



Province of Alberta

The 30th Legislature  
Second Session

# Alberta Hansard

Tuesday evening, November 30, 2021

Day 134

The Honourable Nathan M. Cooper, Speaker

# Legislative Assembly of Alberta The 30th Legislature

Second Session

Cooper, Hon. Nathan M., Olds-Didsbury-Three Hills (UC), Speaker  
Pitt, Angela D., Airdrie-East (UC), Deputy Speaker and Chair of Committees  
Milliken, Nicholas, Calgary-Currie (UC), Deputy Chair of Committees

Aheer, Leela Sharon, Chestermere-Strathmore (UC)  
Allard, Tracy L., Grande Prairie (UC)  
Amery, Mickey K., Calgary-Cross (UC)  
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Fort Saskatchewan-Vegreville (UC)  
Barnes, Drew, Cypress-Medicine Hat (Ind)  
Bilous, Deron, Edmonton-Beverly-Clareview (NDP)  
Carson, Jonathon, Edmonton-West Henday (NDP)  
Ceci, Joe, Calgary-Buffalo (NDP)  
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Dach, Lorne, Edmonton-McClung (NDP),  
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Dang, Thomas, Edmonton-South (NDP),  
Official Opposition Deputy House Leader  
Deol, Jasvir, Edmonton-Meadows (NDP)  
Dreeshen, Devin, Innisfail-Sylvan Lake (UC)  
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Feehan, Richard, Edmonton-Rutherford (NDP)  
Fir, Hon. Tanya, Calgary-Peigan (UC)  
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Ganley, Kathleen T., Calgary-Mountain View (NDP)  
Getson, Shane C., Lac Ste. Anne-Parkland (UC)  
Glubish, Hon. Nate, Strathcona-Sherwood Park (UC)  
Goehring, Nicole, Edmonton-Castle Downs (NDP)  
Gotfried, Richard, Calgary-Fish Creek (UC)  
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Hoffman, Sarah, Edmonton-Glenora (NDP)  
Horner, Hon. Nate S., Drumheller-Stettler (UC)  
Hunter, Grant R., Taber-Warner (UC)  
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LaGrange, Hon. Adriana, Red Deer-North (UC)  
Loewen, Todd, Central Peace-Notley (Ind)  
Long, Martin M., West Yellowhead (UC)  
Lovely, Jacqueline, Camrose (UC)  
Loyola, Rod, Edmonton-Ellerslie (NDP)  
Luan, Hon. Jason, Calgary-Foothills (UC)  
Madu, Hon. Kaycee, QC, Edmonton-South West (UC)  
McIver, Hon. Ric, Calgary-Hays (UC)

Nally, Hon. Dale, Morinville-St. Albert (UC)  
Neudorf, Nathan T., Lethbridge-East (UC)  
Nicolaidis, Hon. Demetrios, Calgary-Bow (UC)  
Nielsen, Christian E., Edmonton-Decore (NDP)  
Nixon, Hon. Jason, Rimbey-Rocky Mountain House-Sundre (UC),  
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Leader of the Official Opposition  
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Rehn, Pat, Lesser Slave Lake (UC)  
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Rosin, Miranda D., Banff-Kananaskis (UC)  
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC)  
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Official Opposition Deputy House Leader  
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Sawhney, Hon. Rajan, Calgary-North East (UC)  
Schmidt, Marlin, Edmonton-Gold Bar (NDP)  
Schow, Joseph R., Cardston-Siksika (UC),  
Deputy Government House Leader  
Schulz, Hon. Rebecca, Calgary-Shaw (UC)  
Schweitzer, Hon. Doug, QC, Calgary-Elbow (UC)  
Shandro, Hon. Tyler, QC, Calgary-Acadia (UC)  
Shepherd, David, Edmonton-City Centre (NDP)  
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Sigurdson, R.J., Highwood (UC)  
Singh, Peter, Calgary-East (UC)  
Smith, Mark W., Drayton Valley-Devon (UC)  
Stephan, Jason, Red Deer-South (UC)  
Sweet, Heather, Edmonton-Manning (NDP)  
Toews, Hon. Travis, Grande Prairie-Wapiti (UC)  
Toor, Devinder, Calgary-Falconridge (UC)  
Turton, Searle, Spruce Grove-Stony Plain (UC)  
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)  
Walker, Jordan, Sherwood Park (UC)  
Williams, Dan D.A., Peace River (UC)  
Wilson, Hon. Rick D., Maskwacis-Wetaskiwin (UC)  
Yao, Tany, Fort McMurray-Wood Buffalo (UC)  
Yaseen, Hon. Muhammad, Calgary-North (UC)  
Vacant, Fort McMurray-Lac La Biche

## Party standings:

United Conservative: 20

New Democrat: 24

Independent: 2

Vacant: 1

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Nate Glubish	Minister of Service Alberta
Nate Horner	Minister of Agriculture, Forestry and Rural Economic Development
Whitney Issik	Associate Minister of Status of Women
Adriana LaGrange	Minister of Education
Jason Luan	Minister of Community and Social Services
Kaycee Madu	Minister of Justice and Solicitor General
Ric McIver	Minister of Municipal Affairs
Dale Nally	Associate Minister of Natural Gas and Electricity
Demetrios Nicolaides	Minister of Advanced Education
Jason Nixon	Minister of Environment and Parks
Ronald Orr	Minister of Culture
Prasad Panda	Minister of Infrastructure
Josephine Pon	Minister of Seniors and Housing
Sonya Savage	Minister of Energy
Rajan Sawhney	Minister of Transportation
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Doug Schweitzer	Minister of Jobs, Economy and Innovation
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Travis Toews	President of Treasury Board and Minister of Finance
Rick Wilson	Minister of Indigenous Relations
Muhammad Yaseen	Associate Minister of Immigration and Multiculturalism

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Jackie Lovely	Parliamentary Secretary to the Associate Minister of Status of Women
Nathan Neudorf	Parliamentary Secretary to the Minister of Environment and Parks for Water Stewardship
Jeremy Nixon	Parliamentary Secretary to the Minister of Community and Social Services for Civil Society
Searle Turton	Parliamentary Secretary to the Minister of Energy
Dan Williams	Parliamentary Secretary to the Minister of Culture and for la Francophonie

## STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

### **Standing Committee on the Alberta Heritage Savings Trust Fund**

Chair: Mr. Rowswell  
Deputy Chair: Mr. Jones

Allard  
Eggen  
Gray  
Hunter  
Phillips  
Rehn  
Singh

### **Standing Committee on Alberta's Economic Future**

Chair: Mr. Neudorf  
Deputy Chair: Ms Goehring

Armstrong-Homeniuk  
Barnes  
Bilous  
Frey (formerly Glasgo)  
Irwin  
Rosin  
Rowswell  
Sweet  
van Dijken  
Walker

### **Select Special Child and Youth Advocate Search Committee**

Chair: Mr. Schow  
Deputy Chair: Mr. Jones

Goehring  
Lovely  
Nixon, Jeremy  
Pancholi  
Sabir  
Smith  
Turton

### **Standing Committee on Families and Communities**

Chair: Ms Lovely  
Deputy Chair: Ms Sigurdson

Amery  
Carson  
Frey (formerly Glasgo)  
Gotfried  
Hunter  
Loewen  
Pancholi  
Reid  
Sabir  
Smith

### **Select Special Information and Privacy Commissioner Search Committee**

Chair: Mr. Walker  
Deputy Chair: Mr. Turton

Allard  
Carson  
Dang  
Dreeshen  
Ganley  
Long  
Stephan

### **Standing Committee on Legislative Offices**

Chair: Mr. Rutherford  
Deputy Chair: Mr. Milliken

Allard  
Ceci  
Long  
Loyola  
Rosin  
Shepherd  
Smith  
Sweet  
van Dijken

### **Special Standing Committee on Members' Services**

Chair: Mr. Cooper  
Deputy Chair: Mr. Schow

Allard  
Dang  
Deol  
Goehring  
Long  
Neudorf  
Sabir  
Sigurdson, R.J.  
Williams

### **Standing Committee on Private Bills and Private Members' Public Bills**

Chair: Mr. Rutherford  
Deputy Chair: Mr. Jeremy Nixon

Amery  
Dang  
Frey (formerly Glasgo)  
Irwin  
Long  
Nielsen  
Rehn  
Rosin  
Sigurdson, L.

### **Standing Committee on Privileges and Elections, Standing Orders and Printing**

Chair: Mr. Smith  
Deputy Chair: Mr. Reid

Aheer  
Armstrong-Homeniuk  
Deol  
Ganley  
Gotfried  
Loyola  
Neudorf  
Renaud  
Stephan  
Williams

### **Standing Committee on Public Accounts**

Chair: Ms Phillips  
Deputy Chair: Mr. Reid

Armstrong-Homeniuk  
Lovely  
Pancholi  
Renaud  
Rowswell  
Schmidt  
Singh  
Toor  
Turton  
Walker

### **Select Special Committee on Real Property Rights**

Chair: Mr. Sigurdson  
Deputy Chair: Mr. Rutherford

Frey (formerly Glasgo)  
Ganley  
Hanson  
Milliken  
Nielsen  
Rowswell  
Schmidt  
Sweet  
van Dijken  
Yao

### **Standing Committee on Resource Stewardship**

Chair: Mr. Hanson  
Deputy Chair: Member Ceci

Dach  
Feehan  
Ganley  
Getson  
Guthrie  
Lovely  
Rehn  
Singh  
Turton  
Yao

## Legislative Assembly of Alberta

7:30 p.m.

Tuesday, November 30, 2021

[Mr. Milliken in the chair]

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

### Government Motions

#### Oil and Gas Pipeline Opposition

104. Mr. Jason Nixon moved:

Be it resolved that the Legislative Assembly

1. condemn David Suzuki's comments on pipelines as reported by the *National Post*,
2. condemn any comments made calling for the intentional destruction of energy infrastructure, and
3. unequivocally condemn incitements of violent eco terrorism.

[Adjourned debate November 30: Mr. Stephan]

**The Acting Speaker:** We are on Government Motion 104, and I believe that I see the hon. Member for Spruce Grove-Stony Plain has risen.

**Mr. Turton:** Yes. Thank you very much, Mr. Speaker. I'd like to move that Government Motion 104 be amended. Would you like me to read this into the record?

**The Acting Speaker:** We'll just wait, and we'll get pages to come grab all the copies that I'm sure you have there. Once we have a copy to the table, then I'll give some instructions with regard to the amendment. It's still early. Don't worry, please.

**Mr. Turton:** Excellent. I do have the requisite copies right here.

**The Acting Speaker:** Thank you.

Hon. members, as is the usual case with amendments, there will be copies placed at the tables by the entrances. If you put your hand up, one will be delivered to you by the pages as well.

If the hon. member could please continue. Please read it into the record for everybody's benefit. This will be referred to in debate as amendment A1.

**Mr. Turton:** Yes. Thank you very much, Mr. Speaker. I move that Government Motion 104 be amended by (a) striking out "and" at the end of section 2 and (b) adding the following immediately after section 3:

4. express solidarity with the 20 First Nations Band Councils and their communities situated along the approved route of the Coastal GasLink pipeline project, including those representing Wet'suwet'en people, in their negotiations for project agreements that would support those communities,
5. express its support for the Coastal GasLink pipeline project and the LNG Canada project, and
6. express its opposition to illegal activities that seek to disrupt the construction of the Coastal GasLink pipeline project.

Well, thank you very much, Mr. Speaker. It's an absolute pleasure to speak a little bit about both the amendment and the motion as well and just to tell a little bit about some of my perspective. I know many members here in the House have been able to talk on this very important government motion. I'm hoping that, posturing aside, at the end of the day all members of this House can support this government legislation.

First of all, there are a couple of points I just wanted to unpack on this. Number one is some of the despicable comments by Dr. Suzuki in terms of how he endorsed and talked about damage to pipeline projects. I think that's horrific. It's not just horrific. I mean, there's a real life-and-death consequence if something does happen to oil and gas infrastructure.

Over my working career of about 20 years I've had the fortune of being able to work at almost every industrial construction site from Shell Scotford up in Fort Saskatchewan all the way down to the Genesee power plant. During those 15 years when I was in industrial construction, I had many times where, when you're in the bowels of an oil refinery or in the bowels of some of these chemical plants, you're working there with some of the worst chemicals that any individual could ever come in contact with as part of oil field processes. You're in some plants, like at Agrium Redwater, where the sulphuric acid content is so great in some of these plants that it eats away at the actual steel beams. You're in other areas, in the digester at some of the pulp mills, where it absolutely eats away at everything you have. There are some, unfortunately, nasty chemicals in many of these oil refineries and projects.

Altogether it's part of a package that allows us to live and have an incredible quality of life here in Alberta. When I hear of individuals like Dr. Suzuki talking about blowing up or saying that it's favourable to blow up the types of oil infrastructure, as the Member for Lac Ste. Anne-Parkland talked about, there are real consequences to these types of actions. This is not a simple gesture where, you know, an action takes place, some type of damage to oil field infrastructure, and no one cares.

I mean, there are real consequences. There are families put at risk. There are whole communities that could be put at risk from this type of behaviour. To hear that there may be members, you know, out in the general community that think this is somewhat acceptable, that all of a sudden having a sulphuric acid cloud descending upon a community or affecting the livelihoods of individuals who work on those projects, I just can't fathom that. I have a hard time fathoming that any member of this House would think that those types of comments would actually be acceptable or should be endorsed and should not be admonished or actually talked about in public.

I find it interesting that there are individuals that talk about social justice, about speaking up for different communities and making sure that, you know, all rising tides raise the ships and that we want to have a prosperous Alberta with prosperous communities and prosperous families, yet they handcuff some of the very industries that will be providing wealth and prosperity for many individuals, especially First Nations communities, not only in Alberta but all throughout western Canada.

You know, since coming out of high school in the late '90s and having extensive stints working with horizontal pipeline projects down in Brooks and oil exploration seismic projects, I have to say that over that time some of the most incredible individuals that I had the absolute privilege to work with were members of First Nations communities from Manitoba all the way down to B.C. At that point, in the late '90s and early 2000s, not just members of First Nations communities but people from all over Canada came to Alberta because this was the land of opportunity. This was the land where, if you wanted to actually pick yourself up and support your family with good-paying resource jobs, you wanted to come.

Many of my work colleagues back in those prior sectors would tell me stories about growing up in poverty, and as many members here would probably attest to and say that they grew up in poor families, I would also probably describe that that was my childhood growing up. But the poverty that some of my former colleagues would talk about growing up in some of the First Nations communities to this day still makes my head absolutely spin. I never

had to worry about having to boil water on a regular basis just to be able to eat. I mean, yeah, we were poor. We grew up with puffed wheat and porridge – that was my thing in small-town Saskatchewan – but I never had to worry that the water would kill you.

But that is the current state, unfortunately, of so many First Nations communities, and that is the story that we're talking about with the 20 communities along the Coastal GasLink pipeline, that are trying so desperately to bring their families or communities out of that type of poverty. They're looking at the oil and gas sector as an opportunity to be able to somewhat give a high quality of life to the kids and families that live there.

To know that there are people like Dr. Suzuki and people out in the general community – and there may even be a couple in this House – that say that those leaders in those respective communities should not be able to defend the very ability to support their respective communities with oil and gas I think is abhorrent. I don't think there are many people here in this Chamber, as much as we may say that we come from poor families or might not have come from a family of privilege, who have ever had an issue with boiling water just to drink.

So when I look at the government motion and I see that there are actively people out there trying to attack the oil and gas industry, trying to attack the ability for First Nations communities to be able to simply pull their constituents out of poverty, it makes me sick. I'm so thankful that this motion came forward, and it gives all Albertans a chance where, you know, you can actually put your money where your mouth is. We have an ability as legislators here, in, I think, the most absolutely amazing province on the planet, in the country, to be able to stand up and say: "This is not right. This behaviour by Dr. Suzuki is not correct. It's not acceptable, and it should not be endorsed."

7:40

Also with the amendment, on the flip side, because I like being a positive force in this Legislature, not only does it say on one hand that we're condemning those remarks by Dr. Suzuki and the forces that are trying to keep First Nations communities in a poverty-stricken environment, but we're also going to follow it up with something proactive and positive and say that we support these important energy infrastructure projects that go to the coast, not just for those First Nations communities but for all people here in the province of Alberta, because it's an important declaration for everyone in this House to do it.

I would be shocked if any member of this House was to actually vote against this, to be able to face their constituents and say that, yes, they are actually against the democratic will of those 20 communities all the way to B.C., that they are against the ability of even resource workers here in our province who will stand up and support their families with our largest industry here in the province. I'd be shocked if any one of them actually did that. I'd love to see if they actually had the guts to be able to do it, for them to put it on their own social media accounts, but I'm guessing that if they decide to vote against it, they'll probably vote against it quietly and slink into the middle of the night.

But the people that support the 20 First Nations that support the Coastal GasLink project deserve to have someone standing up for them, and so do the residents of Alberta so that we can have oil and energy produced here in Alberta that actually obeys the rule of law, that actually has environmental protocols, that actually allows, you know, freedom for everyone regardless of sexual orientation or gender, that you can actually have an ability to have resources and an industry and a sector that can support you and your family.

