



Province of Alberta

The 29th Legislature
Second Session

Alberta Hansard

Tuesday morning, April 19, 2016

Day 17

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta
The 29th Legislature

Second Session

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Party standings:

New Democrat: 54 Wildrose: 22 Progressive Conservative: 9 Alberta Liberal: 1 Alberta Party: 1

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Legislative Assembly of Alberta

10 a.m.

Tuesday, April 19, 2016

[The Speaker in the chair]

Prayers

The Speaker: Good morning.

Let us reflect each in our own way. Hon. members, today marks the centennial of the equal suffrage amendment. One hundred years ago this act gave most Albertan women the right to vote in provincial elections and was a vital step in the continuing evolution of democracy in Alberta and, in fact, across Canada. This was a pivotal stepping stone in the lengthy fight for equality amongst all citizens of our province. Let us remember that the drive for equality around this world of ours is still something that we must all dedicate our efforts towards.

Thank you. Please be seated.

Statement by the Speaker

Speaker's Rulings Admissibility of Amendments

The Speaker: Hon. members, I would like to address the situation that arose in the Assembly yesterday afternoon during the debate on Motion 504. While I consider that this matter is concluded, I do think it is important to clarify the events that transpired for the information of all.

During the debate on Motion 504 a confidential document containing advice from the table officers for the Speaker was inadvertently delivered to the leader of the third party. For those members who may not be aware, table officers anticipate issues that may be arising in the Assembly, and they routinely advise the Speaker on those matters. Yesterday was no different except that the advice went mistakenly to the leader of the third party. For clarity, the draft ruling that the leader received addressed the admissibility of an amendment to Motion 504. I want to assure members that I had not seen the amendment before it was introduced in the Assembly.

With respect to the decision let me be clear that I did listen and will always listen to the arguments very carefully in any decisions on rulings in this Assembly, but the decisions in the Assembly are mine and mine alone.

Finally, my ruling on the admissibility of the amendment stands in debate on Motion 504, and the proposed amendment will continue on May 2, 2016.

As members are aware, there are a lot of notes and documents that are delivered by pages in this Assembly. Sometimes members receive documents not intended for them.

I hope this assists the Assembly in getting clarity on the events that took place and that we might together move forward in a more constructive content and desire, which we all share.

The hon. member of the opposition.

Point of Clarification

Mr. Cooper: Thank you, Mr. Speaker. I rise on a point of order, Standing Order 13(2), "The Speaker shall explain the reasons for any decision on the request of a Member." I appreciate your comments this morning. Just seeking some further clarification with respect to the ruling, and I recognize that the ruling was yours and yours alone.

Having said that, we have a long-standing tradition in the Chamber of allowing private members' motions to be debated without amendment. There are a few occasions in the past where amendments have been made when working in conjunction with the mover of the motion. While I appreciate the extension of an olive branch from the Government House Leader to the third party, that was proposed by another private member, it does cause some concern as to whether or not the effectiveness of private members' motions will continue if they can be amended at the whim of the Government House Leader or another member of the Chamber.

I'm just curious to know if you're able to provide additional comment with respect to your ruling around: are private members' motions going to be allowed to be amended, particularly in light of the fact that the member who introduced the motion certainly – they would no longer have been his words. From time to time members will wait three or four or five years in order to propose a private member's motion, and if the motion was passed, it certainly wouldn't have reflected the words of the member who proposed the motion. So it's troubling to me. As you know, the role of the Speaker is to defend the voice of the minority, and in this case it would have drastically changed that.

My question with respect to your ruling and seeking some clarification under 13(2) is: was the long-standing tradition of the Assembly taken into consideration with the ruling?

The Speaker: The Deputy Government House Leader.

Mr. Bilous: Thank you, Mr. Speaker. I rise to speak to the point of order raised by the Opposition House Leader. There have been numerous occasions in the past where private members' motions have been amended. I will give you some examples and share them with the House.

Back on May 5, 2008, there was a motion that was amended by the PC caucus. A motion on April 2, 2007, Motion 503, was a Liberal motion that was amended by the PCs at the time. There are a number of examples, which I'm happy to table in this House. I just want to clarify for the House that this is a practice that has occurred many times in the past. This has been done. Motions can be amended.

Even in *Beauchesne's* parliamentary practice, in 569, "(1) A motion may be amended by: (a) leaving out certain words; (b) leaving out certain words in order to insert other words; (c) inserting or adding other words." That's under amendments in *Beauchesne's*.

Having said that, Mr. Speaker, I think it's important, number one, that we look at precedent in the past in your decision on this and that motions have been amended on numerous occasions. They may be amended in the future. What I also want to reiterate at this point in time is that the Government House Leader did reach across the aisle to the Member for Calgary-Hays and indicated that we intend to withdraw our amendment on this motion, extending an olive branch to members of the Assembly. But I do want to ensure that the House is aware that this is a normal practice, amending motions, and it is within the ability and authority of this House.

Thank you, Mr. Speaker.

10:10

The Speaker: The hon. Member for Calgary-Elbow.

Mr. Clark: Thank you very much, Mr. Speaker. I will be brief. You know, I rise because as a private member we have very, very, very few tools to present our ideas and to represent our constituents and the interests of Albertans. I just want to be very clear that although *Beauchesne's* 569 read in the literal sense . . .

The Speaker: Hon. member, would you mind directing your comments with respect to Standing Order 13(2).

Mr. Clark: Yes. To the point of order, Mr. Speaker, I do want to further my hon. colleague from Olds-Didsbury-Three Hills and his request for further clarification under 13(2) from yourself.

As a private member we do have very few tools, and while 569 read literally, I believe, could be interpreted to allow a government private member or any private member to propose an amendment, the amendments, as I understand it, that have been the tradition of this House have been friendly amendments that have been proposed by one side or the other and accepted by the mover of the amendment. It's important, I think, that we remember the traditions of this House, and I'm very curious and interested to hear your comments under 13(2) on this particular matter given the fact that we have very little . . .

