



Province of Alberta

The 31st Legislature
First Session

Alberta Hansard

Tuesday evening, December 3, 2024

Day 77

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 31st Legislature

First Session

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Pitt, Angela D., Airdrie-East (UC), Deputy Speaker and Chair of Committees
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC), Deputy Chair of Committees

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Bouchard, Eric, Calgary-Lougheed (UC)
Brar, Gurinder, Calgary-North East (NDP)
Calahoo Stonehouse, Jodi, Edmonton-Rutherford (NDP)
Ceci, Hon. Joe, ECA, Calgary-Buffalo (NDP)
Chapman, Amanda, Calgary-Beddington (NDP),
Official Opposition Deputy Assistant Whip
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de Jonge, Chantelle, Chestermere-Strathmore (UC)
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Eremenko, Janet, Calgary-Currie (NDP)
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Ganley, Hon. Kathleen T., ECA, Calgary-Mountain View (NDP),
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Hayter, Julia K.U., Calgary-Edgemont (NDP)
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Ip, Nathan, Edmonton-South West (NDP)
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Lunty, Brandon G., Leduc-Beaumont (UC)
McDougall, Myles, Calgary-Fish Creek (UC)
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(UC)
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Petrovic, Chelsae, Livingstone-Macleod (UC)
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Schow, Hon. Joseph R., ECA, Cardston-Siksika (UC),
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Shepherd, David, Edmonton-City Centre (NDP),
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Stephan, Jason, Red Deer-South (UC)
Sweet, Heather, Edmonton-Manning (NDP)
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Williams, Hon. Dan D.A., ECA, Peace River (UC),
Deputy Government House Leader
Wilson, Hon. Rick D., ECA, Maskwacis-Wetaskiwin (UC)
Wright, Justin, Cypress-Medicine Hat (UC)
Wright, Peggy K., Edmonton-Beverly-Clareview (NDP)
Yao, Tany, Fort McMurray-Wood Buffalo (UC),
Deputy Government Whip
Yaseen, Hon. Muhammad, ECA, Calgary-North (UC)
Vacant, Lethbridge-West

Party standings:

United Conservative: 49

New Democrat: 37

Vacant: 1

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Jason Nixon	Minister of Seniors, Community and Social Services
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Tany Yao	Parliamentary Secretary for Small Business and Northern Development

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Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Yao

Deputy Chair: Mr. Rowswell

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Brar
Dyck
Kasawski
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Standing Committee on Alberta's Economic Future

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Yao

Select Special Conflicts of Interest Act Review Committee

Chair: Mr. Getson

Deputy Chair: Mr. Long

Arcand-Paul
Ellingson
Hunter
Ip
Lovely
Rowswell
Sabir
Wright, J.

Standing Committee on Families and Communities

Chair: Ms Lovely

Deputy Chair: Ms Goehring

Batten
Boitchenko
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Long
Lunty
Petrovic
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Tejada

Standing Committee on Legislative Offices

Chair: Mr. Getson

Deputy Chair: Mr. van Dijken

Chapman
Dyck
Eremenko
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Lunty
Renaud
Shepherd
Sinclair

Special Standing Committee on Members' Services

Chair: Mr. Cooper

Deputy Chair: Mr. Getson

Eggen
Gray
Long
Metz
Rowswell
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Standing Committee on Private Bills

Chair: Ms Pitt

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Deol
Dyck
Hayter
Johnson
Sigurdson, L.
Wright, J.

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Mr. Yao

Deputy Chair: Ms Armstrong-Homeniuk

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Stephan
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Standing Committee on Public Accounts

Chair: Mr. Sabir

Deputy Chair: Mr. Rowswell

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de Jonge
Ellingson
Lunty
McDougall
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Schmidt

Standing Committee on Resource Stewardship

Chair: Mr. Rowswell

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Armstrong-Homeniuk
Calahoo Stonehouse
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Eggen
Hunter
McDougall
Sinclair

Legislative Assembly of Alberta

7:30 p.m.

Tuesday, December 3, 2024

[The Speaker in the chair]

The Speaker: Hon. members, please be seated.

The hon. the Deputy Government House Leader on behalf of the Government House Leader.

Mr. Williams: Mr. Speaker, before Government Motions, if it's all right with you, I would like to ask unanimous consent of the Assembly to move to one-minute bells for the remainder of the evening sitting, including the first bell in Committee of the Whole.

[Unanimous consent granted]

Government Motions

Statutes Repeal

52. Mr. Williams moved on behalf of Mr. Schow:
Be it resolved that pursuant to section 3 of the Statutes Repeal Act, SA 2013, cS-19.3, the following statute, appearing on the list of statutes to be repealed which was tabled in the Assembly by the Clerk of the Assembly on behalf of the Minister of Justice on April 8, 2024, Sessional Paper 288/2023-24, not be repealed:
1. An Act to Strengthen Municipal Government (2017 c13) s.1(4), (39) to (41).

The Speaker: Hon. members, this is a debatable motion pursuant to Standing Order 18(1)(a). Is there anyone wishing to speak to the motion?

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

[Government Motion 52 carried]

Adjournment of Fall Sitting

54. Mr. Williams moved on behalf of Mr. Schow:
Be it resolved that pursuant to Standing Order 3(9) the 2024 fall sitting of the Assembly shall stand adjourned upon the Government House Leader advising the Assembly that the business for the sitting is concluded.

The Speaker: Hon. members, this is not a debatable motion pursuant to Standing Order 3(9).

[Government Motion 54 carried]

Committee Referral for the Annual Report of the Child and Youth Advocate

55. Mr. Williams moved on behalf of Mr. Schow:
Be it resolved that
- (a) the 2023-2024 annual report of the office of the Child and Youth Advocate be referred to the Standing Committee on Legislative Offices for review,
 - (b) the committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned or prorogued,
 - (c) in accordance with section 21(4) of the Child and Youth Advocate Act the committee shall report back to the Assembly within 90 days of the report being referred to it if the Assembly is then sitting or, if it is not

then sitting, within 15 days after the commencement of the next sitting.

The Speaker: Hon. members, pursuant to Standing Order 18(1)(i) this is a debatable motion. Is there anyone wishing to speak to the motion this evening?

Seeing none, I am prepared to call on the Deputy Government House Leader to close debate.

[Government Motion 55 carried]

Government Bills and Orders Committee of the Whole

[Mr. van Dijken in the chair]

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

Bill 31

Justice Statutes Amendment Act, 2024

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? I see the Minister of Justice has risen to speak.

Mr. Amery: Well, thank you very much, Mr. Chair. It's a pleasure to rise, and I certainly appreciated the debate that's happened thus far on the Justice Statutes Amendment Act, 2024.

We've heard a lot of opinions in this Assembly. We've heard a lot of debate, all of which is appreciated. We've heard a lot from members of the opposition about the bill before us today, the Justice Statutes Amendment Act, and we've heard a lot about some of the comments that were made, comments about gerrymandering, comments about fairness, procedural fairness as it relates to the amendments that we put forward for the Electoral Boundaries Commission amendment act, 2024.

Mr. Chair, I can unequivocally say to all members of this House that that's not the case and that couldn't be further from accurate. The changes we've proposed would give an independent commission, which I would like to make clear has representatives chosen by both parties in this House, members from the Official Opposition's decision and members from the government, the flexibility in that commission to review the province as a whole and make recommendations as to how to secure effective representation for all Albertans.

We know that Alberta's population continues to grow. After all, this is the province of opportunity. This is where people want to be, and we've attracted hundreds of thousands of people even in just the last year. That is why, Mr. Chair, we've proposed to amend the act to increase the number of electoral divisions from 87 to 89.

We've also put forward amendments to update the criteria that the Electoral Boundaries Commission may consider when developing proposals for the area and the boundaries of Alberta's many divisions. Mr. Chair, we've not added new districts in this province since 2010, when the number went from 83 to 87. I think we can all agree, at least on this side of the House, that an increase is needed and appropriate.

As for the question on the criteria the commission can take into consideration, a topic that seems to be causing some cause for debate and concern, I want to reiterate that the Electoral Boundaries Commission makes recommendations absolutely independent of government, and the commission can consider a variety of factors when making their recommendations.

We spoke a great deal about flexibility and the importance of giving the commission the tools that they need to be able to do the work on behalf of Albertans, and that flexibility is important. With the increasing of the seats of the electoral divisions in Alberta, the work of the commission can ensure that the boundaries reflect the current demographic realities while also allowing individuals in urban and rural ridings to have an opportunity to have their voices heard.

As everyone in this House likely knows, once formed, the commission will hold public hearings before and after its initial report is made public, and there will be plenty of opportunities for members across the aisle and all Albertans, in fact, to weigh in on the factors that they think the commission should take into consideration. Mr. Chair, the alarmists who are causing panic need not worry. They will have their chance to give their input just like everybody else, and that input will be considered by the committee.

Again, it's important to keep in mind that the commission must consider the requirement for effective representation as guaranteed by the Charter. We have a long list, Mr. Chair, of jurisprudence in this area that requires the commission to take into consideration effective representation when making its decisions.

Once the report is final, the commission's recommendations will come before this Assembly, and we will have a chance to thoroughly debate it once again. I think it's important to reiterate for all members of this Assembly that this commission is independent of government, and I'm confident that both the Leader of the Official Opposition and the Premier will give careful consideration to the two people that they will each nominate for appointment to the commission.

7:40

Mr. Chair, I also want to highlight for all members of this Assembly that in accordance with the act the chair of this commission must be one of the following: either "the Auditor General; the president of a post-secondary educational [institute] in Alberta; a judge or a retired judge of any court in Alberta; [or] a person whose stature and qualifications are, in the opinion of the Lieutenant Governor... similar to those of the persons" I've already described. It would seem to me that these would all be qualified people to take on this important role, and I don't think any of us should presuppose the outcome of the important work that the commission will do, nor do I think that any of us should disparage the process for the people who step up to do this important work on behalf of Albertans.

With that, I want to thank everyone for sharing their thoughts on the Justice Statutes Amendment Act, 2024. I would certainly encourage all members of this Assembly to support it in its original form. Thank you.

The Deputy Chair: Are there any others who wish to speak? The Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you, Mr. Chair. I am delighted to speak to this bill. Bill 31, Justice Statutes Amendment Act, 2024: it makes it sound so – I don't know – like it's not doing much, but the truth is that it's gerrymandering. That's what this bill is. Let's just call it what it is, gerrymandering. I mean, that's really the reason I think the bill is problematic. There are other things in the bill, certainly, besides the gerrymandering, but that is by far the most problematic because representation is important.

Before I get into the technicalities of the bill, I think it's worth noting. I mean, what the minister said was technically correct. Yes, there are members appointed to the boundary commission from both sides, but I think what he left out was the most important piece,

which is to say that the UCP members will have a majority. Mr. Chair, there's a reason the UCP keep winning votes in here; it's called a majority. Majorities mean you can do whatever you want. [interjections] I'm sure they're delighted, but the point is that the minister was trying to claim that it will be equitable, that both sides will be equally represented. But that's not correct. The truth is that the UCP will have a majority, and so they will do whatever they want, and apparently what they want is gerrymandering.

Let's get into the actual changes in the bill. The changes are to the Electoral Boundaries Commission Act; this act is amending that act among other things. It is on page 5 of the amending act; i.e., the bill before us. Under section 14 we talk about relevant considerations, so that's what the Electoral Boundaries Commission gets to take into consideration. They have essentially deleted and repopulated the list, presumably to make it less obvious what they're doing. I mean, I would be embarrassed, too.

The changes they're making – and I would say the most relevant is the deletion of the former, so under the act as it stands before it gets amended in here, section (e), which is "wherever possible, the existing municipal boundaries." So what does the removal of that section do? It essentially means that the UCP can split up communities of common interest to suit their political purposes. This is precisely what we call gerrymandering. They do this – well, I mean, it's straight out of the Republican playbook from the States, which many things the UCP do are, but this will essentially allow them to completely disregard municipal boundaries.

What does that do for people? What does that do for the people of the province? It means that smaller communities may have their voices overridden by larger communities, right? You know, a smaller town may find itself being overridden because it's been drawn into some portion of a city, or a rural community may find its voice lost in the edges of an urban riding. That's what they're doing here, Mr. Chair, and it's incredibly problematic. It means diluting the votes of some communities into other communities. It means carving communities up in whatever way they want.