I mean, what's the alternative? The alternative is relying upon the Middle East. You know, it was just, I think, up until a couple of short years ago in a couple of countries that females, women, were not even allowed to drive a vehicle. Is that the type of jurisdiction that we want to support? Do we want to support jurisdictions like Nigeria, that is more than willing to be able to supply energy and just flare off natural gas in an environmentally unsustainable manner? Are those the types of, you know, protocols and environments that we want to protect, or do we want to supply it here? Do we want to supply ethical oil and energy here in Alberta while at the same time ensuring that First Nations communities have an ability to lift themselves out of poverty? I think it's the duty of every legislator here in the province to be able to vote for that, and I think it's the duty of every Canadian also to support that matter.

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

[Motion to adjourn debate carried]

## Government Bills and Orders

### Second Reading

#### Bill 81

#### Election Statutes Amendment Act, 2021 (No. 2)

Mr. Nielsen moved that the motion for second reading of Bill 81, Election Statutes Amendment Act, 2021 (No. 2), be amended by deleting all of the words after "that" and substituting the following:

Bill 81, Election Statutes Amendment Act, 2021 (No. 2), be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

[Adjourned debate on the amendment November 29: Mr. Sabir]

**The Acting Speaker:** Those looking to join? I see the hon. Member for Edmonton-City Centre has risen.

**Mr. Shepherd:** Well, thank you, Mr. Speaker. I appreciate the opportunity to rise and speak to Bill 81 on the referral amendment . . .

**The Acting Speaker:** We are on amendment REF1 as well. My apologies.

**Mr. Shepherd:** Of course, Mr. Speaker. We are on the referral amendment, by which we would send this bill to the Standing Committee on Families and Communities to review the provisions of this bill.

Indeed, there is one particular provision of this bill, Mr. Speaker, that I think particularly should be referred for discussion at that committee. It is a provision I spoke of earlier; that is, the provision which removes any cap on donations to a nomination contest, the act of a desperate government, of a government that is looking at the polls and recognizing that they have an abominable level of support in the province of Alberta, a government that is looking at its fundraising record over the last four quarters and recognizing that they are being outright rejected by Albertans, a government that could choose to change its course, could choose to perhaps demonstrate humility in place of the sort of arrogance that we have seen instead from this Premier and so many members of this government, a government that could choose to change the policies that Albertans are outright rejecting rather than attempting to Premier-splain them to them at venues like the rural municipalities association convention, a government that could take responsibility

for the incredible damage it has done to our health care system, more damage than any government in the history of our province.

Instead, what they are choosing to do is create a legislative loophole to allow them to evade the donation caps that are in place, that have been legislated in the province of Alberta, to use their power as government to put their thumb on the scale to allow them to shovel endless amounts of money through nomination contests back to their party, a level of arrogance and entitlement the likes of which we have not seen for some time in the province of Alberta.

**Mr. McIver:** Not for two and a half years.

**Mr. Shepherd:** The Minister of Municipal Affairs says: not since the last two and a half years. I will remind him of the government he sat with under multiple Premiers, under the Progressive Conservatives, who were well known for stretching the rules around donations in the province of Alberta, a shameful legacy, Mr. Speaker, which he wears.

Indeed, members of this government's own caucus have spoken out with concerns about their ethics when it comes to the use of donations. The Member for Airdrie-Cochrane issued a letter expressing his concerns with the behaviour of his government, which is why this bill, Mr. Speaker, again speaking to the referral amendment, needs to be referred to committee for reconsideration. He, in his letter, according to the *Calgary Herald*, accused his party, the Premier's office of meddling in local affairs, taking over ridings, even improperly funding the convention fees of the Premier's loyalists from PAC funds. Said the member: they are doing this to assist you in retaining the UCP board with the intent of controlling the leadership review process; this may not be illegal, but it is certainly unethical.

And that, Mr. Speaker, is the perfect summation for this government's cowardly decision in this bill to include this provision to remove the cap on donations to a nomination contest. It may not be illegal – they have the power to do this as a government; they have the power to pass whatever legislation they wish – but it is certainly unethical. That, unfortunately, seems to be a hallmark of this Premier and this government, the type of behaviour, indeed, we saw during the Premier's run for leader of his party. Again . . .

**Mr. McIver:** Point of order.

**The Acting Speaker:** A point of order has been called.

#### Point of Order

#### Allegations against a Member

**Mr. McIver:** Under 23(h), makes allegations against another member. The hon. member just called the Premier unethical. We know what the rules are around here. We could refer to the other party, but when it comes down to referring to an individual, it's clearly a point of order. I would respectfully request, Mr. Speaker, that you ask the hon. member to withdraw and apologize.

**The Acting Speaker:** I see.

**Ms Gray:** Thank you very much, Mr. Speaker. I was listening to the remarks from my colleague. He was certainly speaking about government's ethics. He was speaking about government's actions. I do not have the benefit of the Blues, but I am confident that the Member for Edmonton-City Centre was very accurately relaying some of the scandals from the Progressive Conservative Party and relating that to what we see before us in Bill 81, which expands loopholes and weakens our democracy.

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

In this case I do find a point of order. It is my recollection that the words that were used, perhaps not verbatim, were talking about unethical practices which are a hallmark of the Premier and this government. I think that is a pretty good representation of what it said, what was stated. If the hon. member could please withdraw and apologize and please continue, with about 10 minutes remaining.

**Mr. Shepherd:** Thank you, Mr. Speaker. Certainly, I apologize and withdraw.

7:50

#### Debate Continued

**Mr. Shepherd:** I am not referring to the Premier himself as being unethical, but certainly what I am referring to is that there are a number of questions about this Premier's behaviour and attempts to certainly push the very boundaries of the rules throughout the UCP leadership contest and be involved in a number of things which have led to an RCMP investigation which continues to this day. So when I speak of this bill, I will again echo the words of the Member for Airdrie-Cochrane, that this government's actions in this bill may not be illegal, but they are certainly unethical.

Now, when I last spoke to this bill, the MLA for Peace River took offence to my remarks. He spoke in – well, I was going to say spoke at some length. It actually wasn't that long, but he certainly did speak for several minutes, saying what they are about as a party and that the reason they are bringing in this provision is because they believe that government should not interfere in the actions of a political party. He spoke about it being, "Don't tell us what to do with our private club," as I recall, Mr. Speaker. Now, what constitutes a private club? Now, again, I think this is important to consider as we are debating whether this bill should be referred to a committee for further consideration. Indeed, I think it should because I think this member has a misunderstanding of what a political party is if he considers it to be a private club.

Mr. Speaker, a club is defined as an association or organization dedicated to a particular interest or activity. Of course, here in my constituency we have the downtown Rotary Club, which does some fantastic work, supports a number of organizations, indeed fund raises, takes donations, and uses that for the good of the community. That is a club. The Imperial Sovereign Court of the Wild Rose: a fantastic club and organization from the LGBTQ2S-plus community celebrating the art of drag and indeed raising funds and doing much good for the community through their organization. Your local neighbourhood book club. But a political party is not a mere club. A political party is an integral part of our political system. Constituency associations are not mere clubs. They are part of the official apparatus in a political party, whose express purpose is to attempt to form and wield the power of government for our province. That is not just a mere private club.

To be clear, all of the organizations I mentioned are indeed regulated at some level by government. In taking donations, they are required to be incorporated. They are under certain rules. They cannot simply choose to do things willy-nilly, so we always have some involvement of government in these types of organizations or clubs. Now, in the case of a political party, Mr. Speaker, again, we have a unique situation in that political parties exist for the purpose of achieving and wielding the power of government, and that is a profound power that has the potential to have incredible impacts on the lives of many, many people, incredible latitude to make decisions that can have deep effects on every citizen, every resident in the province of Alberta.

We have seen what the impacts can be of bad governance, of governance that does not bind itself to ethics. We have seen, certainly south of the border, what happens with government in the hands of an individual who believes they are above any kind of check or balance, who feels no commitment to uphold the truth or facts. Indeed, Mr. Speaker, we have seen right here in the province of Alberta over the term of this government the very impact of bad governance, governance that puts political interest of its own ahead of the good of the people of the province it has been elected to govern, most recently in this fourth wave, which decimated our health care system, though the Premier, of course, pedantically noted the other day that he didn't completely collapse the health care system; he just brought it really, really close to it.

The fact is, Mr. Speaker, that it is the place of government to place limits and boundaries on the practice of political parties in the province of Alberta. I reject the premise of the Member for Peace River in saying that government has no place in determining the donation limits for constituency associations or for a nomination contest, particularly given that his government is leaving in place every other donation limit within this system.

Again, what we have, Mr. Speaker, and the reason that this bill should be referred to committee for open discussion and consideration and the opportunity indeed for the people of Alberta to understand the impact of what this government is choosing to do, to benefit itself out of desperation, out of a recognition that they have lost the trust and support of a vast majority of Alberta and in an attempt to set themselves up to be able to shovel endless money through nomination contests back to themselves in an attempt to try to use those dollars to regain power in the next election – Albertans deserve to have that given fair and full scrutiny.

It is a shameful thing that this government is choosing to do, and I think most of these members are well aware of that. However much they get up and bluster about other portions of this bill and how terrible other parties have been in this province of Alberta or other loopholes that they believe exist, they know full well that this provision in this bill exists solely for the purpose of creating that loophole for themselves, and they are cynically calculating that not enough people in the province of Alberta are going to understand the details of what they are doing or are going to be paying close enough attention or that their many other opportunities to bluster and shake their fists to Ottawa are going to be enough distraction. On that, Mr. Speaker, perhaps they're right. Perhaps this is inside baseball enough that they will be able to pass this and a majority of the province will not take notice, and they will be able to have this loophole baked into legislation.

Frankly, Mr. Speaker, I don't think it's going to save them. The record of this government over the last two years, two and a half years, particularly over the last year, particularly over the last few months, has been so abysmal, has had such a deep and profound impact for the worse for so many people in this province that I don't think they are going to forget that. This government can attempt to slip through this provision, a provision which, again, I believe should go for referral to committee, where we have the opportunity to examine it in detail and call stakeholders and others to talk about it. This provision, this attempt to shovel endless amounts of dollars from rich friends, is not going to save them, just as it did not save the government that sat before 2015, that had 44 years of legacy in this province but was undone by just this kind of arrogance and entitlement, being utterly tone deaf to the people of Alberta and thinking themselves above check or balance or reproach.

It's not illegal, Mr. Speaker, but it is certainly unethical, and the stench of that will follow this government, as it has as they have built it up over their legacy over the last two and a half years, particularly this Premier and his reputation with Albertans, a

continued one of arrogance and entitlement. That's why this bill needs to be referred.

8:00

**The Acting Speaker:** Thank you.

Hon. members, I see the hon. Minister of Justice has risen.

**Mr. Madu:** Thank you, Mr. Speaker. I couldn't sit here and listen to . . .

**The Acting Speaker:** Hon. members, I hesitate to interrupt the hon. Minister of Justice; however, having referred to the list of those who have already spoken to REF1, the Minister of Justice has already spoken, and he will not be given a second opportunity at this time.

Are there any other members looking to join debate on REF1?

Seeing none, I am prepared to ask the question.

[Motion on amendment REF1 lost]

**The Acting Speaker:** We are back on the main bill, Bill 81, Election Statutes Amendment Act, 2021 (No. 2). I see the hon. Member for Edmonton-Mill Woods has risen.

**Ms Gray:** Thank you very much, Mr. Speaker. It's a pleasure to rise in second reading to speak to Bill 81, the Election Statutes Amendment Act, 2021 (No. 2), because I have a number of objections to this piece of legislation and the impact that it will have on Alberta, on our elections, and on the perception of fairness in our elections. What this bill does is that it provides an advantage to moneyed individuals to influence our elections through a number of key changes that are dangerous, frankly, to our democracy.

Now, I have had the opportunity to speak to this bill very briefly on referral, so I'm going to quickly summarize some of the remarks that I made at referral and expand upon them because in sum total I strongly believe that Bill 81 is potentially dangerous to our democracy and needs to be completely rethought. So to frame the conversation that I would like to have about Bill 81, at this point I would like to introduce an amendment.

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

As is the case with previous amendments, of course, there will be copies at the tables by the entrances. If you would like a copy of the amendment, please put up your hand and one will be delivered to you. For the purposes of debate this will be referred to as RA1.

If the hon. Member for Edmonton-Mill Woods could please read it in for the record and then continue with her remarks should she so choose.

**Ms Gray:** Thank you. I move that the motion for second reading of Bill 81, Election Statutes Amendment Act, 2021 (No. 2), be amended by deleting all of the words after "that" and substituting the following: "Bill 81, Election Statutes Amendment Act, 2021 (No. 2), [must] be not now read a second time because the Assembly is of the view that consultation with stakeholders and Albertans on the proposed legislative amendments is required."

With that having been introduced, I would now like to speak at length about why I think additional consultation with stakeholders and Albertans is required on this piece of legislation. First, I would like to highlight some of the major changes that I strongly believe Albertans do not support.

Let us start with page 123 in which section 25(b) is amended. Essentially, what we're doing here is changing it so that anyone can buy a membership for somebody else. Now, this may sound familiar because there have been issues with the Progressive Conservative Party or even at UCP AGMs with other people buying tickets and memberships for someone else. I would remind you, Mr.

Speaker, although you're probably quite familiar with it, that Albertans are not fans of this practice. Allowing someone who is wealthy to influence political decisions by influencing participation in our democracy and buying memberships for other people is not something that came from any of the committees that have been struck to review our democratic systems, and it is not something that Albertans have asked for.

I believe we should send this back for consultation with stakeholders and Albertans so that this government can hear the message that we do not want rich people buying memberships for other Albertans in order to stack the deck, whether it is a leadership contest or some other mechanism within a party. Albertans should be able to participate in our democracy. You should have to buy your own membership. That is a reasonable limit. I think Albertans would strongly disagree with what they would find on page 123.

On page 111, on a slightly different topic, this government is trying to decide who does and does not have a say when it comes to being a third-party advertiser either inside an election or outside of an election period. This government has actually written in language in (5.2)(d) that as part of his determination, which uses incredibly vague characteristics, the Chief Electoral Officer should consider before someone registers as a third party whether they have ever "made public statements in support of or in opposition to the registered party, a registered candidate of the registered party, any other registered party." So I guess this government is not a fan of protect our parks, save our students, Friends of Medicare, or hundreds of other civil groups who may have expressed an opinion either in support of or against this government.

This bill is essentially saying that if you have ever spoken out about politics, you cannot register as a third party, you cannot work collectively to build a website, to buy advertising during a hockey game, or to otherwise speak during an election period or outside of an election period as a third party. I would suggest, Mr. Speaker, that we know what that is called; that is called restricting people's freedom of speech. This is a hugely problematic section in this piece of legislation. I would suggest that Albertans would not be supportive of the idea that if someone has ever said something in support of or against a party, they not be allowed to have their right to free speech.

That bar is not high enough, and I would suggest to you, Mr. Speaker, that the courts would not find that bar high enough, as has happened with other election-related changes. The Supreme Court of Canada has ruled that restrictions on third-party advertising cannot start violating people's constitutional and Charter rights. We know this. I submit to you that this is unacceptable. That's what this is. Unacceptable. Written out on page 111.

I would also like to bring your attention to page 120. Now, this one is particularly devious because in reading the bill, it's not clear what this does. "Section 17 is amended (a) by repealing subsection (1)(d)." Then you look over, and all you see is that (d) is a registered nomination contest. What this is doing is actually removing any donations to a nomination contest from being under the overarching donation limits that an Albertan is submitted to. Right now you get \$4,243 to give to a party, a constituency association, a leadership contestant, a nomination contestant, or a candidate. I'm pretty sure those are the five. I apologize, Mr. Speaker; I'm going off memory here. But that list you can find in the current version of the EFCDA.

By removing a registered nomination contestant, that one line, just repealing subsection (1)(d), it now means that somebody can donate an unlimited amount of money to a nomination contest, and that money, once donated, can flow directly into the political party. This is an interesting loophole that the government has chosen to put in given that they have included a spending cap for contestants.

They have raised how much you can spend in your nomination contest, but they've also blown wide open how much can be donated so that that money can flow through to the party. I made the point at second reading, and I will make it again, Mr. Speaker. To all of the government MLAs who are listening to my remarks, if you are not the person who is going to bring in \$350,000, perhaps this change is not for your benefit. This change was made to bring in money, big, big money. And if you are not the one who is going to be bringing in that big money, perhaps you are not the nomination contestant that this party is interested in.

8:10

Paired with this, on page 1 it also removes any inclusion of donations to nomination contestants from the tax changes. Those two things together: rather than every Albertan having \$4,243 to donate to politics however they like, but within a reasonable limit, a limit I would say, Mr. Speaker, that is actually markedly higher than most other jurisdictions, but certainly a limit that Alberta needed because it's been a little Wild Westy around here, now there is this entire section of donations to nomination contestants that has no limits and the money flows through to the party.