The Speaker: Hon. member, thank you.

I did address the 13(2) issue yesterday in the sequence of events that took place, but let me make some additional remarks. I did listen to it very carefully. I think the deputy House leader yesterday identified the points that had been raised with respect to precedent. I am pleased to hear that the Government House Leader had discussions with the opposition with respect to these moves. If there's anything that I've learned and understood in this House, it's that context has a great deal to do with the decisions that are made and that when one sometimes applies a broad practice and presumes there's one answer, there are usually several.

I can tell the House that in this capacity I take considerable weight and emphasis about the responsibility, as the members have identified, to recognize the rights and the opportunities of the opposition to raise matters because of the number of votes with a majority government. I do and will continue to do my best efforts to preserve that principle. I would therefore encourage the caucuses to reach out on these matters and approach these matters, particularly around those bills that we discussed yesterday afternoon, that part of our week. As the opposition members have all said, that is an opportunity for private members. Accordingly, please treat those times respectfully and address the points that are raised.

I have nonetheless made the decision with respect to 13(2). I did in fact cite in my decision several statements from *Beauchesne's*, and I would therefore submit that those reasons stand.

With the permission of the House, I would now go to Orders of the Day.

Orders of the Day

Government Bills and Orders Second Reading

Bill 9

An Act to Modernize Enforcement of Provincial Offences

The Speaker: The hon. Minister of Justice and Solicitor General.

Ms Ganley: Thank you, Mr. Speaker. It's my pleasure to rise today and move second reading of Bill 9, An Act to Modernize Enforcement of Provincial Offences.

This bill makes amendments to make the enforcement of provincial laws and municipal bylaws more effective, efficient, and proportionate. The bill has two main components. First, it changes the enforcement mechanism for minor provincial and municipal offences. Second, it allows for the increased use of e-tickets.

I'll address the first issue first. Currently if a person is ticketed for a minor, non motor vehicle related infraction, like failing to pay a transit fare or failing to shovel snow, and does not attend court or pay the ticket in time, the court will issue a warrant for that person's arrest. If the person comes to the attention of police again and they cannot pay at that time, they will be sent to jail. This method of enforcement is disproportionate, resource intensive, and ineffective.

Mr. Speaker, in 2011 Barry Stewart died in the old Edmonton Remand Centre in a tragic incident that could have been prevented. A comprehensive fatality inquiry report was completed to look into this incident. The review indicated that Barry Stewart had been placed in the remand centre to serve a five-day sentence arising from his failure to pay fines for being intoxicated in a public place, trespassing, failure to appear, and jaywalking. With this legislation in place, individuals with overdue fines from minor infractions will not face jail time. Barry Stewart's tragic death I think is a poignant reminder of how important it is to keep people who don't belong in jail, who don't present a danger to the public out of jail.

Currently people are being sent to jail not because they've committed an offence where jail is the appropriate penalty but because they can't afford to pay fines. Mr. Speaker, this amounts to criminalizing poverty, and it does not serve anyone in Alberta. Jail is an incredibly expensive method of dealing with individuals, and it should be reserved for instances in which the person presents an actual danger to the public. It should not be used to criminalize those who have been unfortunate enough to find themselves struggling with mental health or addiction and find themselves living on the streets with insufficient money to pay tickets, some of which are often issued for violations like loitering, which essentially amounts to, you know, standing around where you're not meant to be. But if you have no private space to go to, if you are homeless, sometimes you will find yourself out on the street. It's, I think, deeply unfair to ticket these people for being homeless and then to ultimately send them to jail.

Of course, there should be consequences when someone violates a municipal bylaw or provincial offence, and there will continue to be. With these amendments if a fine is not paid voluntarily, it will be enforced through civil enforcement mechanisms. The main enforcement mechanism will be a restriction on motor vehicle registry services. This is very similar to what we do now with traffic tickets and parking tickets. If a person doesn't pay and they don't respond by the date in question, then when they go to register their vehicle, they'll be unable to register their vehicle and will be asked to pay. For those people who don't own vehicles or who refuse to pay their fines, other enforcement mechanisms will be available. These include filing writs against real estate or personal property and garnisheeing wages. You can also garnishee bank accounts or income tax refunds and GST rebates. In the case of the latter two, this will be done through the Canada Revenue Agency set-off program.

With these amendments, Mr. Speaker, our government and social agencies will be in a better position to work with individuals who are coping with poverty so that these individuals don't become trapped in an endless cycle of poverty and incarceration. Bill 9 will help reduce the criminalization of poverty.

In addition, using warrants to enforce fines for minor infractions is ineffective. The number of outstanding warrants in Alberta continues to grow each year, with warrants for minor infractions being a major contributor. Currently we have close to 187,000 outstanding warrants in Alberta, and half of those warrants are for relatively minor provincial and municipal infractions. Issuing and enforcing these warrants is resource intensive for the police. In addition, it's estimated that court staff alone spend more than 9,000

hours annually processing warrants for minor infractions. Law enforcement agencies also spend many hours each year entering these warrants into their system and transporting and processing the individuals they arrest.

The cost of using these police resources – and they really are resources. You know, police officers are highly trained people. These are resources that are best targeted for what they're intended to do, which is to deal with sort of criminal matters. Using these police resources on minor infractions instead of more serious infractions is deeply concerning. This proposed legislation will help address this issue, and it will allow police officers, who are highly trained individuals, to focus on what's most important for them. These amendments will make this enforcement more efficient, more effective, and more fair for the individuals who come into contact with the system.

10:20

Mr. Speaker, the other set of amendments in this legislation will enable the expansion of what we call e-tickets in Alberta. E-tickets are violation tickets that are filed and processed electronically rather than in paper form. These are already used for photoradar offences, which account for about 60 per cent of all tickets in the province. The proposed amendments will enable the use of e-tickets for offences where the ticket is issued directly to an individual, a process which other provinces, including Saskatchewan, Manitoba, and Nova Scotia, have already implemented.