Take a city like Medicine Hat or a city like Lethbridge. They could potentially carve Lethbridge into four ridings, drawing urban and rural together.

An Hon. Member: That's a great idea. Come on.

Ms Ganley: Oh, they're heckling that that's a great idea. The reason they think, Mr. Chair, it's a great idea is because they don't want the people of Lethbridge to have a voice. They don't want the people of Lethbridge to be able to send a representative to this place. They want the voices of the people of Lethbridge to be diluted by other communities. I think that's unfair. I mean, it's surprising to me that they'd actually say that right in here, but here we are anyway. Normally when one is doing something embarrassing and arguably counter to all normal ethics and democracy, one would be embarrassed, but apparently they're not. They're delighted to tell me that they would like to dilute the voices of the people of Lethbridge so that they're no longer able to send representatives to this place.

An Hon. Member: Hubbub. Hubbub.

Ms Ganley: Yeah. Hubbub. Hubbub. Hubbub, indeed. That is true. That is true. Apparently, the members over there are just incredibly excited, Mr. Chair, to take away people's rights to democracy, which I think should be problematic since this is supposed to be the Chamber of democracy that we are standing in right here.

They have also removed – so in new relevant considerations 14(a) has been changed. It talks about sparsity, density, and rate of population growth. What has been removed is "the requirement for

effective representation as guaranteed by the Canadian Charter of Rights and Freedoms.” That’s a section that the UCP have taken out. They don’t think that that is a relevant consideration. Mr. Chair, I would say that that’s pretty problematic.

I think people’s rights to effective representation as guaranteed by the Canadian Charter are fairly central – they’re fairly central – so this is extremely problematic. It’s gerrymandering on its face. It’s transparently an attempt to ensure that, regardless of what the people of Alberta want, what the people of Alberta get is a UCP government, and that’s problematic for me. If the people of Alberta vote for, as they did in the last election, a UCP government, I am one hundred per cent fine with that. But, Mr. Chair, what the UCP are trying to do with this bill is ensure that even if the people of Alberta vote for an NDP government, they still get a UCP government because they have so gerrymandered the ridings that the popular vote becomes irrelevant. That is incredibly problematic, and it’s incredibly disrespectful to the people that we were sent here to represent. And they’re not even doing a particularly good job of hiding it this evening.

I think it’s worth noting as well that when asked about this in question period, when asked about why they were removing these sections, sections which guarantee the fair representation of people, sections which keep communities together, sections which are designed specifically to prevent what the UCP wants to do, which is to say gerrymandering, the minister responded by saying that fair representation is too old fashioned. It’s not the 1970s anymore; it’s the 2020s, where apparently we don’t believe in democracy. Well, Mr. Chair, some of us still do believe in democracy, and some of us are still here to stand up for democracy. We represent constituents who deserve to have their voices heard. That is what I think every person in the province of Alberta deserves, to have their voices heard.

7:50

Mr. Chair, I think this bill is incredibly problematic. I think it is a bill in which the UCP are relying on the fact that people may not understand the technicalities of this legislation. They are relying on people not knowing. That is the point of this place, for us to stand up and draw the attention of the public to things that the government is doing. In this case the thing that the government is doing is removing their right to fair representation. That’s, I think, problematic.

There are a number of other changes that sort of happen in here. We’re talking about communities of interest, including – but not municipal boundaries. Another section that has been deleted: “wherever possible, the existing community boundaries within the cities of Edmonton and Calgary.” Another clause that’s been deleted, essentially saying that communities who may want to stay together: that doesn’t need to be respected. But those communities often have community associations. They have community boards. They’re a community of interest – they’re a community of interest – and that’s exactly what ridings, what electoral boundaries, were designed to recognize.

I think this bill is very problematic. I think it is transparently gerrymandering, and I would urge all members to vote against it because I don’t think, like the Minister of Justice, that representation is old fashioned. I don’t think that these are ideas that have gone out of fashion. I think that people today still care about representative democracy. I think they care about having our voices heard. Now, clearly, the UCP don’t care, but I think the public does.

Yeah. I would urge every member of this House to vote against this. I know it is usual for the government to vote together. They have a number of times today. But, members, I would beseech you. Like, look at the legislation. Read it. Consider what it actually says,

and consider what it means for the communities that you represent. You have a duty to those people, and you owe them better than this.

Thank you.

The Deputy Chair: I will recognize the Minister of Seniors, Community and Social Services.

Mr. Nixon: I’m okay. I’ll give them some more time. I’m very interested in this speech.

The Deputy Chair: I recognize the Member for Edmonton-South.

Member Hoyle: Thank you, Mr. Chair. I’m happy to rise in Committee of the Whole to speak to Bill 31, Justice Statutes Amendment Act, 2024. This bill will do a variety of things by making changes to the Alberta Evidence Act, the Critical Infrastructure Defence Act, the Public’s Right to Know Act, and the Electoral Boundaries Commission Act.

The members opposite like to say that those of us on this side of the aisle never agree with them, so dare I say right now that I do appreciate the steps being taken to modernize oath procedures in the province, as the last time this happened was the 1980s. Currently if you need a sworn-in document for court, you must physically go to a commissioner of oaths, sign in person, then file the paper at the courthouse. You know, we all know that during COVID-19 many things changed, and that exposed major gaps in court accessibility when in-person services were restricted, and this led to significant document processing delays. Seventy-three Alberta courthouses process over 100,000 sworn documents annually, and current processing delays are quite severe, two to four weeks in major centres. So I appreciate that change in this bill.

Bill 31 would align Alberta with other jurisdictions who have similarly moved to electronic filing systems, like B.C., who introduced electronic filing options in 2020, and Ontario, who launched their electronic document filing system in 2019. Not only will allowing for electronic submission help alleviate delays; I think it’s a really important step towards making sure these processes are accessible for all Albertans. So credit to the government for this step.

However, I’d also like to share some thoughts on this bill’s intention to raise the proposed number of electoral divisions from 87 to 89 and making sure that the process to do so is centred on equity and transparency. As so many of us have mentioned in this House, Alberta has seen astronomical population growth in the past couple of years, but we want to ensure that changes made to our electoral districts are done with thorough consideration and analysis.

Between July 1, 2023, and July 1, 2024, Alberta’s population grew by over 200,000 people, or 4.4 per cent, which is the highest growth rate since 1981 and the highest amongst all provinces, so there’s no doubt that urban centres have seen a lot of this growth. My main concern is making sure that we’re not losing the voices of Albertans across this province, especially in rural communities. We do not want Albertans in rural ridings to feel that urban ridings are speaking for them, with different interests and values, or vice versa. If this bill allows for larger ridings, we risk lumping together far-apart communities that don’t naturally have a lot in common economically, socially, and culturally. This isn’t something that should be overlooked, as Albertans deserve to be well represented.

Further, we want the members of this House to be able to adequately and properly serve the people of their constituencies. Arbitrary boundaries also make it hard for a single MLA to be a good representative if their ridings become too big or have communities that don’t share the same commonalities. This is important to note because myself and my colleagues have been very

vocal about the fact that the UCP has a real challenge in serving the best interests of Albertans.

This UCP government seems to be extremely preoccupied with their own political agenda that has come at the expense of Albertans. If they were truly listening, they would be addressing things that Albertans are really concerned about: having good-paying, stable jobs, affordability, and health care. Our province has the highest unemployment rate outside of Atlantic Canada, yet jobs aren't being prioritized. The UCP has left Alberta stuck with the lowest minimum wage in the country. Everyday Albertans are struggling to pay their rent, to buy groceries, to keep lights on, to feel safe, and their calls for this government to get to work and actually do something about these challenges are falling on deaf ears.

On this side of the House we care about all Albertans, and we'll continue to bring up these realities until this government takes them seriously and puts forward legislation that actually addresses those issues. The members opposite seem to only care about securing their own control and power, and we see even more evidence of this with Bill 31.

Section 14 of the Electoral Boundaries Commission Act currently lists out all of the relevant considerations that the commission can take into consideration. It does so to ensure that when boundaries are drawn, they're not done so arbitrarily in a way that it gives a particular party more advantages than the other. With this Bill 31 this is now being replaced with a watered-down list of considerations, and to make matters worse, the commission "may" take into consideration the new list whereas the existing legislation states that they "shall" take into consideration each item. Big distinction there.

So this watered-down list isn't even something that the commission really needs to be mindful of. Essentially, this UCP government is removing the requirement for the commission to consider factors such as municipal boundaries. What is the point, then, of even having a list in Bill 31 if the government is going to open doors to what is nothing short of, as my colleague said earlier, gerrymandering? We hear this term a lot in discussion of electoral boundaries, especially in the U.S., but this is not just an American problem. They are giving the commission more power to make choices rather than requiring the commission to follow a specific set of considerations.

8:00

Democratic power should be provided as equitably as possible. We need more strict consideration so that our ridings allow for a diverse government that reflects the province as a whole. There is no arguing with the fact that this is an important feature of any democracy.

I worry that the way that Bill 31 is written has a potential to undermine our electoral processes. We can't assume this government will uphold equitable processes given the bills that they've been introducing this past year, the majority of which are drastic overreaches of power.

I bring this up, Mr. Chair, because I know that Albertans are already worried about whether or not they can trust the UCP to do the right thing. What guarantee do Albertans have with Bill 31 that this process will be fair, accountable, that they will be well represented?

Mr. Chair, we have to ensure that a fair process for developing new ridings and electoral boundaries and outcomes is truly fair and that we can really represent Albertans well. We don't want Albertans to lose their voice, their vote, their choice. We don't want Albertans to be pawns in political games and theatre.

A new map must reflect where people live and where we've seen the most growth. There needs to be a judicial review to ensure new ridings are formed fairly and appropriately. Not only is this vital to ensuring we're representing Albertans to the best of our ability but to upholding the strength of our democracy.

Mr. Chair, I have grave concerns that Bill 31 isn't explicit enough about ensuring that this process of the Electoral Boundaries Commission will be as fair as it can be.

Thank you.

The Deputy Chair: Any other members wishing to speak? The Member for Calgary-Bhullar-McCall has risen.

Mr. Sabir: Thank you, Mr. Chair. I think my colleagues have raised very interesting points about gerrymandering, and the reason for that is that government changed section 14 of the existing legislation, which used to have certain criteria provided to the commission that they were bound to consider. Now in section 14, one, they took out a number of things, and two, they use the word "may," so left it to the discretion of the commission. If they so choose, they "may" consider it. That gives rise to suspicions that that's what government intends to do.

Here the Justice minister was saying, "Trust us. Two people will be appointed by the Premier; two people will be appointed by the Leader of the Official Opposition; and one person will be appointed by Lieutenant Governor in Council," a very fancy term for what the Premier and cabinet can decide on the fifth person. Essentially, this government cannot be trusted. We cannot take their word for it because our democracy is at stake here. People's right to representation is at stake here.

With that, I do move an amendment that will try to fix this, and if government wants to be taken seriously, they should support this amendment.

The Deputy Chair: Members, this will be referred to as amendment A1.

The Member for Calgary-Bhullar-McCall may proceed.

Mr. Sabir: The Member for Calgary-Bhullar-McCall to move that Bill 31, Justice Statutes Amendment Act, 2024, be amended in section 3(3), in the proposed section 14, as follows: by striking out "may take into consideration" and substituting "may take into consideration any factors the Commission considers appropriate, but shall take into consideration"; by adding "and" at the end of clause (d); in clause (e) by striking out "clear boundaries, and" and substituting "clear boundaries."; and by striking out clause (f).

In short, as I was saying, government has made changes to section 14 before the commission was bound to consider the criteria listed in the section, and government changed that and left it to the discretion of the commission. I think our democracy, people's right to fair representation is too important to be left to the discretion of a commission like we have done before in previous boundary redraws where we have given a set criterion to the commission to consider. We should continue following that practice. Government has not provided any rational argument why they would make this a discretionary thing and not leave it as something that the commission must consider.

I think, I urge all members of the House to take this amendment seriously. Take people's right to representation seriously; they are the ones who elected us to be here, and I think we should not interfere with their right to fair representation in any way, shape, or manner. We should provide firm guidance to the commission on what they can and what they cannot do, and we should not allow anyone to gerrymander our electoral map.

Thank you.

The Deputy Chair: Any members wishing to speak to amendment A1?

Seeing none.

[Motion on amendment A1 lost]

The Deputy Chair: Members, we are back on to the main bill, Bill 31. Any members wishing to speak?