It's blatantly obvious, and it's going to be a corrupting influence on our politics because politics and people's faith in our democracy is based on a general understanding of fairness. That's important to Albertans. Albertans want to know that their elections are fair. There are a number of changes here that allow big money in in a big way.

Oh, the other one – and I apologize; I don't have the page number for you, Mr. Speaker, but I will hopefully have another opportunity to speak to this bill – is the fact that individuals can donate up to \$30,000 to third-party campaigns now. That is big, big money. To whose benefit is it if you can donate \$30,000 to a third-party campaign? Why is that limit so high? Who is that written for? Who do you anticipate donating \$30,000 to have an influencing effect on our elections, and why do you want someone with \$30,000 to have a disproportionate impact in impacting our elections? That is going against the principles of fairness. That is going against what Albertans expect from their elections. That is going against the idea of fairness, that is incredibly important because our elections should be promoting fairness, ensuring equality of each citizen in the election, and preventing the voices of the wealthy from drowning out those others.

Mr. Speaker, I'm quoting from a Supreme Court of Canada decision, Harper versus Canada: not only "preventing the voices of the wealthy from drowning out those of others, [but] preserving confidence in the electoral system." This is a pressing and substantial objective in a liberal democracy, and it is the opposite of what Bill 81 is doing.

Now, I have named the pages where I find these objectionable actions. I have read from the bill why it is failing, and this is why, through my recent amendment, I know that we need more consultation with stakeholders and Albertans. This is undermining our democracy. This is undermining people's trust in our elections. This is allowing people who have \$30,000 more weight to influence the election and the public discourse that is happening. This is allowing people with \$100,000 to funnel that money through to a political party. This is allowing somebody with \$40,000 to buy memberships in the hundreds. Why would we want that? How is that good for our democracy?

Now, I will note that although the minister who is moving this bill has stood and spoken to this bill a number of times, he has never addressed the actual concerns that we are speaking about. Why are we allowing someone else to buy memberships? Why are we removing the donation cap for nomination contests and allowing

unlimited money to flow through to parties? Why are we potentially violating people's Charter rights?

**Ms Issik:** Give way?

**Ms Gray:** Please.

**Ms Issik:** Thanks. You know, I thought quite a bit about that actual question, and what this bill is doing is talking about how money changes hands. Whether you can sell a membership in a party is completely up to that party. Every party has different membership rules, different ways that they might have members; some have associate members, some have lifetime members. This is over the history of parties in this province. There have been many types of members. All that that piece of the bill is doing is talking about that if you buy your own membership, it's membership money, that if you're buying it for somebody else, then it's a contribution. That's all it's saying. It's not allowing people to buy hundreds of memberships.

**Ms Hoffman:** Of course it is.

**Ms Issik:** No, it's not, actually. The parties can say whether or not you sell the memberships. It's up to the parties how they determine to sell the memberships. That's up to the parties. Every party has different membership rules. All that this is doing, for the purposes of contributions, is determining that.

**Ms Gray:** I believe I understand that what the member just said is that the UCP wants somebody to buy hundreds of memberships and that you want to make that choice and that if the NDP wants to do it differently, then we can. What the language says is that currently someone can only buy their own membership, and the change in this language allows someone to buy memberships for others. [interjection] Please, I would be happy to accept an intervention, if the minister should like to, rather than have him heckle me during bill debate. Please.

**Mr. Shandro:** Well, thank you, Mr. Speaker and, through you, to the member, for allowing the intervention. I think what we heard from my colleague was a question. Right now we see in the Election Finances and Contributions Disclosure Act, the EFCDA, that this is an act, as the members know, that regulates only how much can be spent, who can donate, and how that donation is disclosed to the public. There is no prohibition right now on who can pay for a party membership. Section 25 merely provides clarity that a party membership, up until \$50, is not a donation. That is it. That is the only way in which a party membership is right now even mentioned in the EFCDA. So is the member disagreeing with this interpretation of section 25 of the current EFCDA?

**The Acting Speaker:** The hon. Member for Edmonton-Mill Woods, with about four minutes and 15 seconds left.

**Ms Gray:** Four minutes. Thank you very much, Mr. Speaker. I appreciate that.

The language change to "an annual membership fee paid by a person for the person's own": does that allow or not allow for people to buy memberships for others? That would be my question, and I look forward to that answer.

Now, let's address removing donation caps for nomination contests, allowing hundreds of thousands of dollars to come in through nomination contests. Please, I will happily accept an intervention from anyone who would like to explain to me how this benefits our democracy, allowing monied individuals, wealthy individuals, to pour money into political parties, limitless amounts

of money through nomination contests. I notice that no one is standing although I do believe we have . . . [interjections]

**The Acting Speaker:** The only individual with the call at this time is the hon. Member for Edmonton-Mill Woods. There is one potential intervention still available within this portion of debate.

**Ms Gray:** Nomination contests are an incredibly important part of this legislation. The impacts to free speech are an incredibly important part. I remain concerned about people buying memberships for others given the changes to the language. Page 125 now provides for no quarterly reporting for constituency associations. With no quarterly reporting for constituency associations, I have a number of concerns, but one of the big ones is: how will Elections Alberta in a timely way be able to identify when Albertans are crossing the donation cap for the other four types of donations that should be captured? If someone donates \$4,000 across six different constituency associations, today quarterly reporting allows Elections Alberta to catch that and modify that, fix that earlier. Now all of that is going to wait until the year-end.

I think removing quarterly reporting also removes transparency, because today we have the quarterly reporting that shows the data, who is donating. I think electoral participation is incredibly important – I know it is – but transparency is important as well. People deserve to know who is paying to influence political parties and elections, whether it's through third-party advertising or donations to political parties. That is why our elections acts are set up the way that they are.

I have strong concerns about no quarterly reporting, about allowing \$30,000 donations to third-party advertising from individuals – \$30,000, Mr. Speaker – and unlimited amounts of money through nomination contests.

8:20

**Ms Hoffman:** Super sus.

**Ms Gray:** Super sus, as my colleague across the way has said. I believe she learned that term from playing *Among Us* during the pandemic.

Mr. Speaker, consultation with stakeholders and Albertans on these proposed amendments is incredibly important, and that is why I have moved this amendment. While I have raised a good six or seven issues, the government has only responded to me about buying memberships for others and whether that is or is not being introduced in this bill, ignoring every issue that has to do with large amounts of money disproportionately impacting our elections and people's trust in our electoral system, the negative impact that that will have for our democracy, and the vague wording that the Chief Electoral Officer is being given to determine who is or is not affiliated with political parties when he's deciding who is allowed to be a third-party advertiser or not.

Fairness is an incredibly difficult concept, but if Albertans start to feel like their elections are not fair, they will start to disbelieve in our democratic system even further. I think it's the government's job to make sure they are passing legislation that strengthens that faith in our democracy and does not diminish it. Bill 81 diminishes it.

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

Are there any members wishing to join debate on RA1? I see the hon. Member for Edmonton-Rutherford has risen.

**Mr. Feehan:** Thank you, Mr. Speaker. I appreciate the chance to speak to this referral amendment because I have a number of deep

concerns about this legislation and certainly would like to take the opportunity to stop the legislation from moving forward at this particular time. I was very deeply disappointed that the government didn't take the chance to agree to the referral amendment, that would have allowed a proper, transparent review of the implications of this bill by a duly authorized committee of the Legislature. Since we actually have a committee that particularly is focused on these types of issues, it would have been quite appropriate for this bill to be referred to them. That's the very reason why the committee was set up.

I'm very disappointed to find that we have a piece of legislation which is really conniving in its intent in that it tries to do indirectly what we normally cannot do directly, and we know in the House that that is something that, you know, we are admonished to remember on a daily basis. The intent of the election finances act is to bring some parity to the financial involvement of Albertans in the electoral process, and as such we have a limit on how much money people can put into the election process itself. That limit this year happens to be \$4,243, with the right to put in extra money in the actual year of an election. The year of the election you'll be able to go up, but again it's limited, and it's defined only for the year of that election, not an ongoing, continuous amount of involvement.

Now, I understand that the government side is saying that nomination processes are an internal party activity. I accept that, but they are not directly involved in the funding of the electoral process during the writ period. That's their argument. As Professor Lisa Young, a University of Calgary poli-sci professor, has indicated, there is no wall between the dollars being brought in during the nomination process and the ability to spend during the writ period. Were there a wall, much of this would disappear, but there is no wall. A wall would be quite easily possible. The government could have put in a section of legislation that said that any monies that come in during the nomination period directly for the nomination cannot be spent, then, during the writ period for electoral purposes, and that money should stay with the party for the party to do party business. If that wall were there, we might be having a different conversation, but it is clearly not there, and the experts in the field are indicating that it does not exist.

We have to ask ourselves: why would this backdoor entry into political financing be included in this bill? All we can say is that we are trying to do indirectly what we cannot do directly. It is really opening a massively wide door that allows people to spend literally hundreds of thousands of dollars, if they want, that they know, because of this legislation, will ultimately get spent during the writ period. Now, they ostensibly are saying that this is money that will be spent on a nomination.

You know, under this bill you can have one person buy as many memberships as they choose to buy for other people, up to the value of \$50 per membership, before it's even considered a donation. So if one person comes along and buys 400 memberships for people at \$50, that's already \$20,000 for a single nomination. That same individual can do the same thing in 20 different ridings, and now we're up to \$400,000 in contributions.

Now, as the Member for Cardston-Siksika said the other day in debate, nobody is spending \$400,000 during a nomination process. I can't remember the exact words that were used, but essentially he implied that it's ridiculous to think that anybody would do such a thing.

**Ms Hoffman:** You shouldn't need to spend that much money.

**Mr. Feehan:** Yeah. Thank you.

He said: you shouldn't need to spend that much money. I think that is absolutely right. I'm a hundred per cent agreeing with the

Member for Cardston-Siksika. You shouldn't be spending that kind of money. You shouldn't need to win your nomination. It's really about your support and your ability to represent your constituency that should be a question, not how much money you can spend.

If the government is full well knowing that it's quite possible to put \$400,000 into a nomination process, then there must be some reason why they are allowing that when they themselves are saying that it's not even necessary for the nomination process. The answer, as Professor Lisa Young has indicated, is that there is no restriction on the use of the surplus of money that is spent during the nomination process. Once it has come into the party through that process in this backdoor manner, then it is now available to the party to spend in any way it wants during a campaign. That money could then flow directly into the party coffers, and then during the campaign the party can flow that money out to all of its constituencies or pay for its central campaign.

Essentially, what is happening, then, is that we are allowing this very antidemocratic possibility to exist. I put this in with the same kind of antidemocratic processes as gerrymandering and voter suppression. It is about not having a fair election in which all participants are at the table equally and have an equal voice.

My concern is that there is an answer. This could have been stopped. There could have been a wall put in not allowing monies that went into the nomination process to ever show up and be involved in the electoral process, but that wall does not exist. They could have had some kind of delineation of what happens to surplus monies once the nomination is finished. In this particular case we're not even really asking people to join in and participate in the party's electoral process at the nomination stage. All we're simply doing is saying to people: "Is it okay if I buy you a membership? You don't have to show up. You don't even have to vote. We think we've got this nomination in the bag. We don't really need your vote. What we need is to be able to slip extra money into the process."

So you can sell 400 memberships, and if not a single one of those 400 people shows up at the nomination, none of that money has to get returned. There are no limits on that money in terms of how it's spent. It is not kept separate from the electoral process, and it has now subverted the laws that say that an individual can only supply \$4,243. That's the concern here.

**8:30**

I'm very concerned that we are headed down the wrong path. It's just a matter of: do we really want to go in this direction? Is that where modern democracies are heading? No. The nations in which people can spend unreasonable amounts of money have demonstrated time and time again that the outcome is negative for the average person in society, that their voice is diminished, that the chance of the people that they wish to vote for winning is reduced substantially. There's lots of research that is being done on the effects of extra money in campaigns and the likelihood of being able to win a campaign if you're able to significantly outspend your opponent. It means that people with substantial amounts of money literally statistically are likely to have a much greater voice and much greater effect on the ultimate outcome of an election, and thereby we have a nondemocratic process that could easily be limited, that could be stopped.

I'm very concerned that the bill goes on, then, to begin to restrict who can participate. As the speaker from Edmonton-Mill Woods has indicated, the description of the restrictions of who can do third-party advertising is ridiculously broad and takes in all kinds of people who have had any kinds of interactions and agreements or participation in decision-making, so broad that we begin to wonder if the only people that can be third-party advertisers are people who have no interest in third-party advertising because they have no

interest in the process. How much sense does that make? If you've actually stood up and said, "This matter matters to me, and I am willing to put myself forward in a voluntary position, in a voluntary organization to take a stand, whether it be about water, whether it be about human rights, whether it be about our environment, or whether it be about worker rights" – it doesn't matter what the issue is – if you've taken a stance, now you've become suspect under this legislation. It's very problematic.

I think it's a very broad swipe at the Canadian Charter of Rights and Freedoms. I suspect it would not stand up to a challenge, and I'm quite certain that this bill will in fact be challenged on that basis. I think it really is not acceptable for us to be bringing an act into this Legislature which is so substantially antidemocratic and so substantially threatening to the Canadian Charter of Rights and Freedoms. It's not what we should be passing in this House.

We should stop this bill at this time. We should do the work of either defining appropriate limits to the amount of spending and to remove limitations to democratic participation that are both evidently problematic in this bill. I know the government does not agree with the interpretation here, but it is quite clear that they have been unable to prove that one individual will not be able to put in, let's say, \$400,000 in this process and have that money directly affect the electoral process in the next provincial election. They haven't been able to show the clause that prevents that from happening. They might indicate that that's not the intention. They might indicate that, you know, this is not where they're going with this or that it's unlikely or that it's unnecessary, but they've not been able to show the barrier or the limitation that effectively stops this from happening.

Were they able to do that, then we may have a different kind of discussion here. We may be able to come back to this conversation and say: okay; let's take a look at what happens with the excess money that is not spent on nominations. What happens when you sell 400 memberships and people don't even bother to show up because it's really not necessary to this process? You have this extra amount of funds, and then it suddenly goes to the party, who then spends it by buying advertising during an election.

So at the same time that they are saying that a third party cannot advertise during a campaign, they're not limiting the third party from giving the money to the party to then subsequently shuffle over to the electoral process and to buy the campaign advertising themselves. The very same ad that would be developed is made illegal in one section of the bill and is actually made possible in another section of the bill. This is the classic reason why one should stop a bill from going through the House. It is in and of itself contradictory and does not have consistency in its theoretical base and therefore is problematic as a piece of legislation.

Now, I'm very disappointed that we didn't accept in this House the referral amendment earlier this evening, which would have allowed us to go back and actually just fix this one problem or these two problems, essentially, I guess, that I've been speaking to. There are others, of course. But it would have been really nice to be able to do that. Now that I have not been given that option, I'm certainly hoping that the secondary option, which is one we don't always like to get to, but it's one that we get forced into when our backs are against the wall – the only thing we can do is to stop the bill altogether because we cannot make appropriate changes and improve the bill. [A timer sounded] Is that the end of my time?

Thank you.

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

With two speakers having spoken on RA1, I see the next individual to catch my eye is the hon. Member for Edmonton-Ellerslie.

**Member Loyola:** Thank you very much, Mr. Speaker. It's absolutely essential for me to get up in this House this evening and speak to this amendment and the fact that we desperately need to make sure that we get more consultation from stakeholders, specifically, on this particular bill. I've spoken to this issue before, and that is the fact that this government wants to restrict certain groups of people from even participating in the electoral process. They want to basically shut out and shut up certain individuals and groups from society when it comes to their own democracy. I find this absolutely reprehensible. Absolutely reprehensible. If nothing else, all the other members on this side of the House have been bringing up several matters that also deserve to – that this particular bill be sent back to committee to review. But for me, it's this one that is even more important and the most important reason why we should be sending this to committee and specifically for consultation with stakeholders.

I made this argument before, Mr. Speaker, and I'll make it again. This is a slippery slope. When you start shutting people up, when you start forbidding them from participating in their democracy, you're actually moving towards an authoritarian approach. For me this is, like I said before, absolutely reprehensible. Now, I've mentioned my family's history in this House several times before. This is why this is of most concern to me. It's authoritarian governments that go around shutting people up, not allowing them to speak and even participate in their democracy. I've even made the claim before, and I'll make it again. Conservatives support these kinds of governments. I'll make the point again because I'm not afraid to make it.

8:40

I'll give you the example of the free market economist Milton Friedman, a well-known conservative. When Augusto Pinochet took over by brutal military force the democracy that existed in Chile at the time on September 11, 1973, Milton Friedman decided not only once, Mr. Speaker, not only once but twice, to visit that brutal dictator in Chile and support him and the work that he was doing in Chile. Twice, all while Chileans had to face repression in a horrible way.

I'm going to give you two examples, two well-known examples. There were two university students, Mr. Speaker. One of them, her name was Carmen Gloria Quintana. The other one was Rodrigo Rojas. For protesting in the streets of Santiago against Augusto Pinochet, the military came out, caught them in the streets, decided to pour gasoline on them, and then they lit them on fire. Rodrigo Rojas died that day, and I don't know how, but Carmen Gloria Quintana survived. Now, I'm not suggesting that any member on that side of the House supports that, but Milton Friedman knew what he was doing, and he knew what kind of man Augusto Pinochet was and the kind of brutal dictator that he was. Regardless, he went to Chile not once but twice to support him.

