of unlicensed providers that would give parents some confidence and awareness of providers that follow a significant number of standards. If, in fact, that was something that unlicensed providers wanted to do, we would support that. Again, we don't need that to be in the legislation for that to happen. We're not about to go and tell grandparents across this province who may be taking care of their grandchildren that they're operating illegally because they haven't remembered to register with the ministry. If they want to become licensed, they can absolutely do that, Mr. Chair.

You know, this is something that we consulted broadly on, and I've spoken to that a number of times throughout this debate. The Minister of Municipal Affairs consulted broadly, not only by combing through survey results but also hosting our virtual version of in-person consultations with experts in this field. This is an idea that came up at the last minute. It is something that would have considerable impacts on child care here in Alberta. And because it came up only within the last couple of days, it's not something that we have consulted on, and without consulting, I'm not about to create provisions at the last minute for a registry that doesn't yet exist.

You know, I appreciate the intent of this, absolutely I do, but I also think that our legislation – we want to develop good, strong, enforceable legislation. That's why we're here. But if we haven't

consulted and we don't have parameters around it, it is not advisable to build those things into legislation. So I would ask members to not support this amendment.

**The Deputy Chair:** Thank you, hon. minister.

Are there any members looking to join on amendment A6?

Seeing none.

[Motion on amendment A6 lost]

**The Deputy Chair:** Moving back to the bill, Bill 39, I see the hon. Member for Calgary-Klein has risen.

**Mr. Jeremy Nixon:** Thank you, Mr. Chair. It's an honour to rise today and be able to talk about Bill 39. I just wanted to comment on a few of the comments I heard earlier by members opposite, scoffing our partnership with the federal government in regard to the hundred million dollar investment from both the federal and provincial governments in regard to providing child care in this province. I think that's an important investment. I'm happy to see it. I would suggest that for Albertans, who have been investing billions of dollars into providing child care in other provinces across this country for a number of years, to see some of that money coming back and assisting Albertans with their child care needs in a time when they need it the most is a good thing, and I would suggest that we not scoff that partnership but celebrate it.

10:50

I also wanted to comment on another comment that the members opposite made about affordability being the top priority for Albertans when it comes to child care. I would suggest that affordability is generally not addressed when you limit options, and most of what I've heard today from the opposition would do just that. Some of the curriculum requirements that have been proposed are unrealistic, making child care providers jump through certain hoops. I would suggest that the NDP plan would see private operators shut down. Limiting choices will do quite the opposite of what you intend in regard to addressing affordability; it will actually decrease affordability by decreasing options for parents.

I believe that we address affordability. We already do this through our subsidy programs, which are the highest in the country. More than that, these subsidy programs make sure that the people who need it the most are actually getting that support.

I remember when I was door-knocking in my constituency, and, actually, it was interesting because it was on the exact same day I talked to a mother at the door – she had four kids, she was a single mother, and she expressed her concern and stress about finding child care that she knew she could rely on while she was working – and just down the street I talked to a couple in my constituency who were demanding that we maintain \$25-a-day daycare, and when I inquired a little bit more, they both made six-figure incomes. I'm not saying that they don't have a right to make sure that they have affordable and great child care; that's important. But if we have the ability to target our resources and make sure that people who need it the most are prioritized and get that – and I believe that that's what our Minister of Children's Services has been doing to make sure that people who need it the most in our communities are actually getting these supports.

Kind of going backwards a little bit here and talking about affordability being the main issue, as a father and an uncle I would suggest that safety is actually the main issue, and I've heard that from my constituents. Again, that's what I believe this bill actually addresses, improving safety standards across the board for our children so parents can know that they are putting their kids into placements or into child care that actually keeps their kids safe.

Bill 39 gives parents the tools to be able to make good decisions for their kids. Bill 39 addresses things like risk-based licensing, improving safety standards, improving transparency, and adding an online tool kit that helps parents be able to ask the right questions. This isn't about micromanaging, but this is about making sure that parents have the appropriate tools to be able to make good decisions for their kids. I'm a parent. I said this last time. Probably one of the hardest things that you're going to do as a parent is put your kids under the care of somebody else, a stranger, so it's important that we give parents these tools to be able to make these good decisions.

Last time I got up and talked, I talked about the parent hotline that the ministry is putting together so that parents can call and find out if there are issues and find out some information. That's why I'm up today, because I believe that my previous amendment enabled the broader application of stop orders for unlicensed settings. However, it comes to my attention that before an official stop order can actually be issued, officials must be given the authority to investigate, and as such, I would like to move the following amendment.

**The Deputy Chair:** Just wait until I can see a copy of it.

For the benefit of all, this will be amendment A7. As always, there will be copies available at the tables, and if you raise your hands, then a copy will be delivered to you as well.

Judging by the length of it, if you could give us a summary of it and the intention, and then please continue with your comments. The hon. Member for Calgary-Klein.