Currently when an officer issues a ticket at the roadside, the ticket is handwritten on a preprinted form. After the ticket is issued, the officer must bring the court and police copies back to be entered into the law enforcement data system. The court copy must then be physically transported to the court or clerk's file and entered into the court information system. Currently if a summons ticket is issued, an officer is required to take the ticket before a commissioner for oaths and swear that they have reasonable grounds to believe that the person they issued the ticket to committed the offence. Under the new system they will be deemed to have sworn. The standard required for charging will remain the same, but the administrative step of swearing the ticket will be removed.

These amendments will enable the officer to enter the necessary information about the offender and the offence into a laptop, print a paper copy of the summons ticket in their cruiser, and give that to the alleged offender. The electronic ticket in the laptop will be sent automatically to the law enforcement system and to the court information system, so paper copies will not need to be transported and clerks will not need to use their time doing data entry. By eliminating the need to file paper tickets with the court, processing times will be quicker, administration costs will be lower, and the opportunity for simple data entry errors will be reduced.

I would like to highlight that using e-tickets does not change the standard for charging someone with an offence, nor does it create new opportunities to issue tickets. The standard for charging will remain the same, and the offences with which one is charged will remain the same. All that will change is that the information will be entered once and transmitted electronically instead of having to be entered on separate occasions.

In conclusion, Mr. Speaker, these amendments have been discussed for the past decade, and many people have been waiting on the government to make these changes. I'm proud that not even a year into my role I'm able to bring this bill forward to work towards modernizing the enforcement of provincial offences. I think that at this time, when we are so short on resources, these sorts of initiatives, which will ensure that people's time, court clerks and police, is used efficiently and effectively to ensure that we aren't,

you know, enforcing warrants for issues we don't need to be enforcing and ensure that time is not being used for data entry which could be used in another way, are really critical because at this time the government faces significant financial pressures. I think it's in the interest of all Albertans to ensure that we are using resources most effectively.

Finally, Mr. Speaker, I think it remains important to note that for a very long time community groups have been calling for some of these amendments. They have been asking to change the system so that people don't enter the cycle of incarceration, so that a youth who may be struggling, who may have left home early for whatever reason they have, who gets on a C-Train and doesn't pay for the C-Train doesn't find themselves in jail being exposed to people who are far more entrenched in a criminal lifestyle, that we maybe don't want them to be exposed to. You know, once someone enters the jail system, they can find themselves sort of moving into a lifestyle that will keep them rotating in and out of jail for years. This doesn't serve anyone. It's not in the interest of the individual in question, it's not in the interest of Albertans, and it certainly isn't in the interest of ensuring that we're targeting funds effectively.

I would respectfully urge all my colleagues in this House to support this bill. Thank you very much.

The Speaker: I would recognize the Member for Bonnyville-Cold Lake.

Mr. Cyr: Thank you, Mr. Speaker. I stand today on Bill 9, An Act to Modernize Enforcement of Provincial Offences. There are a few elements of this bill that I'd like to speak to, and I would like to pose a few questions to the government so that we can get a better understanding of exactly how this legislation will affect Albertans. I think it is important to discuss some of the finer points now rather than have the teeth of this bill decided behind closed doors through regulations.

I would like to say that I am in favour of the policies that make it easier for men and women in our provincial law enforcement agencies to do their job. I am hopeful that if carried out properly, Bill 9 is a step in the right direction for the administration of our justice system.

This bill can really be understood as two different amendments to the judicial process. The first seeks to fix our current system, which requires the issuance of warrants for minor offences and which has developed an astounding delinquency rate and a disproportionate response from our legal system. The second component is the replacement of an officer's obligation to have another officer swear on the ticket for the day. This legislation takes away this extra and onerous step and allows for the e-ticketing process.

Wildrose acknowledges that the current formula for minor offences is not working for the taxpayer, for the convicted individual, or for the justice system or society as a whole. Right now there is a backlog of about 90,000 outstanding warrants, of which 16 per cent are over five years old. Clearly, there needs to be a better system of bringing people to justice. The current process of paper ticketing has also proven to be cumbersome since tickets can take a long time to issue in the field and are more prone to clerical errors. E-ticketing presents a unique opportunity for police departments to reduce administration time for police officers while increasing the accuracy of the tickets being issued.

When it comes to e-ticketing, I think that our province should be drawing on the success of the RCMP programs in Manitoba, Nova Scotia, New Brunswick, Saskatchewan, and right here in Alberta. Through these programs police departments were able to create savings both in their departments' bottom lines and, more

importantly, by saving the time of their police officers in the field. If you ask any officer across the province, they will tell you that their time is better spent monitoring the community than doing administrative work.

Reports claim that through e-ticketing the issuance of provincial offence tickets would go from a total processing time, which includes the writing and swearing of the ticket, of 15 minutes down to three. If we extrapolate those savings to more than 7,000 police officers serving in Alberta, we feel that there's a real reason to anticipate some real savings to our judicial system. Eliminating administrative barriers to proper policing is exactly the type of red tape reduction that Wildrose has advocated for across government.

There are other savings that the NDP has promised with this legislation. Despite this government's unwillingness to find efficiencies in the daily operations of the bureaucracy, we will be waiting with a watchful eye to see savings that will come from the government's promised reduction of 9,000 hours per year of ticket processing time for judicial clerks. We'll be watching very closely because the government's most recent budget has estimated ticket processing to actually be \$2 million more in this upcoming year. Fewer hours, more efficiency, but somehow more spending. Strange, I know, and concerning.

While e-ticketing may seem like the best route for many streams of law enforcement, I think it must remain optional for municipalities to decide whether or not this system is right for their local policing needs. These folks know what works best for them, and we should be doing everything possible to empower our local decision-making. One size fits all is not always the right direction for this government, for its municipalities, and its citizens.