Now, the other example I want to give you, Mr. Speaker, was a well-known Conservative that the members on that side of the House hold in very high esteem, and that is the late Margaret Thatcher.

**Some Hon. Members:** Hear, hear.

**Member Loyola:** I'm glad that you're saying that. Let me tell you a little story about Margaret Thatcher. When Augusto Pinochet was caught and was going to be tried for his human rights violations, Margaret Thatcher, on October 6, 1999, at the Conservative Party Conference dedicated an entire speech to defending the record of Augusto Pinochet, an entire speech, Mr. Speaker, to defending that brutal dictator's record. Those are the people that these people hold

in such high esteem. Those people who support that military dictator should be apologizing not only to the people of Chile but entire humanity. [interjection] Please go ahead.

**Ms Hoffman:** Thank you very much, Mr. Speaker and to the member for allowing the intervention. I am hoping that the member can talk a little bit about – so many Chilean families who have ended up in Alberta did so because they were seeking political asylum and an opportunity for their families to engage in democracy in a full, transparent, and appropriate, legal democratic way. I'm wondering if maybe the member can talk a little bit about some of the families that he represents, that he's gotten to know over the years and their contributions to democracy in Edmonton and why it's so important that we keep big money out of politics and that we keep it focused on people and individuals, through you, Mr. Speaker, to the hon. colleague.

**Member Loyola:** Thank you very much for that intervention. Most definitely, I am going to speak specifically to that. There are so many refugees from Latin American countries, from African countries, from all over the world indeed that now call Alberta home because brutal military dictators in their home countries were supported by Conservatives, Republicans, and the United States of America. It's well documented, Mr. Speaker, how the CIA had a specific role in propping up those military dictators.

But before I finish on that, I wanted to name one more Conservative, and this time a Progressive Conservative, that even made comments inside of this Legislature defending Augusto Pinochet. That was the late Ralph Klein. So when I say that Conservatives support military dictators, I'm not just pulling that out of my backside, Mr. Speaker. There's a historical record that's even in the *Hansard* in this House.

Now, many Latin Americans and people all over the world who had to flee the violence now call Alberta home. These people refuse their Eurocentric, colonial, imperialist revision of history because we lived through it, Mr. Speaker, and we had our democratic rights taken away from us. We weren't able to speak against that military regime because, as I already stated, like, what happened to Rodrigo Rojas and Carmen Gloria Quintana would happen to you if you decided that you were going to speak out against the military dictator.

For that reason, I am here in this House today stating that you cannot take away the rights of Albertans to speak freely about their democracy, and that's what this bill is doing, whether you like it, whether you want to recognize it or not. This is the warning that I'm asking the members on the other side of the House to listen to. I'm pleading with you. How can you bring a bill into this Legislature that would take away a Canadian's fundamental freedom? How could you even propose it?

Now, so many of these people that lived through these military regimes now call Alberta home, and they contribute to Albertan society. I worked with so many of them, Mr. Speaker, even before becoming elected because I was highly involved in any kind of community organizing that had to do with human rights and us defending the human right. The most important one is freedom of speech because democracy is about a battle of ideas. It shouldn't be about who has the most money to support the electoral process. Let the people decide what ideas are best. In a free and democratic society we should be able to discuss political ideas without rhetoric, without creating bogeymen, without making reference to the Cold War and just talk about policy and then let the people decide.

But far too often, Mr. Speaker – and now we're seeing it again with this particular bill – this government, this UCP government, is allowing big money back into the electoral process. It was

highlighted very well by the Member for Edmonton-Mill Woods, the Member for Edmonton-City Centre, and Edmonton-Rutherford. [interjection] Please go ahead.

8:50

**Ms Hoffman:** Thank you very much, hon. colleague and through you, Mr. Speaker. I was thinking full circle on this. I know that one of the families, I believe, that arrived as political refugees is the Azocar family. Then it made me think about some of the work around standing up for public health care. I've been listening to political commentary on the implications of this bill and what that means for groups that stand up for things like public health care through organized campaigns, often in and around election times, like the Friends of Medicare. There certainly are a number of people who think that this would stifle those voices.

I'm wondering if the hon. member can maybe talk about some of the types of political activism that members of the South American, Latin American refugee community have engaged in that transcend politics that are tied to that region but politics that impact every single Albertan, every single citizen who needs to rely on quality public health care, for example, through you, Mr. Speaker.

**The Acting Speaker:** The hon. member with now about four and a half. I added two minutes to it.

**Member Loyola:** Thank you very much, and thank you very much for the question. My apologies to the members on the other side if I get too passionate about this, sincerely. [interjection] There you go again, Mr. Speaker. Well, you all know now what I think about Margaret Thatcher.

There have been lots of people in the Chilean community who have done an incredible amount of work to defend universal health care here in the province of Alberta. So many Chileans. Actually, the Member for Edmonton-Mill Woods will remember when the previous Progressive Conservative government under Ralph Klein actually wanted to close down the Grey Nuns hospital and how many people from Mill Woods all decided to come out and support it. They crowded into the streets around the Grey Nuns hospital. Many of those people that were there were all new Canadians at the time from distinct ethnic backgrounds. They understood the importance of universal health care, and they also understood the importance of that hospital in their community. They all went out to support that hospital and to make sure that the late Ralph Klein got a strong and firm message that the community was not going to allow him to close that hospital down.

It was at that protest – because it indeed was a protest – I remember seeing my good friend Sandra Azocar from the Chilean community. Now, when I was growing up, Sandra and I didn't live near each other or anything like that, but on that day I do remember her participation because I was there with my family. Perhaps that might have even been the first time that I met Sandra Azocar. Of course, now she's one of the biggest advocates, like executive director, if I'm not mistaken, of – what's the name of the organization?

**Some Hon. Members:** Friends of Medicare.

**Member Loyola:** Friends of Medicare. Thank you very much, my hon. colleagues. Now, for the last, I believe, five years of her life she's been dedicated to standing up for universal health care here in the province of Alberta. A Chilean refugee. [interjection] Please go ahead.

**Ms Gray:** Thank you very much to the hon. member for giving way. Hearing him speak about the Friends of Medicare, I am

thinking of I believe it was page 111, that specifically speaks to the civil society groups that are likely to be muzzled from being able to engage as third-party advertisers. Friends of Medicare has consistently and constantly fought for our public health care system, has called out this government for damage done to the health care system, particularly during the COVID-19 pandemic, lack of support for health care workers, and, by the Chief Electoral Officer's view on page 111, could be seen as having "made public statements in support of or in opposition to a registered party" and may have their rights to participate as a third-party advertiser removed out of Bill 81. When we think about civil society groups like Friends of Medicare and others, the impact of page 111 and Bill 81 seems quite negative.

**Member Loyola:** Most definitely. That's where I'm headed to in wrapping up my comments on this particular referral amendment, Mr. Speaker, that there are organizations like Friends of Medicare and many like them that their true intention is to make our society better. It's to make our society better by providing a critical analysis of what is happening in terms of legislation in this province, and, yes, it's critical. They're trying to do their best to support the society as a whole. I'm afraid that with this bill organizations like that could be muzzled.

With that, Mr. Speaker, I will finish my comments, and I ask that we adjourn debate.

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

[Motion to adjourn debate carried]

### Bill 79 Trails Act

[Adjourned debate November 24: Mr. Dach]

**The Acting Speaker:** Are there any members wishing to join? I see the hon. Member for Edmonton-Decore has risen.

**Mr. Nielsen:** Well, thank you, Mr. Speaker. I'm happy to provide some comments around Bill 79, Trails Act. An interesting topic, I guess, considering what Albertans have been discussing over the past several months around, I don't know, things like coal mining in the Rockies and how that can affect their ability to enjoy some of the most pristine lands, in my opinion, in the entire country.

When I'm looking at Bill 79, I find myself yet again in that position where I'm seeing a set of language that's being presented to us in the House for consideration. I'm thinking about the things that have been said, the things that have transpired, and how the two, just like in other forms of legislation that have come before this House, are butting heads up against each other. That seems to be something that consistently and persistently seems to be coming from the UCP government.

For instance, I've heard comments initially around Bill 79, the Trails Act, around, you know, how this is about trying to expand the outdoor experience for Albertans. Yet when I think about the past, we have seen an active attempt to either sell or close I think it was as much as 170 parks. Here on one hand we're saying, "Well, let's make the experience better," but then over here we're taking away that experience. How do we expand it if we're taking it away? Again, it's starting to butt up against each other.

9:00

You know, we were wanting people to be able to go and enjoy the outdoors, yet we're starting to attach fees to be able to do that. I know for a fact that I have constituents that very much enjoy going to Kananaskis Country, but with everything that's been rising as of

late, everything from their electricity bills to their gas bills to their insurance bills to their property taxes, all of a sudden they're actually starting to say: "You know what? That has just become a barrier for us." Now, I know the argument that has been put forward by the government. They said that, well, this is about taking that money and reinvesting it into the area to make it better. Yet this has been going on for a while. Why is it that we're getting reports, then, from that area that something as simple as garbage pickup is not occurring? If that money is supposed to be going into improving the area, why haven't we seen improvement? So there again I'm seeing things butting up against each other. They're not making sense.

I think, you know, that over the course of this last little while, as I've mentioned earlier around the parks, Albertans have gotten extremely upset with some of the ideas of messing around with their parks. I mean, the correspondence was almost overwhelming, and I know members of this House have received them because I was copied on them, too, so I know you were getting that feedback from Albertans around their parks. It's just like I was mentioning earlier around, say, for instance, the eastern slopes, Mr. Speaker. I think Albertans have been extremely clear on that. They don't want to see coal mines in those eastern slopes because not only does it threaten something, as I'd mentioned earlier, a very pristine area, but it also threatens the water supplies, which could consequently affect people's experience in outdoor settings and in parks. I'm unfortunately sensing that either the government is not getting it, or they're ignoring it. It's one of the two. It seems to me that Albertans have been very clear around this.

Mr. Speaker, it's my hope here that perhaps we might take the opportunity to, I guess, take a sober second look at Bill 79, the Trails Act. I think that at this time I'm going to propose an amendment. I will pass the appropriate copies on to you and wait for instructions.

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

I will note that, of course, there will be copies at the tables by both entrances. If you would like a copy of this amendment, which will be referred to as REF1, then please raise your hand, and one will be delivered to you.

If the hon. member could please read it into the record and then continue with his remarks should he so choose, with about eight minutes remaining.

**Mr. Nielsen:** Thank you, Mr. Speaker. On behalf of the Member for Edmonton-North West I move that the motion for second reading of Bill 79, Trails Act, be amended by deleting all the words after "that" and substituting the following:

Bill 79, Trails Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Resource Stewardship in accordance with Standing Order 74.2.

As I've said over and over again with regard to these bills, as I heard very clearly, Mr. Speaker, in the 29th Legislature, members of the government benches and members of the government caucus that served during that time very, very regularly wanted to send bills to committee for that sober second thought. If you noticed, I used those same words very purposely earlier, just before amending it, because that's what we kept hearing at that time. They always thought that a sober second look had to be taken at a bill.

[The Speaker in the chair]

We are now suggesting the same thing. The reason we're doing that – one of the things that Bill 79 provides for is for the minister, well, quite honestly, to do whatever he pleases around trails and trail creation and whatnot but without actually adding more

environmental protections. So I'm very, very curious as to, for instance, some of our folks that, you know, want to look after our pristine lands and about some of the negative influences that potentially creating trails in some areas might have. We very, very clearly heard from scientists that there are some areas already with trails that are kind of at that cap point. They really can't accommodate any more without creating a negative impact to the environment and to wildlife that resides in that area.

If we get the opportunity to send this bill to the Resource Stewardship Committee, we're going to be able to call those experts in, get their thoughts on this bill and, you know, maybe some recommendations on how we might be able to improve it, because right now, Mr. Speaker, I have very serious concerns around Bill 79, the Trails Act. If we're going to do our due diligence – I love those words “due diligence” – what would 10 of your peers do?

We've heard concerns from Albertans about their parks, about trails, about being able to enjoy the lands that Alberta offers, but we also have to be able to protect them at the same time. Otherwise, they're just not going to be there for future generations. This gives us the opportunity to re-evaluate what's going on in Bill 79, to potentially offer some suggestions on how to improve it, to maybe put in some environmental protection language that, you know, doesn't necessarily require the minister to get onboard with it. As I've always said, I mean, as we go through debate, we know what the language is saying right now, all the intention. It's when we're all gone and nobody has access to us to be able to ask: why? Can they interpret why? This way it just automatically happens, and we get the input from experts to be able to act in a way that will be best for our lands.

Mr. Speaker, I'm very highly recommending that members accept this amendment as proposed by the Member for Edmonton-North West to send this to the Resource Stewardship Committee. I think we can get a very, very clear picture of how best to be able to introduce new trails, what needs to be done to be able to protect those trails, protect the environment, protect the wildlife, and maybe look at ways that we can supplement the trails that we already have while still looking after our land, our air, our water, all of that, because, at the end of the day, if it's damaged beyond repair, it's just simply gone.

**9:10**

Albertans will start to look at why, when we had the chance here right now to be able to take a second look at this – all we're saying is to just tap on the brakes. We're not trying to throw this out anywhere or anything like that. It's about doing what's right and how we can continue to, as I said earlier in my remarks, expand the outdoor experience for Albertans but not at the cost of future generations being able to enjoy it, too.

So I look forward to the debate, Mr. Speaker. Hopefully, we'll get some progress on this. I'm always hopeful whenever an amendment like this is brought forward, because maybe we'll finally see a chance where, you know, members of the opposition and members of the government agree and actually send it to a committee.

Thanks very much, Mr. Speaker.

**The Speaker:** Hon. members, on amendment REF1 to the Trails Act is there anyone wishing to join in the debate? The hon. Member for Edmonton-Glenora.

**Ms Hoffman:** Thank you very much, Mr. Speaker and to my colleague the Member for Edmonton-Decore and to my colleague the Member for Edmonton-North West for bringing this amendment

forward for our consideration here tonight. The amendment specifically is that

Bill 79, the Trails Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Resource Stewardship in accordance with Standing Order 74.2.

I have to say that I appreciate that we have a number of different standing committees, and definitely my greatest exposure to the standing committees has been through the estimates process. I think that we have seen in that engagement and that debate that they can be quite fruitful and that they can produce opportunities for members from both parties and now independent members as well to engage in debate and consideration in a more intimate environment, often one where there are opportunities for more fulsome engagement with both the public service and the public.

I think that this bill specifically would be well suited to the Committee on Resource Stewardship because, of course, trails are on public lands, and public lands, I would argue, are a public resource. We should all ensure we have full confidence in how we are engaging with those and how we are protecting them and how we're enjoying them now and into the future.

We know that there is some significant mistrust between this government and the people of Alberta, and one of the best ways to attempt to regain trust is to be more open and forthright and transparent. This current government has already received an award for being the most secretive government in Canada according to reporters, the Canadian award that was given last year and, I imagine, is probably due to be awarded again very soon.

So initiatives like this, being more open and transparent about the creation of legislation as well as there being, certainly, opportunities to discuss and give direction to government about what would be best suited through regulations, I think, make good sense, and I think this would be one very simple step that the current government could take to work to rebuild some trust with the people of Alberta.

As the Member for Edmonton-Decore rightfully pointed out, when the government made significant efforts early in their term to look at privatizing 170 parks, Albertans definitely spoke back forcefully and confidently with the Don't Go Breaking My Parks campaign and the alternate campaign, I would say, that some parks activists, including CPAWS, engaged in to give Albertans an opportunity to demonstrate their commitment to our parks system and to our natural spaces. I think that was quite overwhelming.

I'm sure members in all parts of the province have and continue to see signs that speak to this as well as signs that speak to an Alberta beyond coal. I live in my riding, and I love it, and the number of different types of political signs that are still on display even though we're well into the snow season, Mr. Speaker, is a testament to, I think, just how frustrated the people of this province are with the types of initiatives that this government has chosen to undertake and the secretive nature in which those have taken place.

As I was speaking about earlier with one of my colleagues, I had the opportunity during our break to have dinner with my nephew and his family. We were talking about some of the bills and he said, “Oh, that sounds super sus,” and I have to say: yeah. It's not just in Among Us that we try to figure out if there's a saboteur; it's in this place when we are reading through legislation that we try to figure out sometimes what government's motives are.

I think that one of the best ways to demonstrate good, transparent, clear motives would be to send this to committee and have a robust conversation with the people of this province and with the public service and with all members of this Assembly around the intention that the government truly has when it comes to the Trails Act and the impacts on public lands. Albertans have been very clear that they didn't agree with the government's approach to coal mining

on the eastern slopes, and we were very proud to bring forward a private member's bill. I wish we were in this place right now discussing it. I think that that would reflect what most Albertans would like the priorities of this government to be.