**Mr. Jeremy Nixon:** Sure. Thank you, Mr. Chair. Bill 39 already makes remarkable improvements to the safety and well-being of children in child care, and the proposed amendment before you simply provides the ability for officials to investigate allegations.

I hope that each member in this House votes in favour of this amendment so that we can continue to keep our children safe. Thank you, Mr. Chair.

**The Deputy Chair:** Thank you.

I see the hon. Member for Edmonton-Whitemud has risen on this amendment.

**Ms Pancholi:** Thank you, Mr. Chair. I'm pleased to respond. I first want to comment a little bit about the affordability, and I just want to acknowledge that it is absolutely important to increase and support subsidies to low-income parents. However, I think that the government members are being a little bit disingenuous when they think that increasing subsidies to families who make less than \$50,000 per year is going to solve the affordability challenge in this province right now. While that's important – it is – let's also be clear. Even those families who qualify for full subsidy still are – there's a huge gap between what they receive for full subsidy and the cost of child care. It is not free child care. Those families still have to pay. In a city like Edmonton or Calgary the difference between full subsidy and access to child care in a program in most daycare centres is going to be at least \$300, if not more than that, per month.

Then let's be clear about how few families can actually qualify for subsidies. It is well below the average income of Alberta families. Thousands and thousands of families are eligible for zero subsidy, yet are going to be accountable for having to pay upwards of \$1,000 to \$1,200. In Calgary it can be much more than that. Even in rural areas the average child care fee for a lot of these centres now is \$1,000 per month, and if they have multiple children, that is more and more expensive.

I appreciate – I'm sure there are members on the other side who don't have a problem with that at all because it actually forces

parents to stay home, particularly women, but let's be clear that full child care costs are actually out of the affordability reach for most families. So subsidy is important, but it will never be the answer to affordability. It is an important piece for low-income families, yes, but until you address the cost of child care, which keeps going up and up and up, particularly after the cuts from this government, child care is more and more out of the reach of most families. I just want to be very clear about that.

When we talk about making sure that those who need it the most get it the most, let's be clear that under the \$25-per-day program, families eligible for subsidy still got subsidy, so that meant that families who were eligible for full subsidy paid zero dollars a month, which is actually a lot less than the \$13 per month that the minister keeps talking about. Let's just be clear about affordability, because unless you address the cost of child care, increasing subsidies alone will never address affordability.

Also, by the way, reducing the paperwork for big corporate chains of child care centres, which is really the only child care stakeholder that this minister is listening to – honestly, there are some great big-corp chains that provide child care, but they're the ones who are going to save the most from the administrative savings here. I look forward to seeing how those fees come down. I have friends who have kids in some of those child care centres who pay \$1800, \$1900 a month for a child, and I look forward to all this saved paperwork, meaning that their child care fees go down. I can guarantee you that it's not going to, so let's not pretend that red tape reduction, once again trickle-down economics, is going to result in affordability for Alberta families because it's not going to. Until you address the cost of child care, the actual cost of quality early learning and child care, which this minister has said that she is committed to – they are not going to address it by just increasing subsidies to the lowest income families. There is a bigger affordability problem in this province that this government is continuing to ignore.

On that note, Mr. Chair, I would like to rise in support of the government amendment brought forward. It addressed the issue that I raised earlier today about the amendment to stop orders, to allow for investigations to take place where there is – I still take some concern with the use of the word "imminent" because I feel it's too narrow – an imminent threat to the health and safety and welfare of a child. I believed that it was important to make sure that there were investigative powers allowed as part of the act so that that could be established and therefore a stop order issued.

So I'm happy to see this government amendment brought forward, and I will be supporting it.

**The Deputy Chair:** Thank you.

Are there any other members looking to join debate on amendment A7?

Seeing none.

[Motion on amendment A7 carried]

**The Deputy Chair:** Moving back to the bill, Bill 39. Are there any members looking to – I see the hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Thank you, Mr. Chair. I'm going to table an amendment, which the government, I believe, is aware and supportive of already. In short order you'll see that there will be three quick amendments, very quick, just to simply clean up some typos and errors that were located within Bill 39. The first is going to just simply – there's a wrong subsection referred to in section 8 of Bill 39, and this just changes it to refer to the correct subsection. I understand the government is already aware of this.

11:00

**The Deputy Chair:** Just to be clear, since it is so short and since we are sometimes limited at this hour with regard to pages, what I would say is that if you could please read it specifically into the record for everybody in the room. Again, there will be, of course, copies on the tables, and put up your hands and they will be delivered.

Hon. member, please continue.

**Ms Pancholi:** Thank you, Mr. Chair. The amendment reads that I move that Bill 39, Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020, be amended in section 8 in the proposed section 4(2)(c) by striking out “(4)” and substituting “(5)”.

It was merely a typo, Mr. Chair, and I believe it’s not controversial.

**The Deputy Chair:** Thanks.

This is referred to, of course, as A8. Are there any members wishing to debate this amendment?