10:30

At face value this bill does seem to resolve a problem that should not exist in Alberta. I am certain that we all can agree that a mom or a dad who forgot to pay their jaywalking ticket should not be arrested and jailed the next time they get pulled over for a broken tail light. Unfortunately, that could happen with the law in its current form. While this is bad enough for a person being arrested, it is also draining on government resources. When someone is convicted of a provincial offence like jaywalking, court clerks must process the issuance of a warrant. Then a police officer must arrest, process, transport, and jail someone for forgetting to pay that jaywalking ticket. This is a tremendous waste of taxpayers' money, and certainly it was not the intent of the original law.

Let me be clear. In no way am I advocating or condoning that people either (a) commit a provincial offence or (b), after being convicted, are delinquent about their punishment. I believe that we have these laws in place for a good reason, and that is public safety. People should have to pay their fine and be accountable for their actions. However, being arrested and jailed for forgetting to pay a jaywalking ticket seems unreasonable, and it's time to do away with an absurd process like this.

What is being discussed here is the enforcement mechanism through which we can ensure the most efficient use of public dollars in bringing people to justice. The enforcement being proposed here seems perfectly reasonable. The collection tool will mirror what happens to individuals who do not pay their traffic tickets, not that anyone in this House would know anything about that situation. Let me explain. If you have an unpaid traffic ticket, when you go to renew your driver's licence or registration, you have to pay the ticket in order to get your paperwork renewed.

The proposed legislation reads the same but has vague enough language which has left me needing further clarification. This is one of the points that I was hoping that we could discuss and nail down

in the House rather than leaving it to the regulation phase of this legislation. The proposed bill reads:

- 57 . . . the Registrar may,
 (d) . . . refuse to perform that function or service or to issue, renew or otherwise deal with any motor vehicle document or other document until the fine or penalty is paid.

Does this mean that a registry can refuse any type of service until a ticket is paid? Since the bill also applies to municipal bylaw infractions, does this mean that a person would not be able to get a new health care card until they pay their ticket for, let's say, not shovelling their sidewalks? This seems to undermine the common-sense solution that this government is painting this bill to be. Again, let's narrow this down here in the House so that members know what they're voting for.

On a note of clarity, I would like to discuss now this government's plan on dealing with repeat offenders. I am not speaking about the poorest members of our society who fall into what some have referred to as the revolving door at Alberta's prisons. These people are imprisoned on warrants for ETS fare jumping or having a dog without a licence. Eventually they are let out of prison, and due to their living conditions they are likely to repeat and go back to prison. Again, this does not seem to make sense. What I am speaking about are the people who may still not have the access that they need for registries. Is the door going to be wide open for them to trespass or be drunk in public over and over again, with no reprisal for their actions? It seems like there is a hole in this government's legislation that doesn't account for those who can afford to pay tickets, then don't, and then have no real need to access the registry. I am curious to hear the government's plan on how they are going to tighten this loophole.

I look forward to hearing the government's response to some of the ideas and questions I've brought forward today. I believe them to be legitimate concerns and in need of clarification.

With that, I say thank you, Mr. Speaker. I look forward to discussing this issue further in Committee of the Whole.

The Speaker: I've been requested to revert to some introductions. Is there is an agreement for consent to introduce two guests?

[Unanimous consent granted]

Introduction of Guests

The Speaker: Please proceed, hon. minister.

Ms Phillips: Well, thank you, Mr. Speaker. I rise this morning to introduce one of the women that has joined our Assembly today to mark the 100th anniversary of some women receiving the right to vote in Alberta. As everyone knows, each of us was provided with the opportunity to invite one person to join us for the celebrations today, and ours from Lethbridge-West is Dillon Hargreaves. Dillon is a trans activist in Lethbridge with the Trans Equality Society of Alberta and an active member of the Outreach Alberta society. She has a very bright political mind, and I expect continued municipal and provincial involvement from her. If Dillon would stand and receive the traditional warm welcome from the folks in our Assembly.

The Speaker: Welcome.

Ms Fitzpatrick: Mr. Speaker, to you and through you to the Assembly I, too, would like to introduce my guest, Kristin Krein. Kristin, if you'd stand. Kristin may be described as a ferocious fairness activist, a passionate social justice advocate, a staunch ally,

an effective community builder. She is a friend to both progressives and the marginalized that they seek to assist. Kristin's work is infused with the ideals of feminism, inclusiveness, and equity for all. This is evidenced through her tireless charitable and volunteer organizing activity, which continues to date, all while she pursues an academic degree at the University of Lethbridge. Kristin is truly an amazing woman, and I am proud to know her and call her my friend. I would ask that Kristin receive the traditional warm welcome of this Assembly.

The Speaker: Thank you, hon. members.

Government Bills and Orders Second Reading

Bill 9

An Act to Modernize Enforcement of Provincial Offences

(continued)

The Speaker: I would recognize the Member for Edmonton-Castle Downs.

Ms Goehring: Thank you, Mr. Speaker. I rise today in support of Bill 9, An Act to Modernize Enforcement of Provincial Offences. This bill represents an innovative and fair way to help address the growing pressure on Alberta's justice system while protecting vulnerable Albertans from a cycle of incarceration and poverty, thus reducing the criminalization of poverty. Chris Hay, the executive director of the John Howard Society of Alberta, has been quoted as saying:

At the John Howard Society we see many people who are caught up in a cycle of poverty and incarceration and often their stories started with unpaid fines and other minor administration of justice issues. We truly feel that these amendments will help to break this cycle, ultimately saving taxpayers money while at the same time enhancing community safety.

This bill will free up police, court, and correctional resources to focus on serious crime while still holding those who commit minor infractions to account. This reinforces our government's commitment to improve the safety of our communities.