For example, I also earlier today spoke with a mom who said, you know – and this was somebody who grew up east of the city, not that far from a national park – that they've spent so much more time in these last two years in our national parks than they'd ever imagined possible, that regularly they go out for an evening walk or to have a cup of coffee and look at the lake. The opportunity of these last few years, with us being focused so much on staying closer to home and enjoying the opportunities that we have here, I think has been a reminder for all of us and a point of pride, I think, for so many Albertans about the great opportunities that we have right here in Alberta to enjoy the beauty that is nature in our home province.

Having a better planning process for trails and ensuring that they are repaired should they be damaged by industry is something that I think is positive, but there's, of course, a concern that this act has nothing to balance the development of trails with environmental protections. As I imagine you probably enjoy hopping on a Gator side-by-side, Mr. Speaker – I do, too, but I want to make sure that we have access to those natural areas and public lands for many generations to come. We hope that the current government's promise of improving trails and enforcement is serious, but we do have our doubts. That's why sending this to committee and having increased opportunity for accountability, for transparency, and for the government to clearly articulate through public hearings what their intentions are, I think, is something that's fair and reasonable for us to ask of this Assembly and of one another.

Our offices are still receiving complaints about the crumbling trails and the devastation in the K Country. Of course, this government was really proud to bring in this \$90 user fee and said that it was going to result in significant improvements. Just earlier today some resourceful mountaineer sent a really beautiful image that they captured in the K Country while walking downhill. I'm going to pull it up so I can refer to it here in my remarks, Mr. Speaker, and I will be happy to table it as well tomorrow at the appropriate time.

The person posted to Hike Alberta: "I guess the \$90 for a Park pass doesn't cover a spell checker for the trail signs . . . The descent is a lot more decent now though." The signs – you can't make this stuff up, Mr. Speaker – actually say: West Col Decent. Maybe that's a rating. Maybe that's a trail rating that the government has decided. It's decent? I guess that's better than being an indecent trail, but it definitely doesn't speak to the fact that it's actually a descent route from the top of this mountain. Then the other one is also spelled as "decent" as well.

Mr. Speaker, there have been so many times in the last two and a half years where the government will say one thing and then the outcome or the consequence won't be as decent as one had hoped. When it comes to this specific piece, and again as it relates back to the K Country piece that we considered in this Legislature earlier, it is very clear that – you know, the government said that they were going to be dealing with garbage in a more timely fashion. They said that there would be more trail upkeep in the K Country. That hasn't been the natural consequence that we've seen and that we continue to see evidence of day in and day out from people who have paid their \$90 to be able to access that wonderful piece of the province. And, of course, not everyone is in a position to be able to do that.

9:20

Some questions that we would love to hear some response either now through interjections from the government or interventions,

whichever term you would rather use, around specifically the criteria that's going to be used for establishing a trail. I think that there are probably a variety of different merits that could be taken into consideration, but we would like to know specifically some clarity about what that criteria will be on public lands. We have public lands throughout our beautiful province. Certainly, not far from where I grew up, there are tons of public lands in the riding for Lesser Slave Lake that would possibly be impacted by this. So exactly what will be the criteria to determine where these trails are going to be, and what will the environmental considerations be for where the trails are?

When I think about Lesser Slave Lake, I think about, of course, that it's part of Treaty 8. What would Indigenous engagement look like in consultation with First Nations and Métis people, who have, of course, an incredibly deep connection with the land and with the migratory patterns of that land? So if we are going to be creating trails on public lands, what type of engagement are we going to see and true consultation from First Nations and Métis Albertans? Will we be gleaning their insight on trail development and the most appropriate routes to make sure that we can enjoy the full beauty that is available through those public lands but also put in the appropriate protections to make sure that negative outcomes aren't achieved, through one's current pursuit, that have long-term negative implications for other potential folks who might want to visit that area? [interjection] I'm happy to receive the intervention from my colleague.

**Mr. Dach:** Thank you, Mr. Speaker and to the hon. Member for Edmonton-Glenora for giving way. When she was recently speaking about the Indigenous element in the issue of trails throughout the province, I was reminded of an individual who I went to university with who became an important Indigenous leader in Canada. Bill Erasmus and I went to university together, and when Bill was in university with me in the 1980s in the anthropology department, some of the work that we did and I witnessed him doing was mapping trails of traditional use and occupancy for eventual creation of Denendeh. That indeed is something that we should be taking into account when we are, I think, delineating trails that have been historically marched upon by Indigenous people for thousands of years in this province and elsewhere in Canada. Perhaps you can comment on that.

**Ms Hoffman:** Well, this is one of the reasons why I'd love government members who presumably have been involved in drafting this legislation to actually tell us what the criteria will be around establishing a trail, tell us what the environmental considerations will be, tell us what the authentic Indigenous consultation and engagement would look like. Consultation doesn't need to be a check box; it can actually be something that leads to better outcomes for all parties, and that certainly would be my hope if we invited leadership from treaties 6, 7, and 8 as well as the Métis Nation and the Metis Settlements General Council as well to participate in this committee. I think we could get some really good, clear, objective evidence about where trails would be most appropriate, what kind of considerations need to be taken into consideration, and who we should be entrusting to manage those trails and what criteria should be put into the people who are trusted to do that.

Of course, we have so much opportunity in this province, and making sure that we put the right people in the right place to protect our natural spaces and the access that we all want to them I think would be fair and reasonable and something that we could develop best if we worked on it collaboratively through this committee.

Again, I think that this motion to refer is fair. I think it's reasonable. I think the Member for Edmonton-Decore highlighted some of the arguments that were given in the past when requests to refer were brought forward to this place, and I think that we have an opportunity to do something together that could make this bill better. I don't usually come to this place with ideas about how the government could regain trust, but I think that this certainly is one. I think we have a government that is proven to be one of the least trusted in Canada, and one of the ways that they could certainly improve that degree of confidence and trust in the public would be to be more forthright and more open and transparent about the work that they are doing.

This bill, of course, gives the minister the authority to designate trails on public lands but not in parks and grandparent existing ones or plans for new ones – again, I think that we could be much more effective if we did this in partnership with Indigenous leaders, who have such deep connections to the land – yet allows the minister to work with partners. Of course, the minister can always work with partners and municipal associations, volunteer associations, Alberta Snowmobile Association. Why wouldn't the minister work with partners? I guess, again, it says "allows." It doesn't require it. It doesn't specify who those partners need to be, so again, you know, this legislation in that regard seems quite hollow.

We know that trail planning is separate from regional planning, and if there would ever be a case where regional planning and trail designations would be at conflict, it seems that the regional plan would prevail over the trail plan. So again it would make sense to bring a lot of these stakeholders together to make sure that the work that we are doing through this bill and through this House aligns best with the experts, experts who are already working around regional plans, experts who are so deeply connected through history and through culture to the land, and people who live in these areas and can give greater advice to the government about how to move forward.

I think that it is an opportunity that we have here presented by the Member for Edmonton-North West, moved by the Member for Edmonton-Decore, and I think we should seize it.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, on amendment REF1 to the Trails Act. Edmonton-City Centre has the call.

**Mr. Shepherd:** Thank you, Mr. Speaker. It's my pleasure to stand and speak in favour of this referral amendment suggesting that Bill 79, the Trails Act, be referred to the Standing Committee on Resource Stewardship. Certainly, I could not think of a more fitting committee to which it be sent given that I believe our public lands and our trails are absolutely a fundamental resource belonging to the people of Alberta, and they indeed deserve our careful stewardship. So the question is: does this bill, in fact, accomplish that goal? Is this bill ensuring that this incredibly important resource, our public lands, is seeing appropriate stewardship under the government of Alberta and in particular the Minister of Environment and Parks? To be clear, this bill is all about empowering that minister to essentially do as he pleases.

Now, I previously referenced in debate on this bill and would like to reference again an excellent blog post by Shaun Fluker and David Mayhood on the ABlawg blog from the University of Calgary Faculty of Law, their analysis of Bill 79. Now, I spoke at some length about this earlier, the opening provision of this piece, in which they note:

well, it would be easy to support Bill 79 if the proposed Trails Act had any content which suggested it would [actually] achieve [the] objectives [set out by the minister]. Unfortunately, in its

current form the legislation will almost certainly fail on every one of these counts, other than facilitating more access to recreational trails by [off-highway vehicle] users.

Now, they go on to say that Bill 79 is an example of framework legislation.

A statute that consists . . . entirely of permissive statements which authorize a minister or other member of the executive branch to enact all the substantive legal rules [required] sometime later outside of the legislative process.

In their view, Mr. Speaker, they say that "this sort of lawmaking by the Legislature is far too common in Alberta" and that "the executive branch appears to be hopelessly addicted to governing in this manner of delegated lawmaking" and suggest that it "spells trouble for democratic or political accountability," which has seemed to be a dominant topic of conversation here on the legislation we've been discussing tonight.

9:30

Now, they lay out the powers that are authorized to the minister:

Designate what trails are subject to the Act . . . establish management plans for designated trails . . . appoint a manager for designated trails . . . delegate management of designated trails by agreement . . . and enact regulations to implement and administer the foregoing powers.

They note the totality of the transparency and other processes in relation to those extensive powers over land use on public lands. "All the statute offers is that the minister posts this stuff on his website." This brings back echoes, Mr. Speaker, for me of Bill 10, that was brought forward by the then Minister of Health last spring, which, again, was about awarding sweeping powers to the minister. Of course, at that time they resisted even an amendment to suggest that be posted on a website, so I suppose that there is some improvement here. However, they go on to note that, really, all that this is, the purpose of the entire statute, is simply to authorize the minister to do these things at some later date, outside of this Legislature, with no scrutiny.

Now, at the time when I was discussing this, the Member for Taber-Warner was quite adamant in continuing to point out that, "Well, this is just, you know, all about regulations; there are always regulations to be formed," and suggesting that we were just misunderstanding. Mr. Speaker, this is from professors of law. This is what they do. They study how legislation is made, they study what legislation does, and they are the ones who are raising this concern. So I think this is a good reason why this is a bill that should be referred to committee.

Now, indeed, they go on to lay out, I think, some even more profound reasons other than the fact that this bill is simply saying that the minister will do something later on without scrutiny from the House. They go on to note:

One of the more questionable provisions is section 10 which is given the heading "Deficiency regulations", and in particular section 10(1)(b) which reads:

10(1) The Lieutenant Governor in Council may make regulations . . .

(b) remedying any confusion in the application of or any difficulty or impossibility in applying any provisions of this Act.

Their response to that, Mr. Speaker:

Say what? Regulations that remedy confusion or an impossibility in applying the Act? Are these not the sort of deficiencies that the Legislature itself should fix, or alternatively address in the legislative process before the Bill becomes a statute?

They say:

This provision is a blatant abuse of delegated lawmaking.

Mr. Speaker, we recognize, of course, that, yes, when bills are brought into this House, often there are portions that are left to be

defined in regulation. That is a normal thing. The question is: how much? In particular, this particular clause is saying that if there is anything in this bill which is, in fact, confusing to be able to apply or with any difficulty or, in fact, impossibility of actually doing what the bill is setting out to do, then the Lieutenant Governor in Council can make a regulation to fix that.

They are quite correct in saying that that is the job of this House, to review legislation, to ensure that before a law passes, it will actually be able to carry out the function that it is setting out to carry out, that we have the debate and the discussion to remedy any confusion. The purpose of a law, Mr. Speaker, is to be clear, but here in this legislation we have a clause baked in specifically to say: hey, if we've screwed this up, we need to give ourselves the power to fix this in regulation. They are not putting any of the substantive pieces of this bill actually here in the bill in front of this House, where they could be discussed, clarified, or corrected.

Now, the authors go on to note that they dug into this a little further. They were curious, so in terms of section 10 they took a quick survey of legislation across Canada just to see how often this kind of regulation-making power is put into legislation in order to remedy confusion or an impossibility. They ran a search of the term "impossibility" within 10 words of the word "regulations" and got 61 hits in legislation in the national Canadian database. Interestingly, they found that most of this legislation actually was enacted by only two provinces, Alberta and Manitoba.

They said that what was most noteworthy in the scope of this type of regulation-making power: it's almost always limited to address one of two instances. First of all, "a difficulty or impossibility that arises in relation to a transition from repealed legislation to new legislation." That is not what we have happening here, Mr. Speaker. This is not repealing any bill in order to bring in a new bill. Secondly, "a difficulty or impossibility that arises from the dissolution of a statutory entity." There are no entities being dissolved here.

They ran a search of the term "confusion" within 10 words of "regulations" and got only 17 hits in legislation in the national database. Alberta was the only jurisdiction in those search results with legislation that delegates regulation-making power to the executive branch to remedy confusion. Mr. Speaker, this seems to me to be a very good reason that this bill should be referred to committee, because it seems that the government itself is baking things into this legislation that acknowledge that they are not in fact sure that they know what they are doing with this legislation. They have to build in an escape hatch. That suggests to me that this bill is not ready for prime time. It is not ready to be here in front of this House being debated, and it is certainly not ready to be passed and award this sweeping power to the Minister of Environment and Parks.

Again, Mr. Speaker, this is not the usual mundane sort of situation where you have a bill that is being passed which lays out very clearly what it intends to do, lays out how it intends to do it, and puts substantive portions of that within the legislation itself with other smaller details to be defined later in the legislation, in the regulations. That is not what we have here. We have professors of law that are identifying this as a very problematic piece of legislation. If the minister is not going to do his work, if the minister is going to bring a half-baked bill into this House, that is the very definition of the time when it is the responsibility of the members of this House to send it back for better scrutiny to correct those errors, to clarify any potential confusion. The people of Alberta deserve no less.

The professors go on to note that

Bill 79 also includes some consequential amendments to the Public Lands Act . . . to further clarify that the Minister has the

unilateral power to designate public lands as a trail under the Trails Act and manage the use of those lands.

The professors say that those amendments beg the question: then why is this Trails Act needed at all?

The Public Lands Act already gives the minister power to designate and classify public lands . . . and authorizes the Lieutenant Governor in Council to designate recreational trails on public lands.

They note that

schedule 6 of the Public Lands Administration Regulation . . . sets out the recreational trails which have [already] been designated under the Public Lands Act.

In the words of these professors:

All of these enactments do essentially the same thing: Empower the executive branch and its delegates with unilateral discretion to plan, dispose of, and otherwise manage land-use on public lands in Alberta in a non-transparent manner with little political or legal accountability.

Let's review, Mr. Speaker, the reasons why I believe this bill should be referred to committee. First of all, it simply is framework legislation with very little definition of what it's actually trying to do. It is putting enormous power in the hands of the Minister of Environment and Parks in simply saying to trust him or any other future minister that occupies that seat, for members that might be happy to trust the current minister but may not feel the same way if they happen to find themselves sitting on the other side of the aisle.

**9:40**

Secondly, the government itself is acknowledging that they need to build in an escape hatch just in case they've got this wrong because they're really not quite sure. Also, in my final minutes of debate, at this point anyway, noting that in their view the dominant land management ideology that we can do everything at the same time in the same place without meaningful limit is problematic, this act is basically doubling down on that principle, the belief that we can simply have it all, Mr. Speaker, without consideration of impacts or other challenges that might arise.

They go on to speak of a particular situation in the eastern slopes of the Rocky Mountains dealing with the native cutthroat trout that have been driven into, in their words, a "steep decline" because of the situation where we have tried to do too many things, to allow too many activities, too many uses to all take place in the same place without consideration of the impact, and that has led now to the cutthroat trout being designated and listed as a threatened species since 2013. In their words:

it is pure fantasy to believe that we can optimize multiple competing uses at once. The reality on the ground is that in the multiple-use ideology every use but one is going to get the short straw, and in nearly every case it will be, and has been in Alberta for decades, industrial and motorized recreational use favoured over an intact, functional environment.

For that reason, Mr. Speaker, this bill needs to be referred to committee.

**The Speaker:** Hon. members, on the amendment REF1 it seems to me that the Official Opposition House Leader is rising to join debate.

**Ms Gray:** Thank you, Mr. Speaker. I am indeed and pleased indeed to read and to respond to some of the comments on Bill 79, the Trails Act, particularly the referral amendment from the Member for Edmonton-North West, that moves that the Trails Act "be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Resource Stewardship in accordance with Standing Order 74.2."

I certainly think that there is a high, high interest from the Alberta public when it comes to the protection of natural areas. I know that Albertans want fulsome protection of the natural areas that we have here in the province of Alberta, yet we've seen action from this government that has led Albertans to believe that they are not able to trust this government when it comes to the management of public lands after attempts to sell or close over 170 parks. Now there is a bill that's brought forward that commits them to some nice new trails to go for hikes past things that used to be campgrounds, that might not be there anymore.

Now, when it comes to Alberta's natural areas, this bill is a Band-Aid that the UCP has given Albertans after having given them a shot that they didn't need and didn't want. It's something to paper over a gross amount of damage and destruction, particularly to public trust. It is insufficient when it comes to solving the problems that the UCP have knowingly created. Certainly, in this House we've spent a great deal of time talking about our public lands, our parks, talking about this government's intentions when it comes to the eastern slopes, to the point that we now have a government that has the worst track record in the history of the province when it comes to parks and the protection of Alberta's natural areas.