[Motion on amendment A8 carried]

**The Deputy Chair:** On to the bill, I see the hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Hi, Mr. Chair. It’s me again. Okay. Really quickly, one more. I’ll hand this over when we’ve got a moment.

**The Deputy Chair:** This will be referred to, of course, as amendment A9. Same deal as A8. I think we all remember those instructions. If the hon. member could please read it into the record for everybody’s benefit.

**Ms Pancholi:** Thank you, Mr. Chair. I move that Bill 39, Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020, be amended in section 36 by striking out the proposed clause (d). Again, it’s simply a cleanup of a duplicative provision, and I believe the government is aware and supportive.

**The Deputy Chair:** Are there any members wishing to join debate on A9?

[Motion on amendment A9 carried]

**The Deputy Chair:** Back to the bill, I see the hon. Member for Edmonton-Whitemud has risen.

**Ms Pancholi:** Last time, Mr. Chair. The good news is that I get to say that I got some amendments passed. Okay. I’ll give this as well.

**The Deputy Chair:** All right. Same deal as the last one, I believe. This will be A10.

If you could read it into the record.

**Ms Pancholi:** Sure. I move that Bill 39, Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020, be amended in section 33 in the proposed section 24(1)(a) by adding “and” immediately after “there is an exceptional and extraordinary circumstance that warrants a temporary exemption.”. Again, Mr. Chair, this was just a missing word and a cleanup.

**The Deputy Chair:** Thank you, hon. member.

Are there any members wishing to debate A10, this amendment?

[Motion on amendment A10 carried]

**The Deputy Chair:** Moving back to the bill, Bill 39, are there any hon. members looking to join debate on the bill?

[The remaining clauses of Bill 39 agreed to]

[Title and preamble agreed to]

**The Deputy Chair:** Shall the bill be reported? Are you agreed? All those in favour, please say aye.

**Hon. Members:** Aye.

**The Deputy Chair:** Any opposed, please say no. That is carried.

## Bill 45

### Local Authorities Election Amendment Act, 2020 (No. 2)

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered at this time? I see the hon. Member for Edmonton-Ellerslie has risen.

**Member Loyola:** Thank you very much, Mr. Chair. It’s a privilege for me to get up and actually address Bill 45, of course, in committee, which gives us the opportunity to speak as many times as I’d like – that is my understanding, correct? – so we could be here all night if we like. How many of you want to stay all night, hey? You know, let’s do one for the record books, eh?

Mr. Chair, the Premier and his government are doubling down on their failed plan to give more than \$4.7 billion – yes, that’s correct, \$4.7 billion – to already-profitable corporations while everyday Albertans get behind. Now, we’ve gotten up, my colleagues and I, in this House several times to chat specifically about this, but when it comes to Bill 45, the reality is that, well, essentially what’s happening here is that the Premier is just passing the buck without providing the money. The government is pushing forward these changes to municipal elections rather than wait for a review of election rules from the Select Special Democratic Accountability Committee. Now, I know that the hon. Deputy Premier is – we had the opportunity to actually participate on a very similar committee. It was the Select Special . . .

**An Hon. Member:** Ethics and accountability.

**Member Loyola:** . . . Ethics and Accountability Committee. Thank you very much, hon. member.

We had the opportunity to actually sit on this committee, and I remember that the member was very passionate about a lot of the issues. You know, we didn’t agree on everything eye to eye – that’s for sure, Mr. Chair – but when it came to getting big money out of politics, we agreed on most things. So it’s surprising for me to be in this House today and see that the government is actually bringing forward this particular piece of legislation, that essentially the government is opening up the floodgates to dark money being able to influence every level of democracy here in the province of Alberta.

Now, I’m sure that we can all agree that local elections should be focused on local issues rather than, you know, muddling issues together and confusing voters. This bill fails to recognize the unique circumstances and diversity of communities in our province. There are a number of issues that I can go into, but for me what’s important here is that this government is providing an opportunity for dark money to enter into the political process yet again, which historically I thought the hon. members, at least those who at one time were in opposition and actually participated in the Select

Special Ethics and Accountability Committee, were in agreement on to some degree.

Like, I mean, I remember we had specific issues on a number of things where we didn't see eye to eye, but when it came to dark money when they were in opposition, I mean, they were right there. They were saying that, yeah, they didn't want dark money, but then all of a sudden, you know, a new person comes onto the scene, we have the Wildrose and we have the Progressive Conservative Party decide to band together, and, lo and behold, now we've got dark money back in the picture. It's this government that's actually paving the road to let it happen whereas when they were in opposition, at least we agreed on certain aspects of this.

11:10

Mr. Chair, I'll state that I'm confused by what this government is doing. It's a contradiction to what I have heard certain members from the other side say before, and I can only assume that, you know, now, because they're in this United Conservative Party, the game has changed, that the rules have changed. The leader of the United Conservative Party seems to think it's okay to allow dark money back into the political process because that's what we see before us within this bill.