10:40

Given that the indirect cost associated with incarcerating individuals for minor infractions is approximately \$800,000, these amendments reinforce our government's commitment to responsible management of public finances. The electronic filing of tickets will create efficiencies and reduce errors and costs, freeing up resources in the justice system. It will allow law enforcement to focus more of their time on our streets, protecting Albertans. Chief Knecht, the Edmonton Police Service chief, has said:

The introduction of Bill 9 will allow police to free up officers and civilian staff to focus on predators and serious criminal offenders. As a result of modernized technology and this new approach, a significant reduction in administrative processes and paperwork is expected.

Bill 9, An Act to Modernize Enforcement of Provincial Offences, proposes amendments to the Provincial Offences Procedure Act and the Traffic Safety Act that will streamline and simplify how our provincial laws and bylaws are managed. The bill introduces two main amendments. First, it changes the enforcement mechanisms for minor provincial and municipal offences. Second, it allows increased use of e-tickets. These amendments will help protect vulnerable Albertans while making the enforcement of provincial laws and municipal bylaws effective, efficient, and balanced. If passed, these amendments will end Alberta's outdated process of

jailing individuals as a tool to enforce tickets for minor infractions and will reduce inefficiencies of the current model.

When Albertans, especially vulnerable Albertans, are unable to pay their initial fines and do not attend court, the court issues a warrant for their arrest. The fact is that vulnerable people are more likely to be issued tickets for minor infractions such as not paying for transit and are more likely to be arrested for failure to pay or appear in court. Thus, landing in jail further perpetuates a cycle of incarceration and poverty, which does not create safer communities. This method of enforcement is disproportionate, resource intensive, and ineffective. Therefore, these amendments provide a needed step towards ending the revolving door of poverty and incarceration.

Given our government's continued commitment to protecting all of Alberta, including vulnerable Albertans, if passed, these amendments will end the practice of punishing individuals for being unable to afford their fines. As the minister has mentioned, in 2011, for example, Barry Stewart was serving a five-day sentence due to his failure to pay fines for being intoxicated in a public place, trespassing, failure to appear, and jaywalking. During his stay at the old Edmonton Remand Centre Barry Stewart died in a tragic incident that could have been prevented. Significantly, Mr. Stewart was jailed for his inability to afford his tickets, not because jail was the appropriate response for his offences. Thus, if passed, this bill will end the practice of issuing warrants for people who have not paid their fines for minor infractions, a practice that contributes to criminalizing poverty.

As mentioned, the current model of using jail as a tool to enforce payment is ineffective and outdated. Moreover, the results of this practice are neither positive nor beneficial to Alberta taxpayers or to the broader community. Given that the indirect cost associated with incarcerating individuals for minor infractions is approximately \$800,000, these amendments reinforce our government's commitment to responsible management of public finances.

The proposed changes will also help the province defer costs by creating efficiencies that free up significant time for judiciary, court staff, police, and corrections officers. This will allow police officers and court staff to give time to more serious offences and offenders. Doing so will create safer communities in Alberta. Additionally, the province will benefit from more effective collection of fines and penalties that are payable to the province.

The main enforcement mechanism will be the restriction of motor vehicle registry services. In other words, these amendments will replace arrest and jail with civil measures such as motor vehicle registry service restrictions for people who have not paid tickets for minor infractions such as not paying a transit fare. For those people who don't own vehicles or refuse to pay their fines, other enforcement mechanisms will be available such as filing writs against property and garnishing bank accounts, wages, income tax refunds, and GST rebates.

In addition, evidence shows that warrants as a tool to enforce fines for minor infractions are not effective. Every year the number of outstanding warrants increases. Currently there are about 187,000 outstanding warrants, half of which are for minor infractions. Each year court staff spend more than 9,000 hours processing warrants for minor infractions, making this model ineffective and resource intensive. We will not actually see savings. The clerks are drowning in work. What we will get back is the ship righting itself. We can't lessen transfers to municipal police either. They'll just get more time.

The second amendment to the Provincial Offences Procedure Act is enabling the expansion of e-tickets in Alberta. The electronic filing of tickets will streamline the ticketing process by allowing

police to file tickets electronically with the court. The electronic filing of tickets will create efficiencies and reduce errors and costs to free up resources in the justice system. Currently when an officer issues a ticket, the ticket is handwritten on a preprinted form. After the ticket is issued, the officer must bring the court and police copies back to the detachment to be entered into the law enforcement data system.

For a summons ticket the officer must take the court copy before a commissioner for oaths and swear or affirm that they have reasonable grounds for issuing the ticket. The commissioner for oaths signs, and the ticket must be physically transported to the court, where the clerks file and enter them into the court information system. This process is time consuming, inefficient, and is ultimately hurting taxpayers and communities.

If passed, e-tickets will allow law enforcement to focus more of their time on the streets, thus protecting Albertans. Moreover, filing tickets electronically with the court reduces errors, improves service to Albertans by reducing filing times, lowers costs, and significantly improves ticket processing efficiencies by eliminating redundant data entry.

It is noteworthy to highlight that this amendment will not create new opportunities for police officers to issue tickets, nor will it change the standard for charging someone with an offence. Officers will still be required to have reasonable grounds to believe that an offence was committed in order to issue a violation ticket. However, it will reduce the number of ticket booklets that need to be printed, saving taxpayers money on printing and storage costs. It will also eliminate redundant data entry on the part of law enforcement and court staff, freeing them to attend to more important matters.

I encourage all members to support Bill 9, An Act to Modernize Enforcement of Provincial Offences. Thank you.

The Speaker: Are there any questions of the member under 29(2)(a)?

I would recognize the Member for Calgary-West.

Mr. Ellis: Well, thank you very much, Mr. Speaker. I am absolutely ecstatic to stand here in support of Bill 9, which is An Act to Modernize Enforcement of Provincial Offences. I've got a whole bunch of stuff here. I don't have anything, you know, prewritten; however, I do want to address quite a few things that I have heard, some mistruths. I think there are a lot of assumptions that have been made of what police officers do. I happen to have a lot of experience in this particular field as far as the judicial administrative law side of things. I want to start by really saying that the most important thing here, which makes me so pleased, is that the police and, essentially, society can now start focusing on the root causes of why people are actually falling into the justice system.