So when we come to the Chamber to review Bill 79 and we look at the substance of Bill 79, the Trails Act, we find that there isn't much substance here. Rather, this is the minister saying, "Trust me; I will do a great job of planning trails in our great province," and that leaves myself and many, many others with some serious doubts.

I support the referral amendment strongly because I believe that if the UCP had the courage to send this bill to committee, which I suspect they will not, they would hear from an endless parade of Albertans how mad they are that while a pandemic raged, the UCP continued their attack on parks and their attempts to open the eastern slopes to coal mining. I wager most Albertans would love to tell the UCP exactly what they would like to see instead of this particular Trails Act.

Rather than that, unfortunately, I suspect that we will not have that opportunity for public consultation because this government has been very unwilling to quickly and easily listen to the voices of Albertans. They've had to organize, and they've had to form campaigns and get lawn signs printed and have them appear all over UCP constituencies all across the great province of Alberta to get action when it came to some of these changes.

I think that the Trails Act is an attempt to paper over the UCP's disastrous record when it comes to the protection of parks and wildlands, but I don't think that it's going to suffice. I think most Albertans are going to be able to see through this Trails Act and what it does and does not do. I think that only the UCP and this government would think that Albertans would consider a bill that does so little as some sort of improvement when it comes to this area and these issues given their track record.

So I'm pleased to rise and enter into the debate here at second reading on the referral motion – this is my first opportunity to speak to it – particularly because my constituency office has heard so clearly from my constituents in Edmonton-Mill Woods and constituents all across Alberta, because many of our offices receive e-mails that have been copied to every other office as well, giving you a good cross-section of what Albertans are thinking when it comes to something as important as our public parks and parks systems. Certainly, I heard about the attempts to close and sell parks very, very strongly. A lot of correspondence coming through the office, several meetings held. I've heard at my constituency office about the fee on nature with the Kananaskis conservation pass. Certainly, I've heard about concerns around coal mining, particularly in the eastern slopes.

I appreciate the debate that I've already heard this evening from my hon. colleagues. It's been quite decent, I would say. I look forward to you tabling the signage, that I know *Hansard* will work admirably to try and describe. The tabled documents tell a pretty interesting story there.

Having a solid plan for our natural areas, having a solid plan for protection, and having a solid plan to ensure that all Albertans are able to enjoy, travel to, take their family to, particularly during a pandemic, when the use of our parks has increased so significantly, I think, is incredibly important. But what this bill doesn't do is explain to Albertans what this will look like and how it will operate. It doesn't define for us any criteria for establishing the trails. It doesn't talk about the environmental considerations or the Indigenous consultations. It doesn't talk about the impact or how trail managers will be chosen, and these are a lot of really important details that do not exist in this current piece of legislation.

Truly, we're being asked that the minister receive more power to do as he chooses without adding more environmental protection, and it's to a minister that – there's already a severe deficit of trust when it comes to our public parks. That's one of the reasons why I think hearing from Albertans would be the courageous thing for the UCP government to do and for this minister and for this government. An opportunity at the Standing Committee on Resource Stewardship for more discussion, I think, would be really, really important.

9:50

Now, I listened with great interest to some of the debate that we've already heard, and certainly I was quite fascinated to hear the Member for Edmonton-City Centre talking about the deficiencies in some of the regulation-making powers in section 10(1)(b). Specifically, talking about "remedying any confusion in the application of or any difficulty or impossibility in applying any provisions of this Act" is very, very odd. We don't see legislation that says things like that in the norm, and it certainly makes it noteworthy because of the scope of the regulation-making power.

This is a very familiar song I have sung in this Legislature over the last while because we've seen this government grant itself wide, sweeping regulation-granting power and deferring a lot of decisions in bills so that bills become frameworks to enable future work to happen, to an extent that I have heard government members stand and say: regulations have always existed; your government had regulation-making powers as well. It's my sense that we've seen far, far more deferred to regulations than we have seen in the past just through the bills that we've been debating and the conversations that we've been engaging in in this Legislature for the last number of, well, months, going on years, in the last while.

It concerns me, as it concerned the Official Opposition when I was a member of the government caucus. We would hear impassioned speeches about the risks of this regulation-granting power and how more needed to be included in the bill, yet in government those same members, who are now part of the government, seem to be doing even more regulation-granting power than we have seen before. That's certainly a concern for me given the issues of trust. If this government had a record of trustworthiness and truth-telling, of honest dialogue, this would not be as serious a consideration, but Albertans don't feel like they can get a straight answer from this government. We're still receiving correspondence about the aforementioned issues: the selling and closing of parks, the Kananaskis conservation pass, the coal mining on the eastern slopes.

With the coal mining on the eastern slopes right now things are deferred to a panel, which won't be submitting its results until New

Year's Eve. I know I listened with interest when the Member for Edmonton-Gold Bar was asking if the minister receiving that report would be transparently reporting on it and speaking to Albertans about it and did not get an affirmative on that, merely that the government would receive the information and would process it. Being able to trust that the government will quickly share that information, have a news conference or a press release, and open it up to Albertans: it seems like it should be an easy yes, but that's not what we saw through question period.

Truly, the attitude when the Official Opposition is even just asking that information that should be shared get shared: rather than a yes, it's often mocking. It's often deriding the questions that we ask, and that's unfortunate. But certainly the tone when we get to question period is not always of the highest calibre. It's been quite raucous in the House. I imagine it's going to get more raucous in the last few weeks as we get to the end of this particular session. I have the Speaker's attention.

**Ms Hoffman:** Maybe months.

**Ms Gray:** Maybe months, my colleague from Edmonton-Glenora says. Okay. Nobody needs to panic and start time allocating everything. You don't need to do that.

What we do want to do, though, is make sure we have fulsome debate on each of these pieces of legislation, as they deserve, and time to talk about the things that Albertans care about. I think that if every single member of this House stood to talk about Bill 79, each one of us would talk about how much Albertans love their parks and how much we value the outdoors and how much we value the opportunities it provides for us to spend time with our families, whether that's camping, fishing, hunting.

For myself, it's been camping with family and friends, both tent camping and a little bit of motorhome camping with my parents when I was a kid, and each and every time I love it. Like, it's amazing even when you are cold and forgot to pack enough warm things and have to go to the car in the middle of the night because you just can't stop shivering and you need a whole new layer that you left in the car. I've had that experience.

That being said, Alberta is one of the most beautiful places in the world, and the parks and wildlife and natural lands that we have to enjoy deserve to be protected and deserve to be developed in a way that allows everyone access. That's one of the reasons why I had concerns around the increasing park fees. Now, looking at the trails, I hope that this will be used to increase access and to improve the public spaces that we have to give opportunities to all Albertans to explore and to take advantage of the amazing scenery and wildlife that we have.

But, again, because this is a bill that is mostly just enabling regulations, we don't know. We can't see exactly what the outcome will be, and that is the reason why I speak for the referral amendment and the opportunity to hear more from Albertans, who, given the lawn signs that I've seen in various constituencies, are desperately looking for a way to be heard and to be able to express themselves on these important issues. We've certainly got the promise of improving trails and enforcement, which could be positive, but very little of substance within the legislation to build on.

Now, in doing just a quick Google search about Bill 79 to see who has said what about that, some of the headlines that I find include Alberta's New Trails Act Met with Mixed Reviews; Proposed Trails Act: A Dangerous Step on the Road to Privatizing Public Lands; the Alberta government's New Trails Act Not a Substitute for Land Use Planning. So even just with a very quick . . . [Ms Gray's speaking time expired] Oh.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, on the referral amendment REF1 Edmonton-Rutherford has risen.

**Mr. Feehan:** Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak to the Trails Act at the time of this referral amendment. Obviously, I will be speaking in favour of the referral, and as I have only some limited amount of time in order to speak to this, I will try to keep my comments focused on one set of the issues that I think are inherent.

Clearly, we've had an opportunity to speak about a number of problems with the act, and, you know, I identified previously that we have a problem of a lack of depth in the bill. As many of the bills that have been brought forward by this government, it suggests a movement towards something without actually taking the steps necessary to actually begin the process of movement.

You know, I think that a bill that sort of sets things up and then says, "Don't worry about the rest; leave it to us; we'll deal with it" is problematic in its own right, but given the things that we have seen out of the environment department in this Legislature, we have no reason to leave trust with the minister, who has already been the subject of a great number of public protests regarding their attitudes or the government's approach toward things such as coal mines and trail fees and water sustainability and so on. Sometimes even people have expressed, really, disappointment with some of the choices by the minister or some of the adolescent behaviour such as wearing a slogan T-shirt to a meeting with the federal minister.

Having had an opportunity to speak to some of these issues, I think that I would like to talk specifically about the types of things that we could address should indeed this amendment be accepted and if this bill were referred to the Standing Committee on Resource Stewardship, of which I am a member. I certainly would love the opportunity to learn a little more, to get a bit more depth, and to begin to define some of the criteria under which decisions will be made.

10:00

[Mr. Reid in the chair]

There are a lot of decisions to be made when a trail is created, and I notice that the focus of this legislation is only on the creation and not the decommissioning of trails, which also should be part of the consideration. There are a number of requests by environmental groups, environmental scientists, Indigenous groups, and others to actually look at vulnerable habitats and to decommission trails in order to protect those habitats. So it's disappointing that this government has chosen to ignore those quite wide-ranging concerns that are out there and instead has arrived at this place where they're simply suggesting they'll do something and providing us with none of the criteria on which they'll be making the decisions about new trails.

Now, clearly, I am in favour of having trails. I agree with the government's sentiment in section 2 where they talk about the purpose of the act, that it's to talk about: "recognize designated trails as a key component of sustainable outdoor recreation that contribute to positive environmental, economic and social outcomes and individual well-being." You know, great. Here, again, I find myself with a bill in hand where the opening statements are ones that provide me with some joy and make me want to support the bill.

Then, of course, as I get into the section of the bill that should be full of the substance of the bill, I'm finding it very lacking. So I will focus my concern on some of the things that I think could be addressed were we to refer this particular bill to committee. As my role on this side of the House is to be the critic for Indigenous

Relations, I would like to focus on a number of the considerations that would be discussed in committee from an Indigenous perspective in terms of decision-making regarding trail creation.

So let me just begin by talking about the fact that the Indigenous communities certainly see the land as fundamental to not only their identity and their well-being but also their sense of belonging and the likelihood of their being successful in the future. There is nothing more than the land that is fundamental to what it is that Indigenous people seek to protect in order to protect the future of themselves and their children for many generations. I hear this all the time. You know, if there's anything that the leadership are absolutely consistent on, it's that First Nations must be at the table while decisions are being made about the land. And they must have the ability to engage in free, prior, informed consent in order to ensure that whatever happens to the land is not going to threaten their well-being, threaten their rights, or threaten their ability to see a future for themselves and their future generations.

Having said all that, I will now talk about some of the particular pieces that are of concern. The first, of course, is the fundamental rights of Indigenous people to hunt, fish, and trap on the land. That right is protected in the Constitution. Section 35 of the Constitution explicitly identifies that anything that happens with regard to their ability to engage in their traditional practices of hunting, fishing, and trapping requires consultation, and putting trails into the environment is clearly an activity which has the potential to impinge on those section 35 rights. As such, there should be a very clear section in this bill identifying how those rights will be protected and how consultation around the possible imposition on those rights will be handled.

I know that when we were in government, in the last term, we had an opportunity, for example, to sit down and have detailed conversations with members of the Treaty 8 Trappers Association and talk about the fundamental importance of maintaining the integrity of a trapline and not cutting through that trapline in various places to put in things such as roads and so on. That would include trails because it threatens the integrity of the line and makes it impossible to either sustain a livelihood or to maintain traditional practices. We, of course, did what we could with regard to respecting that particular set of concerns, including signing an agreement with the Treaty 8 Trappers Association to not only protect traplines but to enhance their ability to maintain them, to pass them down from family member to family member even after a period of non-use, and to use the traplines for teaching of the next generation, including some money to allow the Treaty 8 Trappers Association to educate the next generation and to include them in the process of trapping.

Unfortunately, my understanding from the chiefs in Treaty 8 is that the current government has reneged on that agreement, and it no longer is being followed and the money is no longer flowing. I'm very concerned about that and think that given, you know, that an agreement had been signed in good faith between the government of Alberta and the Treaty 8 Trappers Association and that this government has not followed through with the honour of the Crown with regard to that particular agreement, it would be really remiss of us, then, to just assume that giving the government power to develop trails would be a good thing. They have not demonstrated that they are prepared to meet the obligations that have been set out for them with regard to traplines and, of course, indeed all of the section 35 rights of hunting, fishing, and trapping.

I certainly would love to see something in here. I would love it to be in committee so that we could ask how those things will be protected and what will trigger the need for consultations, what the mechanism of consultation would be, who the consultations would

be with, and what the requirement for satisfactory consultations would be before trails are introduced into territories that are considered part of the fundamental constitutional rights of Indigenous peoples subsequent to treaties 6, 7, and 8. Given that treaties 6, 7, and 8 essentially cover all of Alberta, with some small tiny pieces of exception, some of which are also covered by Treaty 4 and Treaty 11, I would think that Indigenous people should be front and centre in an act of this nature.

The second thing that I think is fundamentally important and is not mentioned in this act and I would love to see mentioned in this act – and, of course, would be one of the things that I would seek to ask questions about were this being referred to the committee – is the protection of ceremonial and sacred sites. One of the absolute dangers for Indigenous communities is that trails will be put into places such that nontraditional people will have easy access to revered sites that have special meaning with regard to ceremony or with regard to sacred traditions in the Indigenous community.

I know that, for example, there is a significant amount of conflict in the Kootenay Plains, where the three Stoney Nakoda nations, who are also building a joint reserve area in the Bighorn area, are very concerned about the fact that they have traditionally used the Kootenay Plains as a place to build sweat lodges and to conduct ceremonial activities and have been doing so, well, since time immemorial, I think it's fair to say.

#### 10:10

Now because of the high use of ATVs and other vehicles which allow easy access to the land, their traditional sites are routinely being vandalized in one way or another. The fact that they are sacred means that the vandalism doesn't necessarily just mean that somebody has gone in and ripped down the sweat lodge or taken up the flags or something specifically dramatic like that, but even just arriving with a camera and taking pictures is considered a violation if ceremony is going on at the time.

The easy access through trails has become very problematic in terms of being able to conduct those ceremonies with the integrity with which they were originally established and with the desire to pass on the very significant and meaningful activities that go on at these ceremonies to the next generation. So any kind of decision to put trails into wilderness which is traditionally used by Indigenous communities would certainly need to include a thought about protection of religious practice, in this case traditional Indigenous practice.

I myself have been camping many times in the Kootenay Plains and have seen how easy it is to drive in there and to accidentally interfere, even when you're trying not to. So driving a trail right through the wilderness into these areas would really heighten the problem that exists right now. I really would like to see us refer this bill to committee so that we could have a very clear discussion with the guidance of elders from treaties 6, 7, and 8 who would teach us the requirements necessary in order to protect ceremonial and sacred sites.

Along with that, of course, is the concern about the use of the land for what they refer to as land learning schools, and that is the taking of young people out onto the land to teach them everything from medicine gathering to other activities. I certainly would like to see that protected, and at present it is not, under the act.

**The Acting Speaker:** Hon. members, any other members looking to speak to REF1? I see the hon. Member for Edmonton-Ellerslie.

**Member Loyola:** Thank you very much, Mr. Speaker. Before I begin with my own comments, I just want to applaud the Member for Edmonton-Rutherford because when I hear him speak knowing

what I know about Indigenous communities and how important Indigenous ceremony is, I know that he's done his homework. I would even go so far as to say that the Member for Edmonton-Rutherford genuinely seeks to understand Indigenous tradition here in the province of Alberta, the Indigenous people that share this treaty land with us, and every time that he gets up to speak, I learn something new.

I wish that the current Minister of Indigenous Relations would get up and demonstrate that same amount of knowledge which would demonstrate, for me, that he's actually meeting with these communities and not just select people. Because, as I've often said, these Indigenous communities that were here before us, these nations, they're not homogeneous and not all of them agree on how we need to move forward as a province.

While I applaud the fact that they are involving Indigenous communities, and from what I can tell it's mainly, like, chiefs and council, which is necessary, I won't deny it, but they need to involve all of the Indigenous community as a whole to buy into specific projects so that all of them are gaining and benefiting from the extraction of resources or, in this particular case, as it applies to this bill, the conservation of the very traditional spaces where, as the Member for Edmonton-Rutherford specified, they do their traditional ceremonies and how important that is and how respected it should be, because we're talking about sacred spaces.

Now, I'm sure members on the other side of the House can understand what a sacred space means and how it should be respected, and that's why, when it comes to this particular bill, Bill 79, the Trails Act – for those thousands of Albertans who are following along at home right now, we're on a referral amendment, which would ask that the bill not be read a second time but, in fact, be referred to the Standing Committee on Resource Stewardship specifically so that we could have input from more stakeholders in regard to this particular bill.

Now, my big problem with this particular bill is that it essentially just gives more power to the minister to do the work of, basically, managing trails however he pleases. Now, we see this time and time again, Mr. Speaker, with this government, where they concentrate more of the decision-making power in the hands of ministers that form this cabinet.