Here we are, late in the night again, as the opposition is trying to draw attention to this particular concern. Albertans have been absolutely and fundamentally opposed to this whole thing of dark money actually being in the political process at all levels of government. To my hon. friends on the other side of the aisle, I question you, and I say: what's going on? You know, the majority of Albertans absolutely agree with the fact that dark money should not be in the political process.

With that being said, I know that there are other colleagues of mine that wish to speak specifically to this particular bill. With that, I will end my comments there, Mr. Chair.

**The Deputy Chair:** Thank you, hon. member.

We are on Bill 45, Local Authorities Election Amendment Act, 2020 (No. 2). I see the hon. Minister of Municipal Affairs has risen.

**Mrs. Allard:** Thank you very much, Mr. Chair. It's a pleasure to rise this evening at this late hour and talk a little bit about Bill 45, the Local Authorities Election Amendment Act, 2020 (No. 2). I'll just address a couple of the comments from the members opposite. The first comment would be with respect to the Select Special Democratic Accountability Committee. We are certainly interested in what that committee brings back to this Assembly. We've already committed as a government to reviewing those recommendations and implementing them in another amendment cycle after the next set of elections municipally in the fall. We will also incorporate, after that set of municipal elections, any feedback we receive from municipalities with respect to the changes to the Local Authorities Election Act and their effectiveness.

Further, I find it surprising that the members opposite would assert that it's a surprise to Albertans. Quite frankly, Mr. Chair, I find that surprising, because the vast majority of Albertans actually voted for this. This was listed on page 89 of the United Conservative Party platform. So, you know, when the members opposite assert that this is a surprise to Albertans and that Albertans didn't know we were going to do this, maybe they should read our platform. A lot of Albertans did. The vast majority of Albertans, I think the record shows, voted this party into government in April 2019, so I don't believe that holds any water.

Further to that, I think the amendments in this bill are quite simple and easy for Albertans to understand. I would say that when you look at local elections and the voter turnout, for example, one

of the benefits of adding referenda or Senate elections is bringing other issues to the forefront and actually increasing voter turnout at the polls. I think that's a win not only for the local municipalities but for democracy as a whole. I would assert that any time there are more voters turning out, there's more of a democratic process that we are experiencing.

I'll just review some of the highlights of this very, very simple bill. The Local Authorities Election Amendment Act, 2020, came into force in September of this year. It focused on the campaign period, the nomination process, contribution limits, and third-party advertising. We have since completed further analysis to align with work by Justice and Solicitor General and a broader review of elections legislation as well as, as previously mentioned, this government's 2019 election platform. I think we can all agree, colleagues, that municipal and school board elections should be fair, transparent, and inclusive to all Albertans, and that's why we're proposing these changes, to avoid duplication of effort when a Senate vote under the Alberta Senate act or a referendum vote under the Referendum Act is held in conjunction with a municipal general election under LAEA.

[Mr. Hanson in the chair]

I think that at this time in history it's incumbent on all elected officials to do our part to ensure that every tax dollar is working for Albertans. I would assert, then, also that it makes the most sense for elections to be held concurrently so that the taxpayer (a) isn't confused about the election date and (b) doesn't have to foot the bill for two elections to accomplish the same goal.

I also would say this. When I talk to voters, it seems very common sense to them, and they don't seem to be concerned about, you know, understanding local issues. I think voters are sophisticated, and they have the capacity to understand the local issues in their area or region and also to consider the broader issues under a referendum or potentially a Senate vote.

This amendment act would propose that all votes be held on the same day, the third Monday in October, to reduce costs and avoid confusion for voters. It's interesting also that no municipality has actually made use of the option that currently exists to hold the vote on the Saturday prior.

This proposed change being introduced now to ensure that municipalities maybe considering adjusting their election date are not able to do so, again, for the benefit of Albertans in terms of simplicity, for the benefit of Albertans in terms of cost-effectiveness, which I think every member of this Chamber would understand at this time in history, why that's more important than ever – this bill is not a plan to take over local decision-making of municipalities or school boards or other local groups, like the Member for Edmonton-Rutherford claimed in his second reading speech. These changes are being done to benefit Albertans and to cut confusion from our local elections.

I think, Mr. Chair, that it's important again to highlight that this will bring more engagement from Albertans to the municipal election cycle, and I think that's really important. For example, a referendum on daylight savings time, which has been widely discussed and even mentioned by our Premier, could drive more people to the polls because that's an issue that is important to many Albertans, and many Albertans want to have a say in that. Those people would then be engaged on their local issues, and that's a win for democracy again.

I believe, Mr. Chair, that elections should be for Albertans and decided by Albertans, and that is why we're also proposing to establish contribution limits, again, referenced on page 89 of our platform, of \$30,000 per donor per third-party advertiser for

municipal elections. I think it's important to note that at this time there is no limit, so when people assert that we are bringing dark money, I'm not sure where that comes from because we're actually imposing a limit where there currently is not one. It's interesting, isn't it?