The Member for Calgary-Bhullar-McCall.

Mr. Sabir: Thank you, Mr. Chair. I think that clearly shows us that government is not interested in ensuring people's right to fair representation. They don't want to provide anything that will be mandatory for the commission to consider, and that is deeply troubling.

Again, in the same section, Mr. Chair, the existing legislation provides, among other things, that the commission must consider, shall take into consideration "wherever possible, the existing community boundaries within the cities of Edmonton and Calgary" and "wherever possible, the existing municipal boundaries." That has been the direction contained in the legislation for any commission; that was the direction available to the commission when we were in government in 2017 and even before that. I think government's only reason they want to change this is so they can gerrymander with the electoral map. I don't think that we agree or that Albertans agree with that.

With that, I will try to move another amendment, just to try one more time if the government will stand up for people's right to fair representation.

8:10

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

The hon. Member for Calgary-Bhullar-McCall may proceed.

Mr. Sabir: Thank you, Mr. Chair. I'll read that into the record. MLA for Calgary-Bhullar-McCall to move that Bill 31, Justice Statutes Amendment Act, 2024, be amended in section 3(3), in the proposed section 14, as follows: in clause (b) by striking out "municipalities,;" in clause (e) by striking out "understandable and clear boundaries, and" and substituting "understandable and clear boundaries,;" by renumbering clause (f) as clause (g); by adding the following immediately after clause (e): "(f) municipal boundaries, and."

In short, this amendment is suggesting that we, wherever possible, try to respect municipal boundaries when we redraw the electoral map and not do gerrymandering. It's a very common-sense provision. If government has any respect for people's right to representation, fair representation, if they have any respect for municipalities, I think they would leave that as a criterion for the commission to consider while redrawing the map. I think if government is not interested in accepting these amendments, then we do have grave concerns that government is hell bent on gerrymandering with our electoral map, and that's unacceptable.

With that, I urge all members of the House to support this amendment.

The Deputy Chair: On amendment A2 any other speakers wishing to speak?

Seeing none, I will call the question on amendment A2.

[Motion on amendment A2 lost]

The Deputy Chair: We are back on the main bill, Bill 31. Any other speakers wishing to speak to the main bill?

Seeing none, are you ready for the question on Bill 31, Justice Statutes Amendment Act, 2024?

[The remaining clauses of Bill 31 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Any opposed? That is carried.
Thank you.

Bill 34

Access to Information Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The Member for Sherwood Park has risen to speak.

Mr. Kasawski: Thanks, Mr. Chair. Happy to rise and provide comments and maybe some questions about Bill 34, this Access to Information Act. We are entering into a new age of lack of transparency in government, and it's being presented to us in the form of a bill that's called Access to Information. It's alarming that the independent Privacy Commissioner, that was consulted prior to the bill making its way to the Legislature, then had to write a letter to explain how this bill is failing.

You know, as a parent I remember when my kids were younger and they'd ask many questions like: "Why do I have to clean my room? Why do I have to do my chores?" I could have just said, "Because I told you so," but that never really quite sat well with me. A good question deserves an answer, and I've always tried to provide an answer as a matter of principle.

Likewise, in democracy our citizens elect their governments. In exchange the government must be transparent about the decisions they make and subject to the inquiry of others. They might be open to public scrutiny as a result. But Bill 34, Access to Information Act, puts all of that at risk. That is what has been brought forward, especially by the independent office of the Privacy Commissioner. Our transparency, our ability to scrutinize our government is now at risk because of this act that is coming forward, that's being called the Access to Information Act when it's the opposite of access. It is going to take away access for Albertans.

I've got some examples of things that would be a good example of inquiries that we're trying to make and what kind of information we are able to access. Alberta already has a reputation as a jurisdiction with the least accessible government. You cannot get all the information when you inquire with government bodies or with the government. Despite its name, this bill introduces several changes with new exemptions that will make it harder for Albertans to get the information we deserve.

Transparency and accountability should be a priority in everything from cancer treatment wait times, school classroom sizes, perhaps when we're trying to get a cost analysis of the infrastructure deficit in this province. It would be great to have those inquiries answered by the government, but that access to information, that information we want to access is going to be harder to get.

Alberta already, like I said, has one of the most restrictive accesses to information systems. That was before this bill was introduced. Now we are looking at a government that is going to make it less transparent in this province, which is going to be eroding our democracy.

When the Information and Privacy Commissioner looked at this, they felt compelled. As usually a quiet bureaucrat, you wouldn't expect them to write a public letter, but they felt compelled to write a letter, 13 pages long, explaining the problems with what is being brought forward in this legislation by the UPC. It's making it even harder for Albertans to access crucial documents and information so that they can understand what the government is doing and why they're doing it.

When I think of things I would be really interested to know: what consultations were done on bills 26, 27, 29? Through an information request I would hope to be able to find out what consultations were done before these bills were brought forward because there are often anecdotes brought forward by the government explaining all the consultation they've done, but there's no evidence any consultation was done.

We look back to, like, Bill 20. It would be great to find out what consultation was done before Bill 20 was brought in. All the stakeholders, all the municipalities in this province have no record of any consultation being done and were quite surprised when the legislation was brought forward. So after the legislation is being brought forward, as a citizen, I would want to inquire: how did you come about this policy decision that is transforming our province, with your laws that you're bringing forward?

With this Bill 34 we will not have that ability to access the information and find out why decisions are made or how they're being made. It would be ideal in this province if the government would do stakeholder engagement. Perhaps they might reach out to citizens, bring forward ideas to them, maybe even seek a mandate from an election and then govern based on that mandate. But we are not getting that with the UPC. With this government what we're finding is that they are not going forward and seeking the inquiries. They're not going forward and seeking advice from citizens. They are just bringing forward legislation that allows them to govern without scrutiny and without criticism. How can you criticize what you can't see? There's no transparency in this province with this government.

8:20

Worse, it's creating loopholes that allow political staff to keep their advice to ministers hidden from the public, making it impossible to determine whether important decisions were influenced by backroom advice. Even more concerning, Bill 34 gives heads of government agencies the power to disregard access to information requests. You may inquire to a government agency – there's over 1,200 that are governed by the FOIP rules in our province – and the head of a government agency may just decide: "I don't actually want to respond to this. It's not in my interest." And now the office of the Information and Privacy Commissioner does not have any teeth and ability to force the response on information requests. We're minimizing that office's power within our democracy.

These aren't just legal technicalities. They're fundamental issues that affect the government's responsibility to be accountable to the people that they serve, and this pattern of secrecy is nothing new. We've seen with the UPC . . .

Mr. Getson: UCP.

Mr. Kasawski: . . . often weakening the independent oversight by getting rid of the elections officer, and they're doing the same now with information. We are no longer going to be providing information to the public upon their inquiry, giving themselves even more power to close ranks, keep secrets, and avoid scrutiny.

If the UPC truly cares about democracy . . . [interjections] If the UPC truly cares about democracy, they should listen to the experts

and revisit their priorities and amend the legislation as it stands. I hope that *Hansard* is keeping it as I'm saying it, because if you didn't catch it, it's on purpose. [interjections] As it stands, Bill 34 is an attack on transparency, and it blows the democratic principles that Albertans deserve out of the water.

Mr. Speaker, the problem that the members from the other side don't seem to understand is that when I go talking to constituents and they have complaints about the current government, they talk about the "UPC," and I feel it's important to bring it forward exactly as my constituents speak about it. [interjections] If you think the former Premier Kenney didn't have this in mind when you came up with this name, you are sorely mistaken. He meant for it to be confusing, just like Bill 34 will make government in Alberta confusing.

Let's look a little bit at what the Privacy Commissioner, who felt compelled to write a 13-page letter, had to say about this bill: Bill 34, the Access to Information Act, should "be reconsidered," extremely strong words for a bureaucrat, and amended in order to ensure "a well-functioning access to information system" that would continue to operate in this province.

The office of the Privacy Commissioner doesn't even want to bring it up to the highest level in this country; they're just trying to bring it up to the level that Alberta has been at up until this point, which, again, is the least transparent jurisdiction in our country.

Ms Schulz: Says who?

Mr. Kasawski: The Privacy Commissioner said so.

The Privacy Commissioner has brought forward their concerns, and they were even able to be consulted by the government ahead of time. The government brought these pieces of legislation and their ideas forward. The Privacy Commissioner said, "I would like to give some comment to that," provided it to the minister of information and technology and to the minister of red tape and said that there are challenges with this legislation you're thinking about bringing forward. That was disregarded by the ministers after they were provided independent legal advice, so it's clear that they're bringing forward legislation that they are aware is making Alberta a less transparent democracy.

It's extremely challenging for us to accept this legislation and want to support it. That ability for us to make inquiries, sometimes what I would look at, I would say – I brought up the consultation. We would love to find inquiries on the consultation. We had a written question brought forward to the House on infrastructure deficit and the maintenance contracts in Alberta for highways, and we were not able to get answers on that.

I would love to have cost analysis from the loss of revenue of photoradar. The chief of police of Calgary spent 25 minutes in a press conference yesterday expressing how they had reached out to this government, the government minister that is bringing regulation change in, eight times and was unable to get a meeting with the minister before the minister transformed how we're going to do public safety on roads in our province.

Now, if I was a citizen who would want to have an inquiry with the government, I'd say: well, look, how did you come up with this idea to get rid of a public safety measure like photoradar or intersection cameras? The minister's department would be able to just be like: we're not even going to answer that. We have experts in safety in this province that are saying that a bad decision is being made by our government on traffic safety.

We can look at the minister of unaffordability's new rate of last resort. The AUC provided a report. They were commissioned. They sent a commission to EPCOR, Enmax, and Direct Energy, the providers of the regulated rate option, and they provided a report

for what a rate of last resort would look like for the minister. An economist did a FOIP inquiry, and under the current FOIP rules they were able to finally get a response from the Alberta Utilities Commission; 90 per cent of a report on the rate of last resort was redacted. Somehow that is not something that is open to scrutiny from the citizens of Alberta.

I'm curious about how we've come up with so many ideas from the Forestry and Parks department or Environment and Protected Areas. Cormorants are going to be culled on Lac La Biche because the fishermen can't catch any fish, and I'm really curious what the cormorants did to the minister that she wants to have them culled. Grizzlies – we have all the fur bears. We've got the fishers. We've got the wolverines, the lynx, the river otters: all of these are now being opened up for hunting and trapping. If someone wanted to inquire, "How did the minister come about this?" the minister doesn't have any responsibility now to answer why they've decided to go after cougars or even now mountain goats. I've never even seen a mountain goat on a mountain in Alberta, and now we're going to open up hunting for them. Mountain sheep are everywhere, Mr. Chair, but mountain goats are a rare sighting, and now we're going to open up hunting on them. It's a ridiculous thing to have this happening here in our province.

We have these pieces of decisions that are being made, the decision-making that's being made. We have legislation that's being brought in without consultation, and our ability as citizens to scrutinize our government, hold them to account with any information, is being removed.

Time check, Mr. Chair. How much more time do I have?

The Deputy Chair: Five minutes.

Mr. Kasawski: I appreciate that, Mr. Chair.

What I want to bring forward last, Mr. Chair, is that we have a UPC government that is not interested in being scrutinized for their decisions and are wielding their power like an authoritarian government not open to democratic criticism, and that is unfortunate for our province and unfortunate for our democracy. I really wish they would listen to the independent office of the Privacy Commissioner, who has said to pull this legislation, bring amendments in that would strengthen information inquiries in our province so that we can have a well-functioning democracy.

Thank you, Mr. Chair.

8:30

Mr. Nixon: I will be quick because I know the opposition would like some time. It never ceases to amaze me the challenges that the Official Opposition and the NDP Party have with understanding things like wildlife or anything outside of their areas. This is very relevant to this piece of legislation. The hon. member just spent 15, 20 minutes going on at length about his concerns about the legislation and its impact on critical areas like wildlife management, which, Mr. Chair, as I know you know, and through you to the hon. member, the Privacy Commissioner is not who would regulate things like biological decisions when it would come to hunting numbers. It's a significant process.

I do think there are a couple of things that have to be clarified on the record just because it's so outrageous what the hon. member said. I think it's important for him to know and for the Chamber to know a couple of things around wildlife that concern me. I would not want them on the record without some clarification.

This reminds me, Mr. Chair. You'll remember – some of the new colleagues on both sides of the aisle will not recall – that in the last Legislature I was environment minister in those days. The NDP ran an ad ...