I have spoken to that at length, so I'm not going to go that deep into it at this time because I know that the members on the other side are probably sick and tired of hearing me state it. I can see smiles through those masks. But what I am going to say is this. When you concentrate more of the decision-making power into the hands of the minister, what you're doing is that you're taking the ability from other Albertans that have knowledge, like the knowledge of Indigenous people, and you're not providing them the opportunity to actually participate in the actual development of the piece of legislation that's coming forward, because you're not consulting with them. You're not consulting with the very people who the bill will be impacting.

Now, I'm glad that we had the Member for Edmonton-Rutherford actually go into how it's going to impact Indigenous people. [interjection] I'll allow the Member for Edmonton-Decore to interject.

**Mr. Nielsen:** Well, thank you to my colleague. You know, I was listening intently there when you were talking about Albertans' ability to be able to join the consultation process. Now, I know that in Edmonton-Decore I've heard very, very clearly from Albertans and not just my own constituents. I've heard from people across the province on this topic of parks, how they engage with parks, what it means to them. So I'm wondering if the Member for Edmonton-Ellerslie might be able to comment a little bit around: what is he

hearing from his constituents and possibly from others across the province? I certainly know I've been copied on multiple e-mails that have gone to members of this Assembly, some where it's copied to all of them, some where it's copied to simply a few. I'm wondering if maybe the Member for Edmonton-Ellerslie could provide a little insight into that.

**Member Loyola:** Well, I'm so happy that the Member for Edmonton-Decore asked that question, because the reality is that in my office we've received a number of e-mails from not only my constituents but people from all over Alberta on the track record of this particular minister, which makes it even more concerning, the fact that the bill will allow for this minister to just manage everything to his heart's desire.

10:20

Of course, when it comes to the track record of this minister, it's horrible when it comes to conservation. I mean, he wanted to open up our beautiful Rocky Mountains for coal mining. Now, I'm sure the Member for Edmonton-Decore received those e-mails, because I received them. They copied every member of this Legislature on so many of those e-mails when it came to – and Albertans were livid.

I don't know if the members on the other side took some time to actually read some of those e-mails, but Albertans were absolutely livid that this minister, this cabinet, this government, the UCP wanted to open up the Rocky Mountains to coal mining. Now, continuing with the track record of this minister, he imposed a fee on nature with the Kananaskis conservation pass. Then, if that wasn't enough, he actually tried to sell or close more than 170 Alberta parks. So when it actually comes to the minister's track record on this particular file, I can honestly say, because I've read the e-mails with my own eyes, that Albertans are not very pleased.

Now, you add that to all of the insight that was offered by the Member for Edmonton-Rutherford when it comes to Indigenous communities and how they see their relationship to the land. I know that for some people it's just very difficult to understand because they have a very Eurocentric understanding of what land is and their relationship to it and that it's property and that it should be owned and that you can do with it as you will and extract whatever you want from it and basically not be responsible for the stewardship of that land. It's not just the Indigenous people, but there are lots of Albertans who understand stewardship well and want to make sure that we take care of our parks and special areas around Alberta. [interjection] Again I will allow the Member for Edmonton-Decore to interject.

**Mr. Nielsen:** Thanks to my friend from Edmonton-Ellerslie for indulging me here. You know, when he was talking about this attempt to privatize and sell off parks, he made mention about coal mining in the Rockies, the potential for contaminating water sources and things like that. I mean, I certainly don't get the opportunity to maybe drive around as much of Edmonton as I would like at times, but I certainly know about getting around in Edmonton-Decore. I know my constituents had signs up all over the place: save my parks, no coal mining in the Rockies, things like that. I wonder if maybe the Member for Edmonton-Ellerslie could give us a little bit of a snapshot, because he was talking about that anger, that outrage from Albertans. It wasn't just simply an e-mail. There was an actual display trying to convince people. If you can comment on that.

**Member Loyola:** Thank you very much, Member for Edmonton-Decore, of course, through you, Mr. Speaker, to the member. Thank you for asking that question, actually. You know, there was one day

– well, often I go for a walk through my neighbourhood, and as I'm walking through the neighbourhood, I see all kinds of signs – all kinds of signs – but I'll never forget when people started writing in about this particular issue. More and more signs about saving our parks were going up all around my neighbourhood. Not only that, but there were people who were, like: make sure to save our health care, our universal health care. To me, that's pleasing. It's pleasing that there are Albertans out there that care so much about the debates that we're actually having inside of the Chamber that they're willing to go even that extra effort to demonstrate their support for their political idea.

Of course, again I remind you, Mr. Speaker, and I remind all the members of the House and all those who are watching us at home that democracy is about ideas. I'm glad to see Albertans all over my riding – and, you know, sometimes I'm visiting other ridings, and I'm going for walks in different places, and I see the exact same signs that Albertans have out there. They're voicing their opinion by having that sign on their lawn and showing that they actually care about Alberta parks, and they want to make sure that conservation is done properly.

That's all the more reason why we need to support this referral amendment and make sure that it does go to the Standing Committee on Resource Stewardship. As the members of this House know, when a standing committee actually takes the time to review a piece of legislation, they do a callout to stakeholders, and sometimes they can also do a callout to private citizens. I will guarantee that there are many private citizens out there all across Alberta that would want to have their particular say on this bill, Mr. Speaker.

Just to demonstrate that, I'm actually going to quote from an article that was written by Bob Weber. I will table this article tomorrow. This particular article is called Scientists Say New Alberta Trails Act Threatens Already-stressed Environment. If you don't mind, Mr. Speaker, I'm going to just read directly from this article because it's so important that we actually hear the opinions that are held within. It says here:

Alberta scientists and environmentalists say proposed legislation governing backcountry trails on public lands will thwart efforts to restore nature and add one more stressor to an already overtaxed landscape . . .

But parts of the province are already over legal thresholds for so-called “linear disturbances” – anything from a road to a cutline to a pathway. And some wonder how the bill's intent to open new access will mesh with Alberta's promises to reclaim increasingly scarce habitat.

[The Speaker in the chair]

Again, it's not just Indigenous people. It's other Albertans out there who desperately care for the stewardship of this land that are voicing their opinions and saying that this bill will actually make things worse.

“What's missing from the Trails Act is trail closures in sensitive wildlife habitat,” said Mark Boyce, a University of Alberta biologist.

The article continues, and please listen closely, through you, Mr. Speaker, to all the members of the House:

But at least four peer-reviewed, government-funded studies have concluded that road and trail density are already harming populations of animals such as caribou, grizzly bears and bull trout. That's especially true in the province's southwestern foothills and mountains, where off-highway vehicle use has long been popular.

So, you see, it's imperative, when the article is making reference to at least four peer-reviewed, government-funded studies – these are government-funded studies.

10:30

It's important that the individuals who have conducted these studies and the academics who study these particular issues get an opportunity to actually come to the Standing Committee on Resource Stewardship and actually be able to be consulted, that they are consulted on this particular piece of legislation. The habitats around the province depend on it. [interjection] Again I will defer to the Member for Edmonton-Decore if you will, Mr. Speaker.

**Mr. Nielsen:** Well, thanks to my friend from Edmonton-Ellerslie for indulging me one more time. You know, as I've mentioned before, we've heard in the past, in the 29th Legislature, which, of course, you yourself served very well in, Mr. Speaker, constant calls to send pieces of legislation to committee to hear from the experts and find out what the impacts were around the changes being proposed. So when we talk about land stewardship, when we talk about protecting the animals that inhabit these areas, at the end of the day it is for the next generation and how they're able to enjoy that. I'm wondering if the Member for Edmonton-Ellerslie has had the opportunity to talk to parents in his riding about, for instance, some of the things the kids are learning and what they can look forward to enjoying in the future when they get older.

**Member Loyola:** Thank you very much to the Member for Edmonton-Decore. If he permits, I will get into that, but I just wanted to finish quoting a couple of things from the article here because I think it's very important that I get into it. Of course, the Livingstone-Porcupine Hills plan for the area, a legal document, stipulates no more than 0.4 kilometres of trail for every square kilometre in the most sensitive zones and 0.6 kilometres everywhere else. Government estimates already put the density in the area at between 0.9 to 5.9 kilometres for every square kilometre.

As I said, Mr. Speaker, I will be happy to table this particular article tomorrow so that everybody can have access to it. I think it's very important. [interjection] If I'm not mistaken, there have already been three interjections, hon. member, so unfortunately that's it.

On the question from the Member for Edmonton-Decore I will say that, yes, children in our schools are very concerned with the stewardship of the land.

**The Speaker:** On amendment REF1 are there others? The Member for Edmonton-McClung.

**Mr. Dach:** Thank you, Mr. Speaker. A pleasure to rise this evening in the House to speak to Bill 79, an amendment to the Trails Act that it be commended to the Committee on Resource Stewardship, a committee which I am pleased to be part of and a member of. I would be very pleased to see that this bill got referred to that committee so that we could be given the opportunity to review it in depth and perhaps highlight, even more so than we have the opportunity to do here tonight, the deficiencies of the legislation and, hopefully, bring to the light of day many of the things that were left out by the minister and his caucus colleagues when they were putting this piece of legislation together.

I'll start by saying, Mr. Speaker, in looking at an article written by the University of Calgary Faculty of Law ABlawg, ablawg.ca, which I'll table in the House later, they refer to the minister's opening remarks upon introducing the piece of legislation, the bill itself, for first reading. The minister started by saying, “Thank you, Mr. Speaker. I lost my glasses; let's start with that. I'm pleased to rise today to move first reading of Bill 79, the Trails Act.”

Well, let me say, Mr. Speaker, that there are none so blind as those who cannot see, and indeed this is what's happened with the

minister. He's got blinders on this piece of legislation to almost everybody except the users of off-highway vehicles, which seem to benefit from this legislation more than anybody else, and they seem to have the sightlines of the minister very directly as a result of a successful lobbying effort, I might posit.

But there are some glaring deficiencies and glaring omissions, that I alluded to in my earlier intervention with another member who was speaking on the bill earlier today, and that happens to be, Mr. Speaker, with respect to establishing our Indigenous history before it's lost. I did mention earlier in my remarks that I had as a fellow student with me in university in the '80s at the anthropology department at the University of Alberta, under the tutelage of Dr. Michael Asch, who chaired the anthropology department, Bill Erasmus, who went on to become a significant leader of Indigenous people, particularly of northern Canada but, of course, national leadership as well.

What Bill was doing at that time, alongside me and under the direction, the assistance of Dr. Asch, was establishing academically the traditional use and occupancy of territory in the land traditionally known as Denendeh in the Northwest Territories in an effort to establish the territorial lines or geographical boundaries of Denendeh. He was using the technology of the day, which was then overhead projectors and coloured felt pens, to recreate what he heard in months and months and months of oral stories that he had collected and gathered from Indigenous elders throughout the NWT, in small, small communities and in log homes, wherever people were, wherever he could speak to elders to learn the history of the trails that were used, the overland routes as well as, of course, in conjunction with the river routes that were used over the millennia, tens of thousands of years, by Indigenous people in Denendeh.

Mr. Speaker, that's the kind of research that is required to really map properly the Indigenous history that is found in our backcountry, where there is still evidence of those trails, and some of them, of course, came right through this city, but that potentially will be lost.

This bill has a great opportunity that I think it missed because it does not seek to consult with the Indigenous population to respect the value of that 30,000 years potentially of occupation in our northern end of the province and throughout Alberta. It is a historical footprint that will be lost. This bill had an opportunity – and I'd still posit that it does have an opportunity if it's sent to committee – to fully take advantage of the opportunity to speak with the Indigenous elders in a very comprehensive way so that we can incorporate the historical trails of Indigenous populations throughout Alberta into the preservation and management of trails going forward.

I happened to see the extensive work that Mr. Erasmus did, painstaking work, and that is something that I think we should be engaging other students in who are doing a master's or even PhD degrees to facilitate that work throughout Alberta. You don't get a second chance, Mr. Speaker, to mark down and record that history. This piece of legislation really was a missed opportunity because it focuses on the here and now.

Many Albertans, when they listen to the topic of the act, the title, the Trails Act, will maybe be thinking of, you know, a trail in Banff national park where they go for a long weekend or perhaps a trail where they go snowmobiling in the wintertime out at Long Lake or something that is in their present use. But historically, Mr. Speaker, this land has been occupied for tens of thousands of years by people who used trails which sometimes became trails that European migrant settlers came to use as well, but initially they started out as Indigenous trails. [interjection] Yes, I'll yield.

10:40

**Mr. Shepherd:** Well, thank you to the Member for Edmonton-McClung for giving way. I was appreciating his thoughts and considering what he was saying about the history that is told within the land, indeed the history of the Indigenous peoples who have long been here on this land and their use of it, and certainly thinking of how even a trail tells a story of those who've been there before, where they've been, where they've gone. I'm just wondering. From the member's perspective, what is the story that he is seeing that is being told by this legislation and the path that this is carving forward for the province of Alberta in our use of public lands and how we are looking to preserve those spaces and indeed ensure good stewardship as we move forward?

**Mr. Dach:** Thank you, Mr. Speaker. The Member for Edmonton-City Centre brings up very good points as far as the importance of making sure that the Indigenous history of land use and trails and travel and journey and routes that are part of the traditional use and occupancy of this land is something that shouldn't be lost and is an important story, an untold story that we must endeavour to allow and enable the Indigenous population to investigate and to tell, to make sure that it is recorded by the Indigenous population themselves and brought to light in a way that is heralded and respected and incorporated into the land-use planning and management of the trail system throughout the province. That is a very large component of this piece of legislation that is missing entirely.

If a person really thinks about what the history of this province is, of course, it didn't start in 1905, Mr. Speaker, and it didn't start in 1805. It was 20,000 to 30,000 years ago that human beings occupied this land, and that is something that we, I think, forget at our peril. The length of our historical vision is, I think, a very telling element of our perspective. This government's perspective on enshrining the sanctity of trails into legislation by bringing forward Bill 79, the Trails Act, is pretty short sighted. The minister indeed did lose his glasses just prior to introducing this legislation, and he has been in the dark ever since on this bill. I think the light of day should be brought to this legislation by bringing it forward to committee.

There are many other areas that I'll talk about, not only, of course, traditional use and occupancy and the importance of recording and having the Indigenous population bring to light and research and record the history of trails that were used over thousands of years. There are other elements of our history as well which are potentially lost by not incorporating the proper history of the trails that were followed by migrants who came to this area of the world. They were often in the footsteps of the Indigenous populations in fur trading and later as settlers, but they used a lot of those trails which became things such as the Athabasca Landing Trail.

Although that was built by European businesses, I know that my own relatives used that trail to get from Yellowknife, barge down to – actually, they had to go to Hay River and then barge downriver to Athabasca, and that's where we were able to pick them up. Well, I wasn't around at that time. It was a generation beforehand, but that's how they got from Yellowknife down to Edmonton. The Athabasca Landing Trail was where they had to be picked up. There are stories written about that trail – it's a fairly famous one – but there are many, many others which are lost. [interjection] I'll yield.

**Mr. Shepherd:** Thank you to the Member for Edmonton-McClung for the opportunity to, I guess, reflect on his debate. I guess I was just thinking, you know, the member is raising concerns that this

legislation is not going to offer the protection that's needed and, certainly, that respect for, I think, Indigenous communities and their place on this land.

I would note, though, that the legislation does authorize the minister to designate what trails are subject to the act, to establish management plans for designated trails, to appoint a manager for those designated trails, to delegate management of designated trails by agreement, and indeed enact regulations to implement and administer those powers. However, I'm just wondering what the member's thoughts are given that there is nothing in the bill that actually substantiates any of that work. There's nothing in this bill which actually requires the minister to do or sets the parameters under which he would do this work. Does he think that, in fact, this will achieve those goals in light of what he has been saying?

**Mr. Dach:** Thank you, Mr. Speaker, and thank you to the member for that intervention. I think that in response to that kind of intervention I can say or do nothing more than further quote from the University of Calgary Faculty of Law blog, which was published November 8, 2021, posted then. In commenting on the introduction of the proposed Trails Act, the writers of that blog go on to say that the legislation proposed indeed would "result in further damage and destruction to public lands in Alberta" and talk about what, in fact, they had hoped it would actually accomplish. They speak about the Legislative Assembly in first reading.

Initial public reactions varied significantly from the positive endorsements given by recreational trail users groups . . .

It goes on to say:

. . . to the critical assessments on social media . . . and environmental groups (such as the Alberta Wilderness Association). One thing Bill 79 does not implement is the trail permit fee on off-highway vehicle . . . users which the Minister previously indicated was forthcoming.

So, in their view, Mr. Speaker,

this omission not only further highlights the glaring absence of the McLean Creek area from the access fee imposed by the Kananaskis Conservation Pass, it also reinforces the view that OHV users have the Minister's ear on policy development.

They say in conclusion that "in this post, we critically examine the actual content in Bill 79 and explain why the proposed Trails Act will result in further damage" and doesn't accomplish what it sets out to do.

So, Mr. Speaker . . . [interjection] I'll yield once more.