I'm wondering if the Member for Edmonton-Rutherford, for example, was watching *Pinocchio* when he asserted that we were taking it from \$4,000 to \$30,000. It's not at \$4,000 now. There is no limit now. So he must have been confused. Mr. Chair, if the member reads the current legislation – I'll say it again – there's currently no limit. The Local Authorities Election Act defines a third-party advertiser as an individual, corporation, or group required to register with a municipality they intend to advertise within when it has incurred or plans to incur expenses of at least \$1,000 for election advertising or when it has accepted or plans to accept at least \$1,000 in election advertising contributions. The proposed limit will create consistency in third-party advertising between provincial and municipal elections.

In addition to the election platform and the general election, in which Albertans exercise their voice, we also conducted a public survey from February 4 to March 4, 2020, and we received more than 5,000 responses. Through the survey third-party advertisers stressed the importance of having clear rules, and feedback from other stakeholders generally indicated interest in limiting big money in local elections – limiting – which does not exist now, Mr. Chair. If passed, the donor contribution limit for third-party advertisers would be added to the list of items for which an administrative penalty can be levied.

11:20

With general elections approaching in October 2021, I would also say this. The members opposite say: "Wait for the report from the Democratic Accountability Committee. Wait for this. Wait for that." Well, the nomination period is beginning January 1. It is important, Mr. Chair, that we have some consistency, that we give municipalities an opportunity to understand these amendments if they pass, and that we give them an opportunity to have candidates up to speed, to know what the rules of engagement are.

I could say so many more things, but really this is a very, very simple, very thin, small bill. I don't have a copy in front of me, but it's very small. The members opposite are showing me. It's really not complicated, and I think it really serves, first of all, the principles of democratic accountability, the principles of democratic engagement, and it serves Albertans to participate in their democracy at the local level.

With that, Mr. Chair, I will conclude my remarks. Thank you.

**The Acting Chair:** Thank you.

Any other members wishing to speak to Bill 45? The Member for Calgary-Buffalo.

**Member Ceci:** Very quiet there, Mr. Chair. Thank you for the opportunity to get up and address Bill 45, which is before us in Committee of the Whole. I listened with great intent to the Minister of Municipal Affairs just now talk about a number of aspects both in response to my friend from Edmonton-Ellerslie and her own views about some of the aspects in this bill. It is a rather small bill, but there are important things in this bill, and I want to address a few of them and one of them in particular in terms of an amendment, which I'll put shortly.

I want to say that the Select Special Democratic Accountability Committee will have a minority report coming forward from members of the NDP opposition, where we outline our disagreement with the views of the majority of members of that

committee, which are from the UCP. We're being consistent when we stand up and say: we don't agree.

Another point made by the minister just now was that, you know, if we take the election results as an indicator, then the vast majority of Albertans understand that they voted for the \$30,000 contribution to third parties. There was a candidate from the UCP in my election in 2019, and I don't remember him bringing up once anything about third parties or what the party would want the contribution limit for third-party individuals, trade unions, corporations, and employee organizations to be. It just wasn't talked about. People didn't talk about it. Yeah, it was in your platform on page whatever, 89, but really that's not what people were voting for.

The second thing that I want to say was that the voter turnout at the polls – you know, I think there is a way to do this, and the way to do it is to hold anything in conjunction with provincial elections. That's not what is being put before us, obviously, with this bill, but the views of stakeholders, important stakeholders like AUMA and RMA, cities around this province, and others, were that the kinds of things that are being identified here, Senate and referendum, aren't local issues. Focus on the local issues that local councillors and trustees can do something about. They can't do anything about Senate or referendum.

I know that in the news release that was brought forward when this bill was originally produced, there was one reeve that said just the very same thing as the minister just said, that it'll draw people to the polls. Well, you know, that's one reeve, maybe a couple of thousand people or 10,000 people he represents. There are 4.4 million or 4.2 million people in this province, and the organizations that represent all of those people disagree with what the minister and that one reeve have said.

With regard to those things I want to say that I think there are better ways to go about this. I didn't know, either, that there was an ability to hold a Saturday election prior to the third Monday in October every four years. No municipality has ever used it as far as I know. We certainly didn't in Calgary. But I know that in the province of B.C. they used the Saturday elections recently for their elections. It seemed to work out fine, and people came to the polls. If you want to drive more people to the polls, maybe the province should mandate Saturday elections in this province for municipalities and themselves, when more people have opportunity to turn out.

I do want to put an amendment before you, Mr. Chair, right now, and I have the requisite copies here.

**The Acting Chair:** Thank you, Member.

**Member Ceci:** I'll give you a second, but it's rather substantive. If you want me to, as a previous speaker said, do the Coles Notes version, I can do that.

**The Acting Chair:** This will be referred to as Bill 45, amendment A1.

**Member Ceci:** A1?

**The Acting Chair:** Yes.

**Member Ceci:** All right. Just to get things started, this amendment is about lowering that donation limit that the minister just talked about, indexing the donations, and changing the donation time frame to be annually rather than during campaign periods.