If I was to bring everybody back to the early 2000s – and I'll obviously address my own personal experience in this. Back in the early 2000s the only mechanisms for the police in Calgary, just to let everybody know – essentially, when we received enormous pressure from the public to deal with a lot of the homeless or the vulnerable folks that were in the downtown area, the only mechanisms we really had were to write a ticket or find a way to incarcerate that individual. We had no social services that were really available to the victims and those who were most vulnerable.

10:50

I'm very proud to say that I was part of a movement, part of, really, a paradigm shift in thinking which was started by former Chief Rick Hanson, which focused on the root causes of why people were actually falling into the justice system. The instructions from Chief Hanson were essentially, you know: let's deal with that

person who is intoxicated at a social level; let's not write him a ticket. In fact, those were his orders: do not write them a ticket so that that person finds their way into jail because that's not going to deal with their addictions problem and that will not deal with any mental health issues. In fact, that ultimately puts a huge cost on the justice system itself. When we look at it from the time that that individual, whether it be mental health or addictions problems, touches the system via the officers, via the courts, the promise to appear, and all this sort of stuff, which eventually reaches the point where they're in jail, we're talking numbers that are very, very large. I wish I had those numbers for you.

I want to dispel a couple of things that I heard. In regard to a jaywalking ticket I must say for my friends in the Official Opposition that, no, we don't write – sorry. I'm not a policeman anymore. I've got to remember that, right? The police don't write tickets to a mom who's jaywalking across the street. I'm not going to use that as an absolute. I'm sure there might be that odd occasion where maybe a police officer did that. The ticket, which is a pink ticket, a part 2, is written in what's called the public interest.

If, hypothetically, we stopped that person who had just jaywalked across the street, typically that is a part 3, which is just a yellow ticket. It's a fine of usually about \$25 or so, give or take. I think, actually, fines went up 30 per cent, so it's probably higher than that now. However, if I ran that individual and I deemed in my judgment that there's a concern that he or she is not going to show up to court or he or she is, you know, a perpetual offender, who's just going to continue to reoffend, then I would write that ticket in what's called the part 2, which is sworn to and could potentially go to warrant. Now, I will say that. That ticket then goes to warrant.

After it goes to warrant, then the officer, if that person is located again, arrests that person. The person is not typically brought to jail. The person is typically released on what's called a promise to appear. The officer can do that from the vehicle right there on the spot. Then what happens is that if that individual again fails to show up to court, the option for the administration of justice is to possibly release that person on a promise to appear if they so choose. My recommendation is that that person would then stand in front of a justice of the peace for release. Obviously, the person would stand there and then be released by a justice of the peace, which would apply a little bit more incentive for that individual to deal with said ticket. If again that person fails to deal with that, then the ticket usually goes in some variation to what's called a form 21 warrant, or the pay-or-stay warrant, and then that person can be incarcerated. Then a \$25 fine is basically – we say that's a day in jail, but a day in jail is really the arrest and then said release.

[The Deputy Speaker in the chair]

I just don't want the narrative to be out there that, you know, people who fail to shovel the walks or fail to obey the law by jaywalking across the street are given tickets and then rushed to jail. You're dealing with a person that is just not dealing with this, is clearly not dealing with this. The practice of, at least, the officers that worked for me and, I can say, my own personal practice was that – and I always hated writing tickets; I've got to say that – the tickets I wrote were usually to people that were either deserving of it or really, really bad guys.

You know, I want to touch another thing, too, and to say that there's a history to this. There's a history to this bill. It was actually on March 19, 2012, when the hon. David Xiao had a motion, and I'll read that motion to you. Motion 504 said:

Be it resolved that the Legislative Assembly urge the government to explore options for reducing the number of arrest warrants issued and offenders incarcerated for the repeated nonpayment of fines for minor provincial and municipal bylaw offences, with the

goal of increasing the efficiency of the criminal justice system and reducing the cost to taxpayers of sanctioning minor offences.

That's awesome.

I know that you guys are probably wondering what may have happened to that particular motion. Well, again, no disrespect to my friends in the Official Opposition. I know it's new; it's 2016. But this is not something that the Wildrose has been advocating for a long, long time. In fact, it was the Wildrose that were the biggest opposition to this particular motion.

Just to also educate folks, the private members, at least, on the government side, on the reason why this was shot down, it was brought forward by a PC member but was ultimately shot down by not only pressure from the Official Opposition at the time but also within their own party itself. On March 19, 2012, the hon. Member for Calgary-Nose Hill stated: "Quite frankly, I don't know how we would do it if we didn't just go out there and ultimately arrest people. How else are you going to bring the offenders to justice?" So, you know, we had a situation where, obviously, in 2012 there was a clear majority, but there was disagreement with the private member that brought this forward.

Now, I personally in 2012 knew the Justice minister at the time. This is something that I have been advocating for quite some time, again, with my experience in the judicial administrative law portion of the Calgary Police Service because I saw that revolving-door justice system. I saw the vulnerable people that were coming in and out, and I saw the costs. I always look at things – I'm still a conservative at heart, right? I saw the costs to the justice system, to police as well as the prosecutors as well as defence as well as the judges that were having to deal with this. That certainly was, obviously, a massive and significant concern for me.

I would also like to talk about long-term care beds. I want to stay on topic, but I believe that there's going to be significant money that is going to be saved by doing all of this. You know, like my friend from Calgary-Mountain View, I would like to advocate for long-term care beds because we really need to focus on the root causes of a lot of this addiction that is going on. Recovery beds only deal with the immediate crisis but do not affect the long-term crisis, so that's something I certainly want to advocate for.