An Hon. Member: Best environment minister we had.

Mr. Nixon: Thank you very much, Minister. I appreciate that.

They ran an ad for wildlife called: save our wildlife inside provincial parks. The challenge was that the NDP used a whole bunch of European animals for those ads, animals that did not exist in the province of Alberta. Most famously was a red stag, Mr. Chair. Now, red stags are one of my favourite animals. They're found all over Europe. You can even find them in New Zealand, where they've been introduced. A beautiful animal. They do not exist in the province of Alberta.

They ran another one with a quote, unquote, coyote that needed to be protected from Kananaskis, but it was a picture of a wolf. I got up at that time as minister of environment, really expressed my concern as the minister responsible for coyotes at that time, in question period to say that we needed to stick up for the coyotes. Wolves actually eat coyotes. I don't know if the hon. member knows that. It's not Disney out there in the wild. They don't talk to each other; they eat each other. If you were a coyote, you would have some significant challenges, obviously, with being presented as an animal that eats you. I really think that at that time I challenged the NDP not to misrepresent species in their works that take place.

The hon. member said two things of importance that I want on the record, and then I will let this proceed tonight. Mountain goats – this is my favourite part of the whole evening – which he then mistook for mountain sheep, which are two different species. They look extraordinarily different. Mountain goats have been hunted in Alberta and continue to be consistently. There's never been a hunt that has not taken place in a year. There's a draw system that happens with mountain goats. Just so the hon. member knows, the Privacy Commissioner has nothing to do with it. They do exist, and they have been hunted for a while as part of it.

Then, of course, the bighorn sheep, the Alberta Rocky Mountain House bighorn sheep, Alberta's mammal, Mr. Chair. Nothing more majestic than that animal. I come from one of the largest areas of wild sheep habitat in the world and have some of the biggest guides in the world, actually, who chase wild sheep. They are a majestic animal that has been hunted since Alberta existed, rightly so. It's how we manage that species to make sure that it could be here for future generations.

So I want to assure him that, one, mountain sheep are not mountain goats, that wolves are not coyotes, that red stags don't exist inside our province, that the Privacy Commissioner is not the one that sets hunting regulations, and that everything is just going to be okay if he spends a little bit more time learning about that whole world outside of the large city.

I really like the hon. member. I think he's an excellent member of the Chamber. I sometimes think he might secretly be a Conservative, Mr. Chair. But if he would like to learn a little bit more about that world outside of his constituency, he's welcome to come to Rimbey-Rocky Mountain House-Sundre. We'll put him in a helicopter. We'll show him what a mountain sheep is, and we'll show him what a mountain goat is, and we will certainly show him what a coyote is not.

Thank you very much, Mr. Chair.

The Deputy Chair: Bill 34. Any other speakers to Bill 34? The Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you very much, Mr. Chair. That was quite a little speech there.

I'm pleased to rise again on this bill. I have had the chance to make some initial comments with respect to this bill. I find it highly problematic. Just to – I don't know – combat some misinformation,

which is one of my favourite things to do, I would say, I'm going to read a little bit from the bill and a little bit from a letter from the Information and Privacy Commissioner.

Essentially, what the Information and Privacy Commissioner's point is with respect to members of Executive Council, i.e. ministers and their offices, their staff, is that this new bill does not clarify the law – this is not law that currently exists – it changes the law. It changes the law to create the broadest exemptions for ministers and political staff, basically, in the country. This would make us – I mean, we already are under the UCP the least transparent jurisdiction in the country, but this would make us even less transparent. That's highly problematic.

I think it's worth noting as well that in the letter the Information and Privacy Commissioner, when talking about these expanded exemptions – and I'm talking here: page 15 of Bill 34, sections (t), (u), and (v); these expand the exceptions. In particular, the Information and Privacy Commissioner notes – and I think it's worth talking about this – that communications, essentially, between MLAs and members of Executive Council: these communications are fundamental to how decisions are made by government, and the public fundamentally has a right to access this information. So this is not clarifying the law; this is changing the law.

It's changing the law to something other than it was under this government previously or under us when we were in government, so this is a difference. I think it's a problematic difference because I think that the factors that are considered and the communications that are considered and who has input into government decisions are fundamental to us all. The purpose of democracy is for the people to vote, to understand what they're voting for and vote on that basis, but this prevents the people from understanding what they're voting for.

What the government wants is for them to vote for – well, this government likes to spend a lot of money advertising things, and what they want is for the people to vote on the basis of their advertisements, not on the basis of the actual facts of how they made decisions, so that is extremely problematic. Basically, it exempts communications with political staff. It also exempts the underlying material, so we can't even – it's not even advice to cabinet that's exempted anymore; it's the material which underlies that advice, so the facts that were presented to cabinet.

They literally want to exempt from FOIPs the facts which cabinet saw. Now, that might be relevant because some of the facts – I use the term loosely – that this government is presented with most people wouldn't really consider facts, I think, for instance on matters of health, to begin with. Certainly, this government tends to be presented with or tends to present to the public facts which I think an ordinarily educated person would not describe as facts.

I think it's worth while for Albertans to have access to that. You know, if the facts being presented to cabinet are facts about the U.S. government and their chemtrails, are misinformation about vaccines, are other scientific misinformation – say, for instance, about climate change – the public has a right to know that. They do. So exempting those things and carving them out and saying that these shall no longer be subject to FOIP is highly problematic because if cabinet is hearing presentations on the facts of chemtrails, the public should know that. I think that that is instrumental to their decision in terms of what government they vote for because, again, as I've said, those facts aren't so much facts. So that is incredibly problematic.

8:40

There are several other areas that are touched on here, and one of them that I think is really worth noting is about section 63 in the

bill, which is the burden of proof. The term that is used to describe this is “procedurally unfair,” and that's the correct term. It's not a term that everyone, I would say, is necessarily familiar with. When you say procedurally unfair, what it essentially means is that the process makes it impossible for one party to be successful; maybe not completely impossible but extremely difficult. It's very onerous. Essentially what it's saying is that the playing field has been tilted in favour of one party versus the other, and the Information and Privacy Commissioner here is one hundred per cent correct.

An applicant, so someone coming to the government – of course, the government has tilted the playing field in favour of themselves. That's what they do. The last bill we talked about was gerrymandering, tilting the playing field in favour of themselves. Essentially what this does is that it requires an applicant to prove a fact about information that is not in their possession.

Somebody comes to the government and says, “I would like to know on what basis you made this decision,” and the government says: “No. You're not allowed to know that, public. We don't think that you, the public, are entitled to know on what basis we made our decisions. We would like to govern and be left alone by you because we don't like to be transparent.” Then the person appeals to the Privacy Commissioner, and they are required to prove facts about the information which the government has denied them. They're required to prove facts about that information without ever having seen it. I mean, this is transparently absurd. It's kind of like la-la-logic land. I don't think anyone would think this is a fair process, right?

Yes. It is procedurally unfair, but I feel like that doesn't quite capture the depths to which this is just absurd. It's just absurd to think that people should be required to do that. I would say – I mean, it's quite clear, and it's not just me saying this; it's professors and legal experts and the Information and Privacy Commissioner – this is new law, and it's new law that makes this the most secretive government in Canada. That is very problematic.

I would urge all members to vote against it. I think, you know, this protects Executive Council. To a limited degree it will now protect private members of the government caucus, but I think even as private members of the government caucus you should have an interest in whether your constituents can get information about your government. I think you should really consider voting against this because I think it is highly problematic, and I think it violates what I would call democratic principles and your constituents' rights to access.

Thank you.

The Deputy Chair: Any other members wishing to speak to Bill 34? Edmonton-Whitemud has risen.

Ms Pancholi: Well, thank you, Mr. Chair. It's a pleasure to have an opportunity to stand and speak in Committee of the Whole on Bill 34. I'd like to begin my comments by setting out how this is really just a pattern of behaviour from the UPC government, which is to sort of erode democracy and the institutions that are supposed to survive long past any particular political party or any particular Premier and really carry on that there's value in the democratic institutions that we have inherent of themselves because they have to survive beyond politics.

I must take this opportunity, Mr. Chair, to just comment on the fact that respect for institutions and respect for tradition and the sanctity of the democratic process has actually long been a stalwart and a foundational principle of Conservative governments and that tradition and wanting to protect institutions. But what we have seen,

which is proof point of many proof points, is that this government is actually not conservative at all.

I don't even know if we can call them libertarian anymore. We've seen their willingness to undermine individual rights all over the place, Mr. Chair, whether it be in terms of private property rights of owners of their land and how they can use their land, whether it be individual rights of people, unless, of course, it's the individual rights that they want to protect, but they will not protect those same rights for people they don't respect. Not undermining individual rights, property rights used to be the hallmark of libertarian governments, but that's not how this current government is conducting themselves. They're not conservative. They're not libertarian. They're something else, some hybrid monster of populism, it appears.

That's really what we're seeing, a constant erosion of the democratic institutions that we have. What we see with Bill 34 is just one more example of how the government is undermining democracy but also making government more secretive, more in the shadows, and making it larger in many respects as well. We've seen that this, again, is not a typical Conservative government in any way because they love big government, Mr. Chair.

I want to just say that this Bill 34, which is supposed to be about access to information, is actually once again moving backwards in terms of providing greater access to Albertans of an understanding of what government is doing. Now, again, I highlight that this should be about protecting access to information from any government, regardless of which political party is in power, as we know that the government will change in just three years, when there is an election. There will be a new political party in power, and at that time it would also apply to the NDP government that will inevitably come.

Now, when I talk about a series of actions that this government has taken in the last, let's say, 18 months or so, we see, for example, that there was Bill 20, that happened earlier this spring, Mr. Chair, and that was, you know, allowing the UCP government to remove municipal councillors and to override bylaws that were determined by locally elected municipal councillors. They brought back big money into local elections.

Another example of how they're eroding democracy – and this is just one more example of it, Mr. Chair – you know, is that we've seen a pattern of behaviour of they've been allowing expensive gifts for their MLAs from lobbyists. They want to bring back undermining the ability of Albertans to be able to know how decisions are being made, who is making decisions by giving special right of access to those who can provide expensive gifts like, let's say, box tickets to a playoff game, just as a random example but obviously a very well-known example by Albertans. Many of us watched as the Premier and many, many, many of her cabinet ministers – and, frankly, if you weren't a cabinet minister who got a ticket to a playoff hockey game, you've got to question, I guess, how good you're doing if nobody wants to take you to a hockey game – accepted many, many expensive gifts, again, eroding the principles of democracy. They changed the rules specifically so they can do that. Of course, as a result of some of that lobbying we know that some of those folks who lobbied them got very lucrative contracts from the government on our dime for things like Turkish Tylanol.

We saw that this government appointed a partisan person to be the Ethics Commissioner. Somebody who ran for their party in a previous election is now the Ethics Commissioner, the same person who is now going to be making a determination about the gifts that government MLAs can receive.

Of course, we discussed earlier today, debating on Bill 31, where they are overtly gerrymandering seats. They're trying to dilute the

vote and the voice of many Albertans, particularly those in urban seats, to grant them these really unbelievable ways of dividing up our province into seats that will undermine those who they think that they cannot well represent.

Then, of course, just recently we saw this government summarily fire the board of AIMCo and replace it with perhaps one of the most partisan people you can think of, former Prime Minister Stephen Harper, who was, of course, a signatory to the firewall letter as well.

These are all the actions that we've seen this government take over the last little while that are meant to erode democracy, and then we have this piece of legislation, which is Bill 34. I think it's important, though, to see that because this is the way that it happens. It's just these little pieces of things that take place over time, little elements that get changed over time. This is yet another way.

What we see is that, yes, I will agree that this government has said: oh, we're bringing in new privacy legislation and access to information legislation because it's long overdue. It surely is long overdue, but just because they brought in new legislation when it's long overdue doesn't make this good legislation. In fact, it goes backwards. It actually makes government less transparent, less accountable, and hides more from Albertans.

8:50

As has been stated by a number of my colleagues, we know without a fact that the UPC government has been one of the most secretive governments that has ever existed in this country. It has that title, the, I guess, bragging rights as being one of the most secretive governments in the country. We know that there's been reporting about the fact that we have some of the most restrictive information regimes in Canada. We're still one of the provinces that charges the most for an access to information request. That does not change under this legislation. If the government was wanting to be more in line with other provinces and to grant greater access, they would have looked at reducing the fees for making an access request. That's not what's happened here.