I'll just speak to why that's important. Firstly, of course, elections are always about the best ideas, and typically people who are representing those best ideas get elected. It shouldn't be about who

has the most money and who can advertise, who can address the views of who can advertise most. If we want to make this about the best ideas, then we should be considering how much money an individual or an entity can donate towards third parties that get involved in local elections. Local elections are about local issues, and as a five-time city councillor I can tell you that the focus often is around crime prevention or crime issues. It's around transportation issues in your riding and the city. It's about development issues, and those are local. Senate and referenda aren't local, and as a local city councillor you can't do anything about those things.

We need them to be fair and transparent, and that's why I'm proposing a reduction to \$5,000, as opposed to what the \$30,000 amount is now, and to make that annual. It's very much like the situation for local council donations so there's consistency. There's an appreciation that, you know, you can give \$5,000 there, that you can give \$5,000 there. But \$30,000 is an amount of money that an average Albertan really could see as so substantive that it's really just an interest coming to the fore as opposed to what average Albertans – and we want this to be about average Albertans, regular people and their participation in PACs and third-party advertising committees, not big, big money, as my friend from Edmonton-Ellerslie was right to point out. It's way too high.

11:30

As I said, a donation limit for a candidate is set at \$5,000, and I'm not sure why other entities should be able to outstrip the donation limits to a candidate by six times. We've heard from municipal stakeholders, as I said – AUMA, RMA, mayors – who have asked for third-party advertisers to be banned from municipal elections or, at the very least, align donation limits to the same thing that is imposed on candidates. That's why I'm bringing forward the \$5,000. We'd prefer no involvement of third parties in municipal elections, but \$5,000 seems like a fair compromise.

This, talking about the calendar year as well and not the campaign period, I think would clarify the situation, again, for people in Alberta, and that's who we really want this clarified for. We don't want a series of different rules for different things, some for campaign donations to candidates and another set of rules for third-party donations. Bringing those together makes sense as well.

We, of course, listened to many people's views in the DAC committee. One of those views was of a political scientist from the University of Calgary who felt that even at \$5,000, which I'm proposing, it was far too high. You know, she talked about in the interest of fairness, fairness being what's fair for people all across this province to be able to contribute to a PAC. She said that \$1,000 makes a lot more sense to her. So reducing the donation limit and placing a time frame for donations for the calendar year will ensure that third-party advertisers don't have too drastic an advantage to influence our local elections.

We just want to read something or bring up that, of course, AUMA weighed in. They said that their position is that it's possible to set contribution limits for third parties that would prevent the ability of an affluent few from overwhelming the voices of regular Albertans. That's where I got that, regular Albertans. They felt that the \$30,000 limit would overwhelm the voices of regular Albertans, and I would agree with them. The unrestricted amount that was previously apparent or evident for third-party advertisers was obviously not good. Thirty thousand dollars is still not good, but the \$5,000 adjustment, with an inflation adjustment, would allow – like our contribution limits at the province of Alberta for candidates here or MLAs here: you can get \$4,234. I would just urge members of the Legislature to look at the amendments, to support \$5,000 for

third-party advertisers, an inflation adjustment, and to support that coming forward as our minority report will indicate as well.

Thank you.

**The Acting Chair:** Thank you, Member.

Any other members wishing to speak to amendment A1? I see the Minister of Transportation.

**Mr. McIver:** Thank you, Mr. Chair. I just can hardly believe the poppycock we all just heard here. The hon. member tried to suggest that they don't care about how much money gets raised or that people giving donations shouldn't affect. Well, it seems to me that the opposition are constantly fund raising. Constantly. For people that are trying to tell anybody watching at 25 to 12 at night that they don't care about it, any of their supporters will know that they get, probably, half a dozen e-mails a week asking for money. So what the hon. member is saying and the actions of their party seem completely inconsistent. Further, the hon. member is either disingenuous or his memory is not very good because I can remember a time when there was a referendum on fluoride in Calgary's water. I think that hon. member and I both ran in that election. There was a huge public turnout.

**Member Ceci:** It was a local issue.

**Mr. McIver:** He's heckling, Mr. Chair, because I think it's obvious to him by now that everything he just said is completely inconsistent with his actions. He also heckled now something about what's local. Again, I'll go back to – he's talking about how a Senator's election has nothing to do with what's local. Well, the Senate affects the decisions made by Canada's government. They make policy about health care. I guess the hon. member doesn't think that health care is local. They make policy about the environment. I guess that hon. member doesn't think the environment is a local issue. I guess they make policy about our military. I guess the hon. member doesn't think having freedom for people is something that is a local issue. Well, on this side of the House I think we think those things are local issues. Very much local issues. And I would ask the hon. member to reconsider whether he considers the work done by all orders of government to be local or not because it's all local. All politics are local. It's an axiom that I certainly believe in, and I would recommend it to the hon. member. It would be a divergence from the speech he just gave, but I think he should reconsider that.