**Mr. Shepherd:** Thank you to the member. I appreciate his comments from this blog post – of course, I spoke from it extensively earlier – but I would note that the conclusion of that blog post to which the member is referring concludes by saying that any credible attempt to promote conservation and environmental stewardship on Alberta's public lands would start by addressing a problem which the Trails Act will exacerbate: Too much unconstrained discretionary power held by the Minister and other bureaucrats within Alberta Environment and Parks who fail to adhere to the findings of their own scientists when it comes to formulating environmental policy.

This is concerning to me, Mr. Speaker, and I'm wondering what the member's thoughts might be on whether this minister with this incredible breadth of discretionary power is likely to address the concerns that are being raised here by these professors of law about the weakness of the current regime.

**Mr. Dach:** Thank you, Mr. Speaker, and thank you to the member. No. The discretionary powers offered by this legislation are one of the major reasons I think we should be referring this Trails Act to the Committee on Resource Stewardship for review. Indeed, what

it does is to put in the hands of the minister the ability to – for example, with respect to Indigenous use and occupancy of trails that have been in existence and known in the Indigenous context for thousands of years and are part of the lexicon and oral history, this empowers the minister to decide through his own lenses, his Eurocentric lenses, what indeed is important and what is not and whether or not at all, as is evident by the legislation so far, to even consider the value of Indigenous trails and traditional use and occupancy when he is thinking about making regulations based on assumptions about the value of one particular area of Alberta's history over another one.

**10:50**

Mr. Speaker, the legislation is more than most, because we'll admit, of course, that many regulations are forthcoming after the legislation has been passed and it's not an unusual thing. What is unusual about this piece of legislation is the wide-ranging and almost unlimited discretion of the minister to set regulations, to designate use and management of trails, and to make decisions that he really doesn't have to be accountable for. That is something that is clearly a very big concern to environmental users of the trails that the minister will be enabling himself to manage almost personally.

That's been a long and ongoing debate in this province. I've mentioned before in the House that ever since my early, younger days, even in high school the proposed mixed use of our eastern slopes of the Rocky Mountains was something that was a very hotly debated topic. In a radio debate with then environment minister Bill Yurko, another Conservative environment minister, we debated the traditional use, the mixed use of the Rocky Mountains, whether it should be opened up for coal mining or whether it should be allowed to be just strictly recreational or whether there should be other commercial uses of it and whether the watershed needed to have absolute preservation for irrigation and drinking water as it flowed across the prairies. Myself and my debating partner really prepared hard for that for a couple of months and had, I think, a very strong impact upon the environment minister.

Hopefully, something came to bear upon him because two years later, Mr. Speaker, that same Lougheed government brought in the 1976 coal policy, which, of course, prohibited coal mining, by and large, throughout the eastern slopes of the Rockies. So, indeed, things can happen from impact, from debate. But this piece of legislation needs to be reconsidered by the minister because he indeed is not listening to a wide range of opinion that wants to protect the trails and history in Alberta.

**The Speaker:** On the referral amendment are there others?

Seeing none, I am prepared to call the question on amendment REF1 to the Trails Act.

[The voice vote indicated that the motion on amendment REF1 lost]

[Several members rose calling for a division. The division bell was rung at 10:53 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Dach	Hoffman	Nielsen
Feehan	Loyola	Shepherd
Gray		

**11:10**

Against the motion:

Aheer	LaGrange	Reid
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Allard	Long	Rowswell
Amery	Lovely	Schweitzer
Armstrong-Homeniuk	Luan	Shandro
Ellis	Madu	Sigurdson, R.J.
Glubish	McIver	Smith
Gotfried	Nixon, Jeremy	Turton
Guthrie	Orr	Yao
Issik	Rehn	
Totals:	For – 7	Against – 26

[Motion on amendment REF1 lost]

**The Speaker:** Hon. members, before the Assembly is second reading of Bill 79, the Trails Act. Are there others? The Opposition House Leader.

**Ms Gray:** Thank you very much, Mr. Speaker. It's a pleasure to rise tonight to address Bill 79, the Trails Act, at second reading, with disappointment in my heart that the government has not chosen to send this to committee, something that I think Albertans would have seriously appreciated in light of their rocky history with land management, parks, trust, and some of the many, many issues that we've been talking about this evening.

I, at the conclusion of my remarks at second reading on referral, was talking about having done some quick searches to see what people are saying about this particular piece of legislation, and I think the headline from the *Bow Valley Crag & Canyon*, Conservationists Say New Alberta Trails Act Needs Public Consultation, says a lot. It certainly echoes the message that the Official Opposition has been trying to communicate, that Bill 79 “does not clearly address the long-term protection of sensitive lands, waters, and wildlife in the province” and that more consultation would be to the benefit.

Now, I am speaking, of course, at second and not on a referral anymore as that has been defeated, but there is always the opportunity for the government to listen and to change course at any moment, because as quoted in this article, many people seem to think that “this Act . . . speak[s] for the few, not the majority of users [and] is another example where the province has not engaged in fulsome consultation with all Albertans about a decision that has a significant impact on Crown lands.” This is just one of many different articles that I have found.

An article from the Canadian Parks and Wilderness Society Southern Alberta Chapter talks about how

public consultation opportunities regarding trails were limited to an online survey on sustainable outdoor recreation in early 2021. [And it] overwhelmingly focused on the introduction of user fees, and support for increased enforcement on public lands. Both issues could be addressed through existing public lands legislation, but are [also] absent from the new Trails Act.

It goes on to say:

“We are disappointed to see that the government has chosen to not consult further on this new legislation. As we all know, Albertans are passionate about recreation on public lands and need to be consulted on any changes.”

Again, we find additional concerns when we look at the Alberta Environmental Network about the “seemingly unconstrained use of discretionary Ministerial power to make environmental policy.” As well, in multiple articles I found, Mr. Speaker, groups mentioning that the government has failed to impose a promised trail fee on off-highway vehicle users, something that Albertans seem to be following with interest given the minister's remarks as he was passing previous legislation, which we have discussed through the course of debate, particularly imposing a fee on nature with the Kananaskis conservation pass.

As I look through the correspondence I've received in my office, through the various articles that are being written by stakeholders, by the public, I see nothing but concerns and a desire for more consultation, including the Alberta Wilderness Association, who writes that this proposed trails act is “a dangerous step on the road to privatizing public lands” and that it “does so dangerously,” they go on to say. I understand that they've been encouraging Albertans to e-mail the minister directly and talk about how the management of public trails “should not be handed over to private organizations” and that decisions about trails and what uses are appropriate “need to be science-based and . . . consider cumulative impacts of industry and recreation on the landscape.” And, as we've heard from my good friend the Member for Edmonton-Rutherford, it needs to include a significant and substantial and baked-into-the-foundations consultation with the Indigenous people of Alberta. I think that's a really important piece that we worry is missing from Bill 79, this Trails Act that is before us.

As I continue to think about parks and wildlands and trails and the various civil society groups that are weighing in on this and the concerns that they are registering, one of the things that crossed my mind as I was listening to the debate this evening was the wonderful NGO known as Ducks Unlimited, which is a group that's done yeoman's work to advocate for protection of wildlands across Canada. They do work with so many different groups and stakeholders, but I've heard them most recently, surprisingly, in consultation with the release of the Energy minister's roundly mocked public inquiry because she started using a number about the amount of foreign funding going to so-called opponents of Alberta's oil and gas industry. She was using a number that included hundreds of millions of dollars that goes towards Ducks Unlimited, which I thought was incredibly inappropriate of our UCP Energy minister, to do, essentially, what was a baseless drive-by smear on a group like Ducks Unlimited to artificially inflate the number and try to hide the fact that what her inquiry actually found was a big nothing burger.

I mean, at this point I think most Albertans have recognized that the government was found to have wasted Alberta's time and money with that inquiry and, as they do so often, chose to smear the good work of an organization like Ducks Unlimited indirectly just because it helped them to hide from showing Albertans how wrong they were. That kind of behaviour is, unfortunately, quite shameful, but it's that same eagerness to hide from the truth, to point here while you're doing something over there that brings us back to the Trails Act. With everything we've seen from this government when it comes to wildlife, parks, what good are the trails going to be when parks have been sold, when the majestic eastern slopes have been mined and the view is now of exhausted coal mines tailing pits, leaking selenium into the drinking water that supports Calgary and southern Alberta?

That's the core problem with the government and its approach to things like the Trails Act: kind of a dog chasing a car, chasing quick wins, very little thinking towards the implications beyond the bumper in front of them. We've seen it with repeated short-sighted mistakes that the UCP team has made while responding, for example, to COVID. We need a government that is capable of thinking about the impact of today's choices on tomorrow. Unfortunately, that is not what we're seeing on a regular basis.

We need more foresight, and we may need more transparency in the decision-making that's happening. We need the government to stop asking Albertans to trust your ministers, who have done nothing to earn that trust. I would like to see the government bring forward legislation that a majority of Albertans can get behind, but that repeatedly, over and over, is not what we are seeing. Unfortunately, earplugs seem to have been in so long that they are

now impacted. We need to have a government that's willing to listen to Albertans.

**Ms Hoffman:** He couldn't hear what you were saying.

**Ms Gray:** Oh, it's very tough to hear around the earplugs. It's true. I like that.

I appreciate that government members are listening to the debate on the Trails Act because Albertans are listening to the debate. The number of articles I'm seeing written, the number of pieces of correspondence I've received to my office shows that this is an important issue for Albertans, and I appreciate the opportunity to be able to engage in the debate at second reading here in the Chamber this evening and to be able to put on record my concerns with Bill 79 as well as this minister's record when it comes to protecting our public lands.

Thank you very much, Mr. Speaker.

**The Speaker:** Hon. members, are there others that would like to add a comment or two? The hon. Member for Edmonton-Glenora.

**Ms Hoffman:** A comment or two, Mr. Speaker. Happy to gauge your advice on that one and to engage in debate on Bill 79 this evening in second reading, of course, titled the Trails Act, 2021. While this bill is definitely not the biggest bill brought forward in this sitting of the Assembly, I imagine that's probably . . .

11:20

**Ms Gray:** Eighty-one.

**Ms Hoffman:** Eighty-one.

It's a thick one here, Mr. Speaker. I have to say that it does impact a number of areas, and one of the biggest questions that we still have – and I acknowledge that we're in second, so maybe we'll start getting some answers sometime soon in this place – is about the lack of engagement in an open and transparent way with all Albertans but specifically with Indigenous Albertans and with members of treaties 6, 7, and 8 in terms of Indigenous leadership, First Nations leadership, and members in general.

I want to thank the Member for Edmonton-Rutherford for reminding me about the effect on trails, treaty land entitlement, the TLE, which specifically states some pieces around deliberations and the issue of co-management agreements with nations for trail creation and maintenance. There is already guidance out there and legislation out there. The TLE outlines how it is that we should be working in partnership, hand in hand, with First Nations to ensure that the creation of trails and the maintenance of trails are done in a way that, of course, honours the treaties that we are all benefiting from here as we engage in discussions about the future of our province, a province which never would have existed if it weren't for the signatories of treaties 6, 7, and 8.

They also talk about the effects on endangered species in relation to that. Of course, in many parts of the province we are having to deal with the fact that we do have endangered species in this province at a time when caribou habitat has been of particular concern and the woodland caribou in particular. They are depleting in such significant numbers, and of course seismic lines as well as trails and trapping lines have played a role in creating an opportunity for the predators of the woodland caribou to attack their prey and to have clear sightlines in which to do it. Nobody will say that the woodland caribou is the smartest animal in Alberta – that's for sure – but they definitely deserve an opportunity to still live and thrive in the habitat in which they have always existed. Working with First Nations in respect of the TLE to make sure that we take consideration, take due consideration, about the impacts of trails on

the habitat of endangered species I would say is not only the right thing to do, but I think that we do have a legal requirement to engage in that, Mr. Speaker.

I also want to talk a little bit about the benefits of trails, because, of course, those of us who had the joy of growing up here, especially in rural Alberta, probably spent a lot of time – I know I enjoyed spending a lot of time with my friends on public lands, and often those lands were lands that they had access to as grazing leases with their families. Of course, that changes the way that that habitat exists and that ecosystem is as well when we have grazing leases, but there are other types of public lands that are untouched, that are virgin public lands. The existence of a trail absolutely impacts the long-term structure of that piece of land, that we all have the benefit of owning and enjoying as Albertans.

I talk often about what it means to own something publicly when I engage with students and when they ask us questions, and one of the buildings I regularly talk about is this building as being a public asset that everyone has the right to be able to access and enjoy. Certainly, we've seen under COVID times that that right to access a public building has been significantly curtailed for many, and that, of course, is something that I worry about us setting a precedent on.

I often try to chat with the pages and ask about their experiences in this Legislature prior to becoming a page, and many talk about Leg. school or talk about visiting in grade 6. We have essentially lost more than two years, I would say, of those opportunities given where COVID restrictions fell on this place. I think it changes the trajectory of many people's young lives when they have the opportunity to engage in public spaces, whether it be public lands that we're talking about putting trails through or public buildings and public institutions like this very place.

I hope that we get to a point with all public lands, including public buildings like this place, where we can agree on a set of rules that will keep one another safe, that will maintain the integrity of the asset, including virgin public land in remote communities that might be accessed only by trails. I hope that we put in some better oversight on the processes and the ways in which we will select the folks who are tasked to create these trails, tasked to maintain these trails, tasked to enforce proper engagement on them. We have seen time and time again that there is a small group of folks but a group of folks nonetheless who maybe don't show the same kind of respect for public assets as, hopefully, those of us in this Chamber would. Making sure that we have protections, that we have safeguards, that we have checks and balances, and that we're doing that hand in hand with First Nations leaders and Métis leaders across this province I think would serve us well.

Those continue to be some of my outstanding concerns as it relates to this bill on consideration here again tonight. I had hoped that we might see a willingness to engage in deeper conversation if not in committee – sending this to a committee would have given us that opportunity – at least through some engagement through responses to the types of questions that we're raising in this place through interventions. You know, I must admit, Mr. Speaker, when the concept was first raised, I went to the natural state that many people go to: it's new, it's different, and I didn't like it. But I think that it does create an opportunity in this place, when members ask questions, for the government to actually get up and respond in a timely fashion, but that hasn't been my experience with this bill so far tonight.

Again, some of the key questions that still persist for us as we consider this piece of legislation are related to the environmental considerations that will be taken into consideration when developing trail systems. What will those criteria be beyond environmental considerations? Obviously, that's top of mind for me as I consider this bill. Are there other types of considerations that are driving this

around the establishment of trails? And, really, what will Indigenous consultation and, deeper than that, I would say, Indigenous engagement and partnership in making these decisions look like, and what are the constitutional obligations when trails are designated?

I think the Member for Edmonton-Rutherford has reminded us of the TLE and some of the obligations that come into force there and also spoke about constitutional obligations. It would be great to hear anyone in the government acknowledge that and that it will be taken seriously, if not in the committee that we requested a referral to then in this place. At least put it on the record that those two pieces that have been highlighted will be respected and will be honoured through the establishment of this and, of course, what the cumulative impacts will be.

We have mentioned briefly about managers and the people who are tasked with making the choices around the creation, doing the maintenance, doing the enforcement when it comes to these trails and having greater clarity and transparency around who the managers will be, how they'll be chosen, and what the accountability measures will be to them to make sure that we have a trail system that doesn't negatively impact Albertans' long-term enjoyment of public lands. Really, that is ultimately my biggest concern and that of many of my colleagues when it comes to this bill, a bill that is tied to the most secretive government in Canada, as has been already recognized.

Of course, an attempt to create more transparency and have some engagement on this would help potentially reduce some of that lack of trust between the current government and the people of Alberta. It seems that the current government doesn't have any interest in actually working to restore that relationship. You know, that's on

them, I guess. We're a little over 500 days from the date that they say that legally they want to call the next election – or not call; have the E-day for the next election. It's even fewer, I think, when you count down on the calendar.

**11:30**

The window is shrinking, Mr. Speaker, to regain that trust. That is, of course, assuming that the current government chooses to follow the law that they're proposing we put in place. Like, we've seen time and time again that Conservative governments have tried to seize an opportunity on a better polling day or a better price of oil day and call snap elections, but we know what the consequences of those have been of late. The window is shrinking.

I hope that we are taking the needs of endangered species here in the province as well as our obligations to and with Indigenous people, First Nations people, and Métis people as we consider this bill. I have yet to hear a full commitment to that from the government, and that is, of course, disappointing. With that, I move that we adjourn – no, I don't. I just sit down. I move nothing.

I conclude my remarks. Thank you very much, Mr. Speaker.

**The Speaker:** Are there others?

Seeing none, I am prepared to call the question.

[Motion carried; Bill 79 read a second time]

**Ms Issik:** I move that the Assembly be adjourned until 9 a.m. tomorrow, Wednesday, December 1.

[Motion carried; the Assembly adjourned at 11:32 p.m.]





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For inquiries contact:

Editor

*Alberta Hansard*

3rd Floor, 9820 – 107 St

EDMONTON, AB T5K 1E7

Telephone: 780.427.1875

E-mail: [AlbertaHansard@assembly.ab.ca](mailto:AlbertaHansard@assembly.ab.ca)