You know, Bill 9 will not just save money. I think Bill 9 will also provide a paradigm shift throughout Alberta, which, hopefully – and I'm glad to hear the Edmonton police chief talk about this as well because I know this is something that we've been doing in Calgary, and we would like this to be done throughout Alberta. I want to see the RCMP do this. I want to see Red Deer and Lethbridge and Medicine Hat do this. I want them to focus on ways of reducing not only the costs to the justice system but also freeing up the officers to deal with more serious problems.

11:00

You know, I can tell you right now that when I call 911 or any of my friends call 911 or my family calls 911, I want that officer to come now, not say, "I'm sorry; there's a delay," or "I'm sorry; we have a whole bunch of people that are stuck down in the arrest processing area," because they're dealing with these tickets, which are not really what the police should be dealing with.

In conclusion, I'm happy to answer any questions from anybody. I'm very passionate about this, and I'm very happy that the government is bringing this forward. I am absolutely in support of Bill 9, and I look forward to a hearty debate in Committee of the Whole.

Thank you, Madam Speaker.

The Deputy Speaker: Any questions or comments for the hon. member under Standing Order 29(2)(a)?

Seeing none, I'll call on the hon. minister of economic development.

Mr. Bilous: Thank you very much, Madam Speaker. I want to thank the previous speaker for his comments. Knowing that he was a police officer and has quite a bit of experience in this, it's great for him to validate the effectiveness of this bill and the necessity of this bill.

I wanted to rise to speak to this, Madam Speaker, because I have a personal connection with many young people as I was a teacher at Inner City high school. I can tell you countless stories of students of mine who, because they were either born into poverty or living on the streets, would jump onto the LRT or jump onto a bus to get to school, didn't have any money, and would get a ticket. Of course, over time that ticket would turn into a warrant, and eventually they would get picked up, put into the system. As the Minister of Justice explained, really, it became a revolving door, and suddenly they had a criminal past. You know, part of the challenge as well and what would often happen inside prison is that youth who don't display criminal behaviours are now in touch with those that do, and they suddenly get pulled even further in a certain direction.

I can tell you that I also saw that when I was a corrections officer at the Edmonton Young Offender Centre. I worked there for a number of years many, many years ago, and I can tell you that it was very sad to see, especially, you know, young kids that would get incarcerated. Often if they spent a significant amount of time in EYOC around others that had already turned to a life of committing criminal acts, it influenced others. Had they not been incarcerated, that may have had a different outcome.

I think this bill is long overdue. You know, there are many different angles that we can support in this bill. I mean, number one, again, this is the right thing to do. Consequences should be appropriate to the level of crime or to the misdeed or misconduct. Again, not that riding the bus for free should be condoned or, you know, is appropriate, but at the same time, incarcerating a young person for not paying a ticket: I don't know if the punishment suits the crime.

From the point of view of doing the right thing, too, the fact is that this will save our justice system, taxpayers, Albertans many, many dollars as far as not incarcerating. You know, we used to say, when I taught at Inner City high school, that the cost to put a young person through a year of school was about \$18,000. The cost to incarcerate a person for a year is about \$85,000. So which one makes more sense where appropriate? There's a huge cost savings.

As the Justice minister talked about, you know, what we don't want to do is to criminalize poverty. I think that because there hasn't been a way for our officers, our law professionals to have alternative measures, tickets automatically become warrants, which then turn into incarceration. I don't think that that is the right way forward.

Quite frankly, the Minister of Justice has had a number of conversations – I know this for a fact – with police in Edmonton and Calgary and around the province, and they have been asking for it. As the member across the way affirms, he has many friends in the police service who speak first-hand as far as the need for this change. We need to deploy and use our police services most effectively and as efficiently as possible. I would rather see our justice system and police services investigating serious crimes and helping to keep, you know, our province and Albertans safe as opposed to being tied up in countless hours of paperwork for minor, minor offences. Again, there is a much more appropriate way to deal with that.

I just really wanted to highlight, Madam Speaker, that this bill is a win for all of the students that I used to teach at Inner City high

school and those that are currently there. This bill will be welcomed by many, many people, many young people who now aren't going to be incarcerated for minor offences. There are much more appropriate ways to deal with minor offences.

I am extremely proud of the Justice minister for bringing this bill forward and proud to stand in this House and support Bill 9, and I encourage all members of the House to do so.

Thank you.

The Deputy Speaker: Any questions or comments under 29(2)(a)?

Seeing none, I'll recognize, first of all, the hon. Member for Lac La Biche-St. Paul-Two Hills, followed by Calgary-Mountain View.

Mr. Hanson: Thank you very much, Madam Speaker. I appreciate the opportunity to rise and speak to Bill 9, An Act to Modernize Enforcement of Provincial Offences, which amends the Provincial Offences Procedure Act and the Traffic Safety Act. I'm glad to see that the bill has the potential to save taxpayers money. Wildrose is in favour of freeing up time and resources currently spent on minor offenders. Minor infractions such as jaywalking, evading pay-to-ride tickets, drinking in public, and trespassing could have resulted in short jail sentences. Making changes to save money and keep thousands of people out of the province's justice system is a wise decision. I hope that under this current legislation streamlining the red tape in enforcement of provincial offences will allow law enforcement officers to focus on protecting Albertans from dangerous criminals.

Wildrose will be watching closely to see that this NDP government properly utilizes the extra funds that will be saved by this measure and puts them toward prevention and support for prosecution of more serious offences. Right now it costs the government a total of \$73,000 a year to feed and clothe just over 2,000 people who were incarcerated for minor offences. From 2014 to 2015 about 2,000 people were jailed for not paying provincial and bylaw fines of \$1,000 or less. With an average of three days in jail, the cost on the system is over \$800,000. This does not include the cost of other criminal justice resources such as prosecutors, court clerks, and judges. This change will save court clerks about 9,000 hours of work per year, freeing them up to deal with more serious criminal warrants.

Currently if a person is convicted of a minor infraction and does not attend court or pay the fine by the due date, a warrant is put out for that person's arrest. Right now in Alberta there are over 90,000 outstanding warrants that have been issued for these minor infractions.