Mr. Chair, it's also great that the members across don't like the idea of third parties. Well they're the biggest third party. They actually invented the whole third-party thing with the public-sector union supporting them for decade after decade, election after election after election. I guess the only thing that really offends them is when they don't get an unfair advantage in third-party support. Now that we're making rules where the rules become consistent for everybody, then all of a sudden they're upset about it. They don't really care for the ability for all political ideas to have support from third parties; they mostly like the idea when only they get the support from third parties.

Mr. Chair, what the hon. member said after making the amendment that's before us: there's hardly a sentence that he said that wasn't ridiculous. One of the other sentences that he said: well, then, the third party shouldn't be able to spend, overspend, the election limit by the candidate by sixfold. Okay. You can argue that yes or no, but what he fails to recognize is that without this legislation it can be 600-fold because there's no limit right now. The legislation that has been brought forward by the hon. Minister of Municipal Affairs actually puts a limit on it. It puts a limit on it.

**Member Ceci:** Make it lower.

**Mr. McIver:** The hon. member can't stop heckling. You know what? I apologize for turning every one of his arguments inside out. It's probably embarrassing for him, which is why he's heckling.

But I think I've done enough to make it very clear that everything argued by the member that moved this amendment was nonsense. I won't be supporting it.

**The Acting Chair:** Thank you, Member.

Are there any other members wishing to speak to amendment A1?

Seeing none.

[Motion on amendment A1 lost]

**The Acting Chair:** Back onto the bill, Bill 45. Any members wishing to speak? I recognize the Member for Edmonton-Castle Downs. No?

**Ms Sweet:** Manning.

**The Acting Chair:** Edmonton-Manning.

**Ms Sweet:** It's okay. People confuse us all the time.

Thank you, Mr. Chair, I would like to rise and adjourn debate for the evening on this particular bill.

[Motion to adjourn debate carried]

**The Acting Chair:** We are on rise and report.

**Ms Sweet:** Mr. Chair, I move that we rise and report and rise and report progress on the bills.

[Motion carried]

[Mr. Hanson in the chair]

11:40

**The Acting Speaker:** I'll recognize the Member for Lethbridge-East.

**Mr. Neudorf:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 38. The committee reports the following bill with some amendments: Bill 39. The committee reports progress on the following bill: Bill 45. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** Do the members concur with the report? All those in favour, please say aye.

**Hon. Members:** Aye.

**The Acting Speaker:** Any opposed? Thank you.

## Government Bills and Orders Third Reading

### Bill 37 Builders' Lien (Prompt Payment) Amendment Act, 2020

**The Acting Speaker:** Are there other members wishing to speak to Bill 37? I'll recognize the Member for Lethbridge-East.

**Mr. Neudorf:** Thank you, Mr. Speaker. I'm pleased to rise again to speak to Bill 37, the Builders' Lien (Prompt Payment) Amendment Act, 2020. In the over 25 years that I worked in the construction industry, prompt payment was a constant topic of conversation and discussion. Working as a general contractor and as a millwork installer under a millwork provider, I witnessed first-hand the need for a prompt payment system within the industry. After working on many prominent projects all over the province, in fact, all over the country, there were times where it took three, four, five months before I was paid. I can personally attest to the difficulties in supporting a family when you're not necessarily sure of when your next paycheque will come in, and it's time that a government further recognized the importance of prompt payment to families and individuals in the construction industry.

So it is with pleasure that I see that the Minister of Service Alberta has taken the details of this to explain and expand and put into legislation a prompt payment bill. It describes that the clock starts when an owner receives a proper invoice. It describes a process where a payment must be made within 28 days . . .

**The Acting Speaker:** Sorry to interrupt, Member, but just to confirm that you're moving third reading on behalf of the Minister of Service Alberta?

**Mr. Neudorf:** Yes.

**The Acting Speaker:** Thank you.

**Mr. Neudorf:** Thank you, Mr. Speaker. It describes that the process must be made within 28 days, plus adding seven days for subtrades, seven days for sub-subs and suppliers. It provides the requirement for general contractors that they must invoice no further apart than 31 days so that unnecessary delays aren't added back into the process. It will provide an efficiency and a streamlined and timely manner for invoicing and payment to be made, benchmarking the ability, and it is foundational for this type of legislation.

Supporting this industry enables our government to live up to our campaign promises and to create jobs and further strengthen our economy. Prompt payment legislation is a big step in the right direction in accomplishing these goals for the betterment of Albertans. It creates better job and payment security when all contractors and subcontractors, including sub-subs, like I once was, can count on being paid in a timely manner.

The construction industry has become increasingly complex over time. Contracts were once done on a handshake – and I remember once receiving a cheque for \$100,000 just on a handshake – but this is no longer the case. Designs are more elaborate, building codes are more comprehensive and sometimes confusing and in need of interpretation, with an increasing number of inspections. This takes time. Sometimes it takes debate and understanding as well as approval and sign-off.