We know that we've seen lots of reporting, Mr. Chair, on how long it takes for Albertans who make requests under the existing FOIP regime for access to information, and again, this piece of legislation does nothing to actually expedite that, which actually, I think, is not only about reflecting that in the legislation but also resourcing the public servants who do manage all those information requests. There's been no effort by the government to do that, so we certainly see that over time they have made decisions to actually make it less easy for Albertans to access. That's the state of play right now, and nothing has been improved by this piece of legislation.

Now, as has been described by my colleagues and, more importantly, by many people outside of this Chamber, Bill 34 actually particularly has been critiqued by many people who are very familiar with access to information legislation across the country and particularly Alberta's own Information and Privacy Commissioner. The decision to exempt records by political staff when political staff is not defined in the legislation is meant to cloak more of the secretive things that we know happen within this government from Albertans' eyes. It's meant to create a veil over those decisions when, by the way, we also know that more and more this government is not listening to the public servants who are serving all Albertans in ministries across the province.

We know more and more that they are not accepting the advice that's been given to them by their public service. Instead, they're looking more to their partisan political staff, and that information is being – this is the only piece of legislation in the country which has carved out an exemption for political staff, particularly given that political staff has not been defined.

To quote the office of the Information and Privacy Commissioner: political staff serve a public purpose, and perform public interest functions. This section,

as described in Bill 34,

exempts a broad class of government documents (not just policy deliberation, as is commonly the case under Canadian access laws) that relate to decisions that involve them. It has the potential to improperly extend access requirement exemptions to the public service.

The Information and Privacy Commissioner also describes these exceptions as “some of the broadest exceptions to executive level government transparency, as compared to . . . Canadian or international legislation.” I guess I have to ask, Mr. Chair: what is the government so afraid of Albertans seeing? It’s clear that they are afraid of them seeing a lot of these government documents.

The Member for Calgary-Mountain View rightly pointed out that they actually are now going to be exempting from disclosure factual information. I can only guess why that is. I mean, based on the quality of the legislation that has been brought forward to date by the government, the quality of the consultation and evidence that has been the foundation of some of the rationale for why they’re bringing forward the legislation they are, I can only assume, Mr. Chair, that the government either (a) is not using facts to make their decisions – and, frankly, there’s a lot of proof of that – or it’s that they don’t want Albertans to know that they have been given the facts and are deliberately ignoring them.

To carve that out, that we can’t – and I have to say, just on a philosophical note, that I find it more and more troubling that we live in a world where people are operating off different sets of facts. This has actually become very evident. Sometimes I will listen to government members say things, and I will be completely bewildered because they’re speaking about something that is not something that I’ve ever heard of before and typically is frankly only found on things like Truth Social and YouTube. It’s some pretty obscure stuff. That might be somewhat comical in this space, Mr. Chair, but it’s actually also really concerning.

There was a time, of course, when we used to have, you know, really well-funded and supported journalism and media, and as a country, as a province we might all see the evening news, we might all read the newspaper, and we would all read the same set of facts. Even though we might disagree on how to interpret them or apply them or what their meaning was or what policy actions to take, we were at least operating off the same set of facts. That is no longer the case, Mr. Chair, as more and more people are going to search out their information in quarters of the Internet and within their own echo chambers. I think more and more Albertans deserve to know the facts upon which government is making their decisions.

You know, as somebody who actually used to process FOIP requests – I used to work in the public service; I used to be the acting FOIP co-ordinator for a public body for a period of time and somebody who responded to FOIP requests; I used to be part of the responsibility of, like, searching out records and responding – I often wondered how useful that section of a briefing note would be that contained the facts. Usually that was not what the applicants were actually looking for because those facts were well known. They were well established. People pretty much knew some of those things. But we live in a world now where the facts are apparently not the basis upon which government decisions are made. I think more than ever we deserve, Albertans need to know the basis for which the government is making these decisions. It might seem like a small thing to say that we’re no longer going to provide the factual background of briefing notes or advice that’s given to a minister, but I actually think more than ever it’s deeply important.

There are many other concerns about this piece of legislation that I’m certain members from this side of the House will be bringing up, concerns around electronic records and the way it’s defined now in the legislation, which will actually only allow for the disclosure of electronic records that are already created, which is really problematic. As we know, government has different forms of storing information. If they’re only allowed to disclose that which is already created, it’s going to limit the access that people have to a lot of records, which are being stored more and more electronically.

There are countless other concerns, Mr. Chair, with this piece of legislation, but I just want to highlight again around my comments that this is a pattern of behaviour by government. It is a pattern of behaviour to provide less transparency, less accountability, to close off information from Albertans, who deserve to know, from a government that already has a track record of being the most secretive in this country, a government that does not respond to requests in a timely fashion, that leaves people waiting longer and longer to get access to information, who, frankly, just flat out refuses – you know, there’s reporting about the fact that this government actually just does not respond to requests now for information.

Yes, we do need to update our access to information legislation, but this is going backwards, as is everything and every step this government has taken. It seems to be going further and further into the dark and leaving Albertans more and more in the dark.

Thank you, Mr. Chair.

The Deputy Chair: Any other speakers wishing to speak? The hon. Member for Calgary-Bhullar-McCall has risen.

Mr. Sabir: Thank you, Mr. Chair. As my colleagues mentioned, access to information is fundamental to a functioning democracy. It’s fundamental for people to be able to access information in meaningful ways and be able to participate in democracy. It’s fundamental for us as the Official Opposition, for Albertans to have access to information so they can hold politicians and bureaucrats accountable. As my colleague said, government claims they are updating this piece of legislation, but they are moving it backwards by making access to information more restrictive, by adding more exemptions, and by making the process more difficult.

For instance, section 7(1) is the main provision, how to make a request. It says that a person should provide enough information so that the public body can “locate and identify the record within a reasonable time [and] with reasonable effort.” I think that is very vague, vague language, and it’s open to interpretation and, I think, many different interpretations.

With that, I will move an amendment that relates to this section, and we will try to make this a bit better.

9:00

The Deputy Chair: Hon. members, this amendment will be referred to as A3. The Member for Calgary-Bhullar-McCall may proceed.

Mr. Sabir: The Member for Calgary-Bhullar-McCall moves that Bill 34, Access to Information Act, be amended as follows: (a) in section 7, (i) by striking out subsection (2)(c) and substituting the following, “(c) provide enough detail to enable the public body to locate and identify the record, and”; (ii) in subsection (3) by striking out “within a reasonable time with reasonable effort”; and (b) in section 9(1)(d) by striking out “within a reasonable time and with reasonable effort”.

All this amendment is doing is that it’s taking out that vague language of “reasonable time with reasonable effort” that public bodies will interpret as they see fit in any given circumstance. I

think that should not be the criteria. The criteria should be that when an individual makes a request, he provides enough information; public bodies should take time, should make the effort to locate that record and make that record accessible to who made that request. So we are changing this language, making it more clear.

Also, the way it's drafted now, it seemed like the onus is now on the person making the request to provide enough detail to satisfy the public body and whatnot, and still the public body will decide whether it's within the reasonable time and effort criteria or not, and they may be able to decline that request. This gives this government a chance to create more hurdles and make access to information more difficult. I think this is too vague and large an exemption that the UCP is adding to this bill.

I urge all members to read this provision, to read this reasonable amendment, and vote for this amendment. Thank you, Mr. Chair.

The Deputy Chair: Amendment A3. Any other speakers wishing to speak to amendment A3?

Seeing none.

[Motion on amendment A3 lost]

The Deputy Chair: Back on to the main bill, Bill 34. Is there anyone wishing to speak to Bill 34?

Calgary-Bhullar-McCall.

Mr. Sabir: Thank you, Mr. Chair. That's unfortunate. We tried to make this bill a bit better, but I don't think the government is interested. Let's try one more time. As my colleague from Edmonton-Whitemud mentioned, existing provisions in the existing legislation with respect to cabinet and Treasury Board confidences are enough. Some people have even raised concerns that they are too secretive. Instead of making it better, government is now adding things like factual background, factual information exempts from the freedom of information requests. There is no rationale, no reason for government to do that. The default position should be that government should make as much information available to people as possible. Whenever they are restricting some information, they should have some reasonable explanation as to why they are doing that.

With that, I will be moving an amendment to section 27(1) that deals with cabinet confidences and Treasury Board confidences.

The Deputy Chair: This will be referred to as amendment A4.

Calgary-Bhullar-McCall, you may proceed.

Mr. Sabir: Mr. Chair, do you want me to read this into the record or just explain?

The Deputy Chair: Please read it into the record.

Mr. Sabir: Read? Okay.

The MLA for Calgary-Bhullar-McCall moves that Bill 34, Access to Information Act, be amended by striking out section 27 and substituting the following:

Cabinet and Treasury Board confidences

27(1) The head of a public body must refuse to disclose to an applicant information or a record that would reveal the substance of deliberations of the Executive Council or any of its committees or of the Treasury Board or any of its committees, including any advice, recommendations, policy considerations or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its committees or to the Treasury Board or any of its committees.

(2) Subsection (1) does not apply to

- (a) information in a record that has been in existence for 15 years or more,
- (b) information in a record of a decision made by the Executive Council or any of its committees on an appeal under an Act, or
- (c) information in a record the purpose of which is to present background facts to the Executive Council or any of its committees or to the Treasury Board or any of its committees for consideration in making a decision if
 - (i) the decision has been made public,
 - (ii) the decision has been implemented, or
 - (iii) 5 years or more have passed since the decision was made or considered.

This amendment removes the proposed section 27 because that section is way too restrictive and replaces it simply with the language that exists in the current FOIP Act. The office of the Information and Privacy Commissioner has written a scathing review of this bill and raised a lot of problems with section 27 and the use of blanket cabinet privilege exemption in 27(1) as opposed to select categories as defined records. This is a new exception that is way too broad and that must be changed, and this provision that is in existing legislation, I think that it has served us well.

Again, government was not able to provide any rationale whatsoever. Many people in academia who have read the bill know this area. They have raised concerns about it. Alberta's own Privacy Commissioner has raised concerns about it. I urge all members of this House to make information more accessible to Albertans. Let's make government more transparent. Let's make government more democratic by making sure that people who elect us have information that they need to meaningfully participate in government, in government decision-making, in understanding the decisions that government makes on their behalf. Let's not shut down all doors for them to seek information.

With that, I urge all members to support this common-sense and reasonable amendment.

The Deputy Chair: On amendment A4, any other members wishing to speak?

See none.

[Motion on amendment A4 lost]

The Deputy Chair: We are back on the main bill, Bill 34, Access to Information Act. The Member for Calgary-Bhullar-McCall.

Mr. Sabir: Thank you, Mr. Chair. That's really disappointing, that no one would even bother to explain why they are voting against these changes while we continue to try to make this bill a better bill. I think section 4 of this act, which lists a number of records to which this act doesn't apply, these are the exemptions that are contained in this act. The standard principle for exemptions is that they need to be narrow and they need to be limited. This new bill, the legislation before us, it actually expands those exemptions, meaning that they are making government more secretive, more unaccountable through these exemptions. There are certain provisions we have deep concerns about, and many in academia, many Albertans, the office of Information and Privacy Commissioner have raised concerns with respect to those. So I do want to move an amendment with respect to some of those exemptions.

9:10

The Deputy Chair: We will refer to this as amendment A5.

Calgary-Bhullar-McCall, you may proceed.

Mr. Sabir: The Member for Calgary-Bhullar-McCall moves that Bill 34, Access to Information Act, be amended in section 4(1) by striking out clauses (m) and (n) and substituting the following: “(m) a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed.”

Clauses (m) and (n) deal with records relating to prosecution or potential prosecution and records relating to charging recommendations. This is a huge change in section 4, and again government is creating more secrecy in our criminal justice system at a time when our criminal justice system is under scrutiny. People are asking for more accountability. The government is putting in exemptions so that people won't have access to those records. I think that's not acceptable. So this amendment will essentially bring back the language that the current act has. We do not think there is any change needed.

The office of Information and Privacy Commissioner, who knows these provisions, these bills way better than any member of the UCP here or outside this House – I think we should just heed the advice that the office of Information and Privacy Commissioner is providing us and accept this amendment.

Thank you, Mr. Chair.

The Deputy Chair: Any other members wishing to speak to amendment A5?