There are some concerns that I have with the amendments, that should be looked at more closely, like enforcement of these minor infractions through restriction of motor vehicle registry services until fines are paid. Will Albertans who do not own a vehicle be held to the same accountability as those who will have to pay their fines before registering? I'm also concerned that the government's plan to bring repeat offenders to justice isn't quite adequately laid out. We should get some clarification there. Some things still need to be taken into consideration. Take, for instance, the person who cannot afford to pay their fines. What if they don't own property, own a vehicle, and don't do their taxes? Are they going to be forgiven on those?

11:10

However, on the positive side, this bill will allow the province to use civil enforcement measures with remaining offenders rather than arrest and jail time to address these minor legal infractions. These types of fines are typically \$1,000 or less. I personally know a person that was picked up on a speeding ticket and then found that

they had a \$10 left-turn violation from about two years back and nearly spent the night in the Remand Centre for a \$10 fine. It was just a matter of minutes before that person's parents came down and paid the \$10 fine and kept him out of the hoosegow, which would have been a terrible experience.

A lot of the time vulnerable people end up in jail for something as small as not paying for transit or for similar fines. These are usually people who cannot afford day-to-day luxuries. Wildrose wants to work towards safer communities, and one of the ways to achieve that is by stopping the revolving door of poverty and incarceration. Once a person gets caught up in the system, it becomes harder for them to actually, literally, get out of the system. The cost is very high any way you look at it.

The cost to one inmate was tragic. He died in the Edmonton Remand Centre when another cellmate killed him. He was fined for jaywalking and riding the LRT without proof of payment. He couldn't pay his fine and had to spend five days in jail, where he lost his life. That itself is a tragic, criminal offence. This is just one tragic example, one too many.

The bill is a good idea, and it appears on its surface to correct the problem. However, we want to be completely sure to talk to Albertans and front-line workers to make sure that this is the best strategy. Wildrose will be watching closely to see that police resources are indeed freed up and that our law enforcement system becomes more effective at fighting dangerous crime.

E-ticketing should free up time and resources for law enforcement. It will allow officers to file tickets electronically, something that has been tried in other places and that we hope will be helpful with our law enforcement. We are hoping that this will streamline the ticket process and reduce mistakes and eliminate police wasting hours on re-entering data for police and court staff.

Wildrose is committed to safety for all Albertans, and we will continue to fight for strong communities and efficient governing. We will continue to monitor the outcome of this piece of legislation to see if it will better catch offenders and hold them more accountable through other means. We are hopeful that this will break the cycle and save taxpayers money while improving safety in the community. Police will be better utilized on the streets for more serious matters and crimes and will not be spending valuable time on ticketing and court dates.

Wildrose is in support of this bill, and we hope that the government will also acknowledge the need to use this to its full advantage and further support our law enforcement workers as they strive to protect our communities and punish serious offenders.

Thank you.

The Deputy Speaker: Any questions or comments?

Seeing none, I'll call on Calgary-Mountain View, followed by Edmonton-Ellerslie.

Dr. Swann: Thank you very much, Madam Speaker. I want to thank the Justice minister for bringing forward this bill to modernize enforcement of provincial offences. It's truly a progressive decision that is long overdue and helps to shift our focus from a punitive system to a restorative justice system. I mean, the primary issue is not even saving money; the primary issue is people and caring for people and rehabilitating people.

The kind of stories that we've heard today are extremely moving. Certainly, the mental health and addictions review that I was involved in last year highlighted the cycle, the revolving door, the recurrence, a pattern of people that – far from benefiting from a system that incarcerates them or punishes them, it actually adds to their burden, adds to their problems, adds to their breakdowns, and

makes more likely their failure to be rehabilitated, to get back to any kind of productive and satisfying quality of life.

The bill proposes to amend both the Provincial Offences Procedure Act and the Traffic Safety Act by putting an end to warrants and jail time for minor infractions and modernizing the way that tickets are processed. We are in an electronic age. Anything we can do to reduce paper and reduce time is obviously going to be a win-win for our system.

The moves are not only expected to save money, to free up police, court, and correctional resources and focus more time on serious crimes; they'll keep thousands of vulnerable people out of the provincial justice system. I must say that this is a win-win-win when one looks at the opportunities that present themselves for rehabilitation, the cost savings to all of our social supports systems when they're appropriately used instead of institutionalizing and incarcerating people. And the third win is a better policing service. They have more resources, and they focus where their own training leads them and where they can feel a greater satisfaction in helping to create a safer society.

The minister justly said that this will reduce the criminalization of poverty, and we could add mental illness and addictions, which are part and parcel of much of the poverty in our communities. The opportunity, then, for connecting with wraparound services in the community, the opportunity for dealing with cause, as the hon. Member for Calgary-West mentioned, are really a tremendous step away from a system that has been so backward in thinking about the place of rehabilitation, housing, supports for people who have many challenges in life, many of them from traumas, from inadequate social supports throughout their lives, mental illness, and indeed addictions. It's a welcome shift, which I'll certainly be supporting.

I know that the details and how we're going to regulate and monitor and identify where this approach will in some cases be abused have to be there. But the overarching question here is: are we using our resources to enhance people's lives, to strengthen our productivity and our economy, to use our highly paid and highly trained police force appropriately? We have not been. This is an opportunity to make sure we start to do that.

I don't want to draw this out, Madam Speaker. I think the arguments have been well stated, and it looks like there is all-party support for this very sensible and long overdue bill. I can just say that I'm proud of being part of the session that brings this important change to Alberta.

Thank you, Madam Speaker.

The Deputy Speaker: Any questions or comments?

Seeing none, I'll call on the hon. Member for Edmonton-Ellerslie.

Loyola: Thank you, Madam Speaker. As always, it's a pleasure to rise in this House and speak and debate on matters. I really want to thank the hon. Minister of Justice and Solicitor General for introducing Bill 9, An Act to Modernize Enforcement