The day when the jack of all trades used to be the norm is no longer. Now there is specialization in every part and recognition of multiple skilled trades. Each one has a separate trade, which means that there's a separate individual and often a separate company, which must be therefore inspected, co-ordinated, with invoices to go in for. There are now innumerable additional steps and checks and balances, including engineers and architects, financial institutions, notaries, and statutory declarations, verifications, and sign-offs. Establishing, quote, unquote, the rules of prompt payment has required a significant amount of work by our Minister of Service Alberta to finally tackle this problem. I know for a fact that he put countless hours into the consultation process to work with industry to get us here, to this point, and I would like to thank him for his work in this endeavour. We are now here with a strong bill, carefully crafted and actually hard fought for to get it right, the way good legislation should be fought for, and

I'd like to continually recognize the work that the minister and his staff put into crafting this.

Mr. Speaker, I would like to stress a point that has been brought up before regarding this legislation, that it is a platform commitment not only from our government to create jobs but also one of the opposition's platform commitments. The construction industry is a multibillion-dollar industry that accounts for roughly 10 per cent of Albertan jobs. Although we may be divided on many issues in this House, I am happy to see that we agree on this one, and I encourage my colleagues on both sides of the aisle to continue to support legislation like this and to work together for Albertans. Maybe they will join me in saying: promise made, promise kept.

Mr. Speaker, the Minister of Service Alberta and this government have shown their dedication to the industry. The relationship that the minister has built with industry to establish this legislation and the regulations is foundational and will last for years to come.

[Mr. Milliken in the chair]

In conclusion, Mr. Speaker, I am fully supportive of this initiative, and I encourage my colleagues to continue their support as we work to make the system more mindful of contractors and subcontractors as well as suppliers in the industry. We are working with the industry and not against it. This bill describes the timeline for prompt payment in the 28-seven-seven-seven payment framework. It creates mandatory progressive holdback release. It extends lien times from 45 days to 60 days, with 90 days for the concrete industry. It establishes an industry-dedicated adjudication platform that will more quickly address disputes outside the court system. In summary, it solves a problem, it clearly addresses the issues, and provides resolution for disputes if something goes wrong.

The minister's willingness to support and listen to what the industry requires is a huge asset to workers and to this legislation. Therefore, I am urging everyone, on both sides of this House, to vote in support of this bill and to support Albertans in the building industry.

Thank you, Mr. Speaker, and with that, I would like to adjourn debate.

[Motion to adjourn debate carried]

### Government Motions

**The Acting Speaker:** I see the hon. Government House Leader has risen.

#### Advocate for Persons with Disabilities

46. Mr. Jason Nixon moved:

Be it resolved that:

1. The October 2020 evaluation summary report of the office of the Advocate for Persons with Disabilities,

Sessional Paper 431/2020, be referred to the Standing Committee on Families and Communities for review;

2. The committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned or prorogued;
3. In accordance with section 6(5) of the Advocate for Persons with Disabilities Act the committee shall report back to the Assembly within 90 days of the report being referred to it if the Assembly is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

**Mr. Jason Nixon:** Thank you, Mr. Speaker. The motion is self-explanatory.

**The Acting Speaker:** As per the standing orders this is a debatable motion. I see the hon. Member for St. Albert.

**Ms Renaud:** Thank you, Mr. Speaker. It's my pleasure to rise and speak to this motion and certainly in support of the disability advocate's report going to the Standing Committee on Families and Communities, which I hope to also attend, at which point we can ask a number of questions about how the report ended up going from whatever it was to, like, three pages, considering the amount of work and the staff changes that have gone on. I certainly do support the motion and look forward to the committee and, hopefully, getting some answers to many questions that we have.

Thank you.

**The Acting Speaker:** Thank you, hon. member.

Are there any other members looking to join debate on this government motion?

Seeing none, if you would like to . . .

**Mr. Jason Nixon:** Waive.

**The Acting Speaker:** Waived.

[Government Motion 46 carried]

**The Acting Speaker:** I see the hon. Government House Leader has risen.

11:50

**Mr. Jason Nixon:** Well, thank you, Mr. Speaker. First of all, I rise to advise the Assembly that pursuant to Standing Order 3(1.2) there shall be no morning sitting Thursday, November 26, 2020.

I also, while I am on my feet, move to adjourn the Assembly until tomorrow at 1:30 p.m.

[Motion carried; the Assembly adjourned at 11:51 p.m.]







## Table of Contents

### Government Bills and Orders

#### Committee of the Whole

Bill 38	Justice Statutes Amendment Act, 2020 .....	3503
Bill 39	Child Care Licensing (Early Learning and Child Care) Amendment Act, 2020 .....	3513
Bill 45	Local Authorities Election Amendment Act, 2020 (No. 2) .....	3525

#### Third Reading

Bill 37	Builders' Lien (Prompt Payment) Amendment Act, 2020.....	3529
---------	--	------

### Government Motions

Advocate for Persons with Disabilities.....	3530
---	------

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