Seeing none.

[Motion on amendment A5 lost]

The Deputy Chair: Back on to the main bill, Bill 34.

Are there any speakers wishing to speak? The member for Calgary-Bhullar-McCall has risen.

Mr. Sabir: Thank you, Mr. Chair. We will try as much as we can to make this bill a bit better bill. I think I will be moving another amendment. This time it's in relation to section 1 of the act. I have the requisite number of copies. I will distribute them.

The Deputy Chair: Amendment A6. The member may proceed.

Mr. Sabir: Thank you. The Member for Calgary-Bhullar-McCall to move that Bill 34, Access to Information Act, be amended as follows: (a) in section 1 (i) in clause (f) by striking out “that exists at the time a request for access is made or that is routinely generated by a public body” and substituting “that exists at the time a request for access is made, is routinely generated by a public body or can be generated from information that is recorded or stored on any medium in or by a computer system by a public body, and”; (ii) by striking out clause (k); (b) in section 29(1)(a) by striking out “including background factual information” and substituting “other than background factual information.”

This definition is problematic because it states that “‘electronic record’ means a record that exists at the time a request for access is made or that is routinely generated by a public body.” This definition limits any access request for electronic records which exist at the time the access request is made or to that which is routinely generated by a public body.

This together with section 12(2) will exclude from the right to access any information that may reside in databases or any other electronic format where there is a need to create a record that is not routinely generated from the data to respond to access requests. Again, the requirement in the FOIP Act for a public body to create a record from a record that is in electronic form under section 2(a) does not appear in the legislation.

This carve-out is concerning, and again, there have been concerns raised about that. Public bodies should take some time and make

some effort to generate records that can be generated by computer in today's day and age. They should not just carve out exceptions to not creating records that they don't routinely create when they can create records, and I think that limits access to information and that needs to change. Albertans have a right to access information, and public bodies, where they are able to, should generate those records and provide that information.

Another thing. In 29(1)(a) it's just striking out, again, the background factual information. That is excluded and exempted. At least government, if there's nothing else they can do, can share the background information and leave that, I guess, available to Albertans to see how government is making a decision. That will make government a bit more transparent.

With that, I urge all members of the House to support this amendment.

The Deputy Chair: Members, on amendment A6. I see the Minister of Service Alberta and Red Tape Reduction has risen to speak.

Mr. Nally: Thank you, Mr. Chair. I'm going to be quick, but I have to stand up and I have to say that I continue to be underwhelmed by the quality of their amendments. I mean, just once I wish they could put a thoughtful amendment forward that we could have a discussion about. Unfortunately, they failed to do so.

Let me set the record straight. We proceeded down this path because the OIPC asked us to, Mr. Chair. We had FOIP laws that were decades old. I've mentioned before that you could have first read about them on Windows 95. You could have downloaded them on a floppy disk. That's how long ago FOIP was put in place, and we could not have imagined the digital world that we live in. The OIPC asked us to make these changes, and we engaged with the OIPC. I understand the OIPC has a desire for more clarity, and we've committed to providing that clarity in regulation, and we will continue to engage with the OIPC. At the end of the day, all we are doing is modernizing antiquated and aging legislation, and we're aligning it along jurisdictional lines so we will look just like the rest of the provinces in this country and the federal government when it comes to access to information.

9:20

Now, I have to say that if they had that many concerns, you know, they could always ask me a question in question period. In the two weeks we've been debating this, Mr. Chair, they have asked me one question. It's almost like they're scared to ask me a question. I think they are. You know why they're scared to ask me a question? They know what I know, and I know what they did. We all do. It's a matter of public record.

Now, I'm not going to go through every transgression, but here are just a couple to whet your appetite. They did something on a scale that we have never seen before. They were accused of deleting e-mails, Mr. Chair. What makes it so impressive is the magnitude. One, they deleted 800,000 e-mails in their first year, and the second thing is that they actually paid employees to delete them. They gave them gift cards. They rewarded employees with gift cards for deleting the e-mails. They ended up going to voice mode because they were so secretive. When they stand up in here and call us secretive, it was the members opposite that coined the phrase “voice mode.” It was the members opposite that deleted 800,000 e-mails.

Now, in 2017 an internal e-mail from the Department of Justice revealed that the NDP staffers directed FOIP officers to provide the minister's office with copies of records requested by journalists. This was outrageous, Mr. Chair. They were forced to fire someone over this. But you know what they did with the person they fired

over this transgression? They hired him back as an adviser to the NDP. I mean, these guys are unbelievable. They will throw one of their own staffers under the bus when they're caught cheating, and then they hire him back as an executive adviser. Absolutely atrocious.

Here is the most unbelievable part. I understand that the OIPC has some concerns, and we've committed to engaging with her, Mr. Chair. But let's be clear. The NDP waged war on the OIPC. The Privacy Commissioner's name was Jill Clayton. Do you know what the OIPC, Jill Clayton, had to say about the NDP? She said that the Alberta NDP had a lack of respect for freedom of information. I'm going to say that again just to make sure that *Hansard* got it right.

Mr. Glubish: I don't know if I heard you. Say it again?

Mr. Nally: I will say it one more time for the benefit of *Hansard* and everyone else. The former Privacy Commissioner, Jill Clayton, said that the Alberta NDP had a lack of respect for freedom of information. Wow. So when they stand up in this House and they talk about us being a secret government, nothing could be further from the truth. It is those members and their behaviour that waged war on the OIPC. I can tell you, Mr. Chair, that the OIPC is not saying that we have a lack of respect, but they sure had that to say about the NDP.

Now, I could go on, but in the interest of time we're not going to. I'd be happy to talk more about this in question period if anybody wants to ask me a question.

Mr. Chair, both sides of this House will stand up and champion transparency, but it is only one side that has the record that supports that. Now, Bill 34 will ensure that no future government can behave like they did. We are modernizing the amendments, and we're providing clarity so it's clear to everybody what is accessible to the public so that in 44 years, if we have another accidental government, that government will hopefully behave better than the one between 2015 and 2019.

Mr. Chair, I ask you to reject these amendments. They don't bring any value to the bill.

The Deputy Chair: Any other speakers to amendment A6?

Seeing none.

[Motion on amendment A6 lost]

The Deputy Chair: We are back on the main bill, Bill 34. Are there any other members wishing to speak? The Member for Calgary-Bhullar-McCall has risen.

Mr. Sabir: Thank you, Mr. Chair. The minister got up; I thought he might say a word or two about the amendment. I do sincerely believe that the minister doesn't understand what the amendment was doing.

I think that before pointing fingers years back at us, the minister should read the letter that the current commissioner wrote about this bill. This legislation will make access to information more difficult; this will create a new regime of secrecy, this is even protecting political staff and their interactions with the ministers – gov.ab.ca e-mails used to be FOIPable – and then they are protecting even factual background, including that in cabinet confidences. This is how far this government has gone, and they are telling us about not following the FOIP law.

This is the government whose Premier was just caught breaking the law by the Ethics Commissioner not long ago, not even a year ago. Their former Justice minister was caught calling the chief of police over a traffic ticket. So the minister should not, I guess, point

fingers; he should just read the Privacy Commissioner's letter that was sent to him. He would be better off reading that one.

With that, I will move another amendment that is also in an attempt to make this bill a bit better.

The Deputy Chair: Amendment A7.

You may proceed.

Mr. Sabir: Thank you. The Member for Calgary-Bhullar-McCall to move that Bill 34, Access to Information Act, be amended as follows: (a) by striking out section 4(1)(dd); (b) by striking out section 24; (c) by striking out section 30(1)(c).

Well, the minister was talking about a few years back, what happened and what the commissioner said. There is currently an active investigation against this government's handling of FOIP before the commissioner. They could have just at least waited until that investigation is concluded.

What this amendment does: it takes out some unnecessary provisions that are contained here for "a record in the custody or under the control of the Government of Canada or its agencies . . . the government of a province or territory of Canada or its agencies, other than the Government of Alberta or its agencies." Nobody knows what these provisions are about. If a record is in the government of Canada's possession, I don't know how the minister will be protecting that record, so clearly they didn't read this and just added that in there.

Then there are some provisions about workplace investigations. Even the commissioner has raised concern. Again, there is no rationale why they're adding those provisions. Similarly, in 30(1)(c) I think these are all provisions that are not needed, that will make access to information more difficult. Our goal is to make sure that Albertans have access to information about their government, about public bodies, and these provisions, if left in there, will make access to information more difficult.

With that, I urge all members of this House to vote in favour of this amendment.

The Deputy Chair: Members, amendment A7. Any other speakers wishing to speak to amendment A7?

Seeing none.

[Motion on amendment A7 lost]

The Deputy Chair: We are back on the main bill, Bill 34. Are there any members wishing to speak to Bill 34?

Seeing none, ready for the question on Bill 34, Access to Information Act?

[The voice vote indicated that the remaining clauses of Bill 34 were agreed to]

[Several members rose calling for a division. The division bell was rung at 9:30 p.m.]

[One minute having elapsed, the committee divided]

[Mr. van Dijken in the chair]

For:

Amery	Jean	Rowswell
Armstrong-Homeniuk	Johnson	Sawhney
Boitchenko	LaGrange	Schow
Bouchard	Loewen	Schulz
Cyr	Long	Sigurdson, R.J.
de Jonge	Lovely	Sinclair
Dreeshen	Lunty	Singh

Dyck	McDougall	Turton
Ellis	McIver	Wiebe
Fir	Nally	Williams
Getson	Neudorf	Wilson
Glubish	Nicolaides	Wright, J.
Guthrie	Nixon	Yao
Horner	Petrovic	Yaseen
Hunter	Pitt	
Against:		
Brar	Eremenko	Kasawski
Calahoo Stonehouse	Ganley	Pancholi
Ceci	Goehring	Sabir
Chapman	Haji	Sigurdson, L.
Dach	Hayter	Sweet
Elmeligi	Hoyle	
Totals:	For – 44	Against – 17

[The remaining clauses of Bill 34 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Any opposed? That is carried.

Bill 35 All-season Resorts Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

Dr. Elmeligi: Sorry. Hi.

The Deputy Chair: The hon. Member for Banff-Kananaskis.

Dr. Elmeligi: I have arrived. Thank you, Mr. Chair. I have an amendment for Bill 35, the All-season Resorts Act. I don't know where you're all going. I thought you'd want to – you were so excited, and now you're all leaving.

[Ms Pitt in the chair]

The Chair: Order. Order. Order.

Dr. Elmeligi: Sorry, Madam Chair.

An Hon. Member: You can't say that.

Dr. Elmeligi: I didn't say any names.

I have an amendment for Bill 35, the All-season Resorts Act. It's pretty simple. It's just to strike out section . . .

The Chair: Hold on. Just maybe wait until I have a copy, and then we'll go from there.

Hon. members, this will be known as amendment A1.

Hon. member, you may proceed.

Dr. Elmeligi: Thank you very much, Madam Chair. I am amending or suggesting we amend Bill 35 to strike out section 17. Basically, I don't really like sections 17, 18, or 19, but I just chose one. Really, I'd like to strike them all out, but we'll focus on 17.

This particular clause in the bill really says that all-season resorts would be exempt from the part of the Alberta Land Stewardship Act that ensures appropriate consultation with respect to the proposed regional plan or amendment. I find that particularly problematic. To

really understand why I think it's important that all-season resorts are not exempt from this part of ALSA, I think we kind of need to back up a little bit.

Bill 35 allows the Minister of Tourism and Sport to arbitrarily exempt an all-season resort proposal without public consultation or input and shield the development from review by the Natural Resources Conservation Board. As I discussed last night in debate, it also creates an opportunity for resorts that have fewer than 250,000 visitors a year or are not bordering a protected area in WAERNAHRA that they don't necessarily have to complete an environmental impact assessment. At least – at the very least – we could make them conform to the Land Stewardship Act.

So what is the Alberta Land Stewardship Act? You know, I kind of feel like maybe some people in this House need a bit of a reminder. The Alberta Land Stewardship Act provides direction and leadership in identifying current and future land-use objectives of the province, including economic, environmental, and social objectives, while respecting private property rights. It provides for the co-ordination of decisions concerning land, species, human settlement, natural resources, and the environment while taking into account cumulative effects of human endeavours and other events.

This Alberta Land Stewardship Act was a visionary piece of legislation put forward by former Conservative Minister Ted Morton. I can't say that I loved everything that Minister Morton did, but this Land Stewardship Act was truly a piece of vision that I had great hopes for. The Land Stewardship Act is the legislative arm for regional plans. I remember our first meeting with Minister Morton as he was describing this bill and these regional plans to me, and I thought: holy smokes; I'm agreeing with a Conservative minister. Take note; it's the only time it's ever happened. It happened that one time. I should have recorded the date.

9:40

The reason why this is so visionary is that Minister Morton realized that we can't do everything everywhere all the time, and this recognition that there was a finite ability of the Alberta landscape to sustain all of the development that we were doing, especially on Crown lands, was really the impetus of ALSA.

ALSA forms the legal basis for regional plans. It is forward thinking. It's about managing growth while respecting property rights. It was the first time the Alberta government really recognized that cumulative effects are a thing that we should manage for, so because of that it is incredibly important. It gives direction and leadership in identifying objectives of the province from economic, environmental, and social perspectives. It co-ordinates decisions by decision-makers concerning land, species, human settlement, natural resources, and environment. It recognizes that these decisions on Crown land are multiministerial, that one minister should not be solely responsible for making decisions on Crown land. It enables sustainable development by taking into account and responding to cumulative effects.

ALSA, I think, might be one of the best pieces of legislation we have governing land in Alberta, to be fair, and to suggest that all-season resorts would be exempt from the public consultation requirements associated with ALSA and regional plans is disturbing and upsetting. This section 17, combined with the room for all-season resorts to not have to complete an environmental impact assessment, combined with section 19, which exempts them from review by the Natural Resources Conservation Board: basically, all together these three things mean that all-season resorts are not subject to the same rigorous standards of planning and review that all other developments on public land are, and that is totally inappropriate. Why should all-season resorts be exempt

when all other developments have to follow this process? Doesn't seem very fair to me.

The other part of this is that ALSA enables regional plans. Only two of seven of those regional plans have been completed. Every single Minister of Environment and Protected Areas or sustainable resource development or whichever ministry was responsible for land-use planning has said they are going to complete regional plans, but regional plans take time, Madam Chair. The reason why they take time is because we have a very thorough process involving very comprehensive public consultation. It's public consultation and stakeholder consultation, and truly I think that the land-use planning consultation process is one that we can be proud of in Alberta. To suggest that a development does not have to go through that process is an insult to the people who had the vision to create ALSA and the regional plans, but it's also an insult to every single Albertan who donated much of their time to create the Land Stewardship Act and the regional plans that fall under them.

I was one of those Albertans that participated in the public consultation for the South Saskatchewan regional plan. I was heavily involved in ALSA and the SSRP, and I was one of hundreds of Albertans that donated a lot of time to these pieces of legislation. All-season resorts coming in and pretending like they have no impact on the landscape and they don't need to be a part of this is wrong. It's just wrong.

An Hon. Member: It's just your opinion.

Dr. Elmeligi: It's not opinion. I'm glad to hear that the minister thinks that the efforts of people donating their time being valuable is just a matter of opinion.

Implications of exempting all-season resorts from these pieces of legislation. Well, what if an all-season resort goes against a regional land-use plan and the many hours that people have invested in creating them? What happens then? What if the people of the municipality don't want this particular all-season resort? What will their avenues be? What if people created a regional plan with very specific objectives in mind, and now an all-season resort is compromising their vision for their part of the province?

The exemptions go against the spirit of multiministerial co-operation that is truly a visionary component of ALSA. Ted Morton had a vision that ALSA and the regional plans would be managed by a Land Use Secretariat. It was a very good idea. It was a secretariat that was separate from any other ministry at the time. It was made to be this independent multiministerial committee that talked about Crown land because, you see, Madam Chair, Crown land belongs to all Albertans, and truly all ministries are impacted by what happens on Crown land. Decisions regarding land use don't just affect the Ministry of Tourism and Sport; they obviously affect the Ministry of Environment and Protected Areas and Forestry and Parks, who are the traditional land managers in our province. Allocating some of that land management to Tourism and Sport is just – I don't know – ridiculous. The ministry of tourism does not have the land-use management expertise and should be required to collaborate or draw on the expertise used to create the Land Stewardship Act and regional plans. Exempting these things from ALSA is inappropriate.

With that, I conclude my remarks on the amendment.

The Chair: Any other members wishing to join in on amendment A1?

Seeing none, I will call the question.

[Motion on amendment A1 lost]

The Chair: Any other members wishing to join the debate on Bill 35 in Committee of the Whole? The hon. Member for Edmonton-Castle Downs.

Ms Goehring: Thank you, Madam Chair. It's my pleasure this evening to rise and speak to Bill 35, the All-season Resorts Act. Something that this piece of legislation says is that tourism is important in the province of Alberta, and I couldn't agree more. It's something that we want to see expand and grow, and we want to be a province that welcomes people from all over Alberta, travelling all the different corners, people from all across Canada, and, quite frankly, all across this beautiful world that we live in. We want them to come to Alberta and experience the beauty that we have here, the people that we have here. I think that when we're talking about an all-season resorts act, I think ideally that's what we would like to see this legislation do, provide a true piece that offers investment to companies to come and invest in the province and grow our tourism economy.

Unfortunately, Madam Chair, there has been a lot of feedback when it comes to this piece of legislation that is concerning.

The Chair: Hon. member, I hesitate to interrupt. Just a reminder that we're on the amendment.

Ms Goehring: No. We just defeated the amendment.

The Chair: We did just defeat the amendment, and I was just making sure that you knew that. My sincerest apologies. I'm writing on it right now; it's terrible. I am so sorry. Please continue.

Ms Goehring: It's okay. I got you.

Speaking of amendments, it's like you're foreshadowing because I have one.

The Chair: This will be amendment A2.

Member, you may proceed.

Ms Goehring: Thank you. My amendment says that I will move that Bill 35, All-season Resorts Act, be amended by striking out section 15.

Section 15 talks about all the different ways that Albertans basically cannot appeal a decision for a resort. There are some significant concerns. We've heard from municipalities. We've heard from Indigenous communities. We've heard from environmental stakeholders that there are some significant concerns when it comes to this legislation.

I believe that one of the ways that we can help mitigate some of those concerns is by giving voice to those that are concerned about the decision to have an all-season resort in their community. What this amendment would do is that it would give voice to Albertans to be able to appeal a decision if they don't want to see a resort in their community. Now, we're asking to remove that because in the legislation there is a piece that allows a developer to appeal a no decision.

9:50

I think it's only fair to have those being impacted, having a resort put in their community, have the capacity to say no. We want to make sure that when we're putting a resort in a community, it's successful and everybody that is part of that community wants to see it thrive and succeed. [interjection] I'm not sure why the minister is laughing at this. We do want to see Alberta thrive, and the best way to do that is to just simply get rid of that section of this legislation. It would allow every member of the community that has a concern to appeal that process. By striking out section 15, it just gives that to the community.

We want the all-season resorts to benefit the local communities, not harm them. We want to make sure that they respect the environment and that the communities that are being impacted have the actual infrastructure that's going to be able to accommodate the workforce. When I spoke about this legislation in second reading, I talked about making sure that the community has the capacity to support the workers that are needed, that they have the housing, that they have all of those amenities in place. Some municipalities will likely have questions about water usage. If there are some significant concerns that they have, I would hope that the government would be open to hearing those concerns.

When we take away voice, we risk putting through projects that are poorly planned and ultimately are not going to be successful, which is not what we want to see. We want to see these projects thrive in the province. We want to see people come to these resorts and be happy about the experience. We want the community to be involved and engaged and happy that this is happening in their community.

With that, Madam Chair, I would like to encourage every member of the House to support this amendment. Thank you.

The Chair: Any members to join in on amendment A2?

Seeing none, I will call the question.

[Motion on amendment A2 lost]

The Chair: Any members wishing to join the debate on Bill 35, Committee of the Whole? Seeing the hon. Member for Edmonton-Rutherford.

Member Calahoo Stonehouse: Thank you, Madam Chair. I rise to introduce an amendment to Bill 35, which seeks to clarify the rights . . .

The Chair: Hon. member, just wait until I have a copy of the amendment, and then I'll let you speak to it.

This will be known as amendment A3.

Hon. member, just note that you're moving on behalf of another member.

Member Calahoo Stonehouse: Thank you, Madam Chair. I rise to introduce an amendment to Bill 35, which seeks to clarify the rights of Indigenous peoples in this province when it comes to this bill and the future of development of all-season resorts on Crown lands in this province. The amendment adds a subsection to section 6 of the Bill 35, which will read:

(5) Nothing in this section is to be construed as in any way derogating from or adding to the rights of aboriginal peoples recognized and affirmed under Part 2 of the Constitution Act, 1982, or the rights of Indians under the Transfer Agreement as defined in the Public Lands Act.

The minister himself referenced the importance of including Indigenous peoples in the development of these resorts. It is not explicitly a requirement under the current draft. In fact, it is worrisome that a developer will not know that it is required to consult, which is why this amendment is much needed, to ensure that we strike the right balance between doing what is right for the economy and what is right under treaty and the rights of Indigenous people in the province, Madam Chair.

What our job is in this House as legislators in the great province of Alberta is to actively try to uphold and implement treaty and Indigenous rights. With Bill 35 we are dealing with Crown lands, and we are furthermore required to protect these rights, specifically treaty rights, as this bill relates to the management or transfer of Crown lands into public lands, preventing the exercise of treaty or Indigenous harvesting rights in this province.

Madam Chair, what this amendment will do is to prevent economic uncertainty for both non-Indigenous resort developers but also to provide certainty for Indigenous peoples in Alberta, who will be strongly affected by the taking away of Crown lands, thereby removing the ability for Indigenous peoples to access those lands as we have been doing since time immemorial.

We also know that, in recent memory, multiple events have illuminated a caution for us all to heed in this House because we know what will be likely to follow if we do not accept this amendment. I am referring to the area of Blue Lake, which was part of Willmore wilderness park, just outside of Hinton, on the way to Grande Cache. In the '70s the province of Alberta made it into a resort, an Olympic training facility, and then it determined that it no longer wanted to be responsible for this site, so the resort went up for a long-term lease. Now we see Crown lands in private ownership by a company based in Holland. Indigenous peoples, who have used and occupied this area since time immemorial to practise not only harvesting but also for very important cultural rights, no longer have access to these lakes to fish or lands to trap and pick berries and medicines without paying a fee to the owner of the resort.

Additionally, we also saw expensive decisions that a First Nation in this province had to make to protect their treaty rights. I'm referring to the Mikisew Cree First Nation and the first decision from the Supreme Court of Canada that they sought. That decision related to a limitation of their hunting rights in the territory because of a decision of the federal government to put up a road in the national park which also overlaps with their traditional territory. The road had a berm that limited the rights of Indigenous peoples from practising their treaty rights to hunt in the area, and because of it the court found that the duty to consult did in fact exist. Furthermore, the court found that the Crown, whether provincial or federal, has notice of rights of Indigenous peoples because of treaty.

Madam Chair, this bill is no different and requires certainty to Indigenous peoples in this province that their rights matter and that this government will not do anything to affect their rights. This is why this amendment is absolutely necessary at this juncture, and I'd urge every member in this House to pass it to provide that certainty to Indigenous peoples in this province that their rights are safeguarded by this government. I worry what the alternative is.

I remember another incident where a lack of consultation resulted in a crisis, including blockades and occupation. I was at the ripe age of 17 years old during the Oka crisis, where in Quebec a developer wanted to build a golf course on Crown land, where, in fact, the Onkwehonwe, the Mohawk peoples of Kanasatake, had their ancestors buried. Mohawk scholar Tai Alfred wrote: control of these lands must be placed into the hands of Indigenous nations as the only means to reconcile past colonial injustices and to prevent future injustice; for meaningful reconciliation to happen, Indigenous peoples must reconnect with the terrain, geography, and vegetation of the land to understand the value of ancestral teachings. This incident was a national crisis, where one person lost their life and many more were injured.

My colleague from Edmonton-West Henday also shared his concerns to the ministers about this becoming reality, and we saw a taste of this when the Woodland Cree First Nation erected a barricade earlier this year after a proponent led them to these extreme measures. I stood in support of a First Nation's right to do this then, and I will do it again, because for far too long colonial governments have never struck the balance correctly with Indigenous peoples, and we are far too often the ones who suffer from these inequities.

Madam Chair, another reality that I spoke about in my remarks about the Mikisew Supreme Court of Canada decision is that the First Nations and Métis leaders will then be forced to choose between allocating funds for litigation or for programming for their citizens. I worry that this will cost not only Indigenous communities but this province. It will also cost Alberta taxpayers, but we can prevent all that and do the right thing today.

10:00

We don't need to look very far. In British Columbia just recently in the Jumbo Valley the Ktunaxa have just received the land by way of federal intervention in 2020 after going all the way to the Supreme Court of Canada to argue that they had religious rights in the area. Although ultimately unsuccessful, we saw the federal government swoop down and intervene to pony up half the settlement cost to purchase the land to transfer over to the Ktunaxa as an Indigenous protected area.

This should be a warning sign to Alberta, especially for a government so intent on protecting Alberta's priorities. Let's build an Alberta approach to prevent this from happening here in our province. Pass this amendment to show resort developers, Indigenous peoples, and all Albertans that we are serious in developing our tourism industry without any uncertainty when it comes to treaty rights, economic viability, and jobs for Albertans.

Madam Chair, I urge all members to vote in favour of these amendments for these reasons.

I adjourn debate on this. [interjections] Oh, no, I don't. Okay. I retract.

The Chair: Actually, hon. member, before you take your seat, can you just clarify for the sake of the record that you're moving this amendment on behalf of the hon. Member for Edmonton-West Henday?

Member Calahoo Stonehouse: Yes, I am.

Thank you.

The Chair: Okay. That will work. Thank you.

Hon. members, anyone else wishing to join debate on amendment A3?

Seeing none, I will call the question on amendment A3 as moved by the hon. Member for Edmonton-Rutherford on behalf of the hon. Member for Edmonton-West Henday.

[The voice vote indicated that the motion on amendment A3 lost]

[Several members rose calling for a division. The division bell was rung at 10:02 p.m.]

[One minute having elapsed, the committee divided]

[Ms Pitt in the chair]

For the motion:

Brar	Eremenko	Kasawski
Calahoo Stonehouse	Ganley	Pancholi
Ceci	Goehring	Sabir
Chapman	Haji	Sigurdson, L.
Dach	Hayter	Sweet
Elmeligi	Hoyle	

Against the motion:

Amery	Hunter	Petrovic
Armstrong-Homeniuk	Jean	Rowswell

Boitchenko	Johnson	Sawhney
Bouchard	LaGrange	Schow
Cyr	Loewen	Schulz
de Jonge	Long	Sigurdson, R.J.
Dreeshen	Lovely	Singh
Dyck	Lunty	Turton
Ellis	McDougall	van Dijken
Fir	McIver	Wiebe
Getson	Nally	Williams
Glubish	Neudorf	Wright, J.
Guthrie	Nicolaides	Yao
Horner	Nixon	Yaseen

Totals:	For – 17	Against – 42
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[Motion on amendment A3 lost]

The Chair: Any members wishing to join the debate? The hon. Government House Leader.

Mr. Schow: Yes, Madam Chair, but only for a moment to adjourn debate.

[Motion to adjourn debate carried]

Bill 36

Miscellaneous Statutes Amendment Act, 2024

The Chair: Any members wishing to join the debate?

Seeing none, I will call the question on Bill 36, the Miscellaneous Statutes Amendment Act, 2024.

[The clauses of Bill 36 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Any opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Williams: Right. Yes. Madam Chair, I move that the committee rise and report progress on Bill 35 and also report bills 31, 34, and 36.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Athabasca-Barrhead-Westlock.

Mr. van Dijken: Madam Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 31 and Bill 36. The committee reports the following bill with some amendments: Bill 34. The committee reports progress on the following bill: Bill 35.

Madam Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Aye.

The Deputy Speaker: Any opposed, please say no. So carried.

10:10

Government Bills and Orders**Third Reading****Bill 32****Financial Statutes Amendment Act, 2024 (No. 2)**

The Deputy Speaker: The hon. Minister of Finance.

Mr. Horner: Thank you, Madam Speaker. I rise to move third reading of Bill 32, the Financial Statutes Amendment Act, 2024 (No. 2).

This bill implements a number of important changes. First, this bill fulfills a promise from our government to introduce alternative finance mortgages. If passed, we would be the first jurisdiction in Canada to allow financial institutions to offer alternative finance mortgage products.

We consulted with Islamic finance experts and organizations representing more than 90 per cent of Alberta's Islamic community to ensure alternative finance mortgages are offered in accordance with the Islamic faith, and we worked with interested financial institutions to understand the red tape and barriers that prevented them from offering alternative finance mortgage products.

There are three methods of alternative finance programs, ranging from those similar to rent-to-own programs to joint ownership to cost-plus financing arrangements. I expect that some institutions may be offering these programs by the end of the year.

Second, it continues our promise of keeping benefits indexed, increases our social programs and income tax indexing by 2 per cent for 2025, which will exceed the 1.9 per cent inflation Alberta experienced in September of 2024 and the 1.6 per cent experienced in August of 2024. This ensures that we have flexibility and stability when it comes to our benefit programs.

Third, it implements the electric vehicle tax that we announced in Budget 2024.

Fourth, it lessens the financial impact for families tragically affected by the loss of a child by extending Alberta child and family benefit payments for six months after their child has passed away.

Finally, it includes some minor technical amendments so that our income tax legislation is in line with federal changes.

Bill 32 will implement changes that we introduced in the budget, some that we have campaigned on, and changes that will keep us in line with federal programs and taxation so that those families afflicted with devastating loss have one less thing to worry about and our tax filings remain as simple as possible.

Bill 32 makes life better for all Albertans. I'd encourage all members of this Assembly to support it.

Thank you, Madam Speaker.

The Deputy Speaker: Are there members wishing to join the debate? The hon. Member for Edmonton-Decore.

Mr. Haji: Thank you, Madam Speaker. I rise to speak to Bill 32, Financial Statutes Amendment Act, 2024 (No. 2). I will speak to two components of this bill.

The alternative financing, which enables Albertans, particularly Alberta's Muslim population, to access home ownership through alternative mortgage, also known as halal financing: in spirit and in principle this is the right step in the right direction. However, the bill misses some important elements of it.

A key element is that this doesn't enable a flooring level in terms of pricing, where access to mortgages is comparable to the conventional mortgage, and from a sales perspective it lacks the ability to create a competitive market where the cost of the products can be lowered. Therefore, my worry is that the halal financing bill

that the government is tabling will be cost prohibitive. It will be expensive.

I urge the minister to still consider in terms of finding solutions that will enable or address the affordability element of it, that will enable and address the protection of consumers so that it is not cost prohibitive to those who are interested in home ownership. In the absence of that, in this current state home ownership will not be achieved because the cost will be too high.

I will leave that part of the bill. I have spoken this afternoon at the committee level as well.

On the other side, let's talk about what the minister called indexing but we call deindexing because it doesn't keep to the inflation. The government has responsibility when it comes to unaffordability. The government has to make life or enable to make life to be more affordable for Albertans. But this bill does not do that. Particularly those who are living on fixed incomes, those who live on AISH, those who live on income support, those seniors with fixed incomes, Albertans living in lodges who get disposable incomes: all of those will be impacted by this bill the way it's presented.

Instead of easing financial pressures, this deepens the financial pressures that Albertans are facing, which leaves Albertans to face higher costs, reduced benefits. That is not keeping with the cost of living, particularly during this high inflation, when we are at the top in terms of inflation, above the national average, when our major urban centres of Edmonton and Calgary have shown the highest inflation rate compared to the major comparable cities across the country. In times like that you would expect that bills that deal with Albertans who are relying on government benefits, who are struggling with the cost of living to address this.

Madam Speaker, it's extremely troubling that the members opposite voted in favour of increasing accommodation allowance. The reason why accommodation allowance for members of the Assembly who are outside of Edmonton coming to Edmonton has increased is because of fairly recognizing the housing affordability difficulties, having that lived experience of how expensive it is in terms of cost of accommodation. But in terms of a solution to that, it was to address and increase that. What the members did is that they have increased the allowance by 14 per cent, dating back all the way to April, so that they can address the costs needed on that, recognizing that that cost is because it's expensive, it is not affordable, so they have to make some changes, to make sure that the benefit of allowances, that numbers go up.

Well, they did not only stop there. What they did is that they protected future increases, future difficulties in terms of affordability. They did tie it to the CPI, meaning that it is not at 2 per cent or lower. It is at the CPI. What I struggle with is: any members opposite with a conscience, why would you allow that to increase but at the same time vote against the amendment that my colleague the Member for Calgary-Foothills introduced this afternoon, asking this to be tied to the CPI? It was voted against. Madam Speaker, there's only one reason. It is because the members opposite are able to increase their allowances, but they don't see that the same need exists for Albertans who are living on government benefits, those who are living with fixed incomes. Why would that be fair for those members of government but not for those who are living with that?

Alberta has consistently experienced inflation rates that are higher than the national average. Stopping and capping it at 2 per cent or below means that regardless of the cost of living, those Albertans who are relying on these benefits will not be getting that. To put this into perspective, if wages and benefits fail, which is some of the things that we are experiencing of wage stagnation –

okay, let's say that over the past years inflation in Alberta has exceeded 4.5 per cent annually. To put this in perspective, if the wages and benefits fail to keep pace with that inflation, Albertans could fall behind by over 2.5 per cent every year. The accommodation allowance will not be at that, but they will not have that shortfall because it's tied to the CPI. This is just an accommodation allowance. It's not their cost of living, but those who have the cost of living are falling behind if the inflation is higher than 2.5, as it is now based on October numbers.

10:20

So this disparity translates into loss of hundreds of millions of dollars for families and individuals across our province if you calculate. Albertans deserve a government that puts people first, that puts affordability as a priority to ensure that no one is left behind. At the end of the day that is what it is, how we can address the issue of inequities and reduce that inequity that exists, especially when it comes to a comparative between elected members and those who have elected them. So in a sense they are facing policies that accept great financial strain. It's time for a leadership that focuses on reducing these costs. These are times when we are expected to make the tough decisions, where Albertans are supported during this difficult time.

One of the clearest examples that we see as a failure is to deindex these benefits that Albertans have to rely on. Because our past experiences predict what the future is, let's not forget that despite the record resource revenues that Alberta received in 2022, the government only reinstated indexation for a year and the subsequent fiscal year. They didn't continue. They didn't tie it to the CPI so that those Albertans struggling with the cost of living can go through difficult times. In the absence of that, what happens is what we are seeing now, which is an increased number of people turning to food banks. These are some of the challenges that we see.

Families and individuals have faced years of reduced purchasing power and financial uncertainty due to the many years of this inflation.

Madam Speaker, I suggest, I encourage, and I urge members opposite to think through this as we see, in terms of an increase of allowance on one side but backdated, tied to the CPI but not for those who are living on fixed income, not those who are facing challenges, those who are turning to the food banks, those who are increasing in terms of our wait-list for our social safety nets.

With that, Madam Speaker, I conclude and urge members to give serious consideration in terms of the indexation and tying it to CPI. Thank you very much.

The Deputy Speaker: Are there any other members that wish to join the debate on Bill 32? The hon. Member for Calgary-Beddington.

Ms Chapman: Thank you so much, Madam Speaker. I'm pleased to rise on Bill 32, Financial Statutes Amendment Act, 2024 (No. 2). When considering this bill, the thought occurred to me that this would actually be a lovely time for us to adjourn debate. So I will move that we adjourn debate on Bill 32.

[Motion to adjourn debate carried]

The Deputy Speaker: The hon. Minister of Mental Health and Addiction.

Mr. Williams: Well, thank you, Madam Speaker, and for that wonderfully succinct speech. I move that we adjourn the Assembly until 1:30 on Wednesday, December 4.

[Motion carried; the Assembly adjourned at 10:25 p.m.]

Table of Contents

Government Motions	
Statutes Repeal	2319
Adjournment of Fall Sitting.....	2319
Committee Referral for the Annual Report of the Child and Youth Advocate.....	2319
Government Bills and Orders	
Committee of the Whole	
Bill 31 Justice Statutes Amendment Act, 2024	2319
Bill 34 Access to Information Act.....	2323
Division	2331
Bill 35 All-season Resorts Act.....	2332
Division	2335
Bill 36 Miscellaneous Statutes Amendment Act, 2024.....	2335
Third Reading	
Bill 32 Financial Statutes Amendment Act, 2024 (No. 2).....	2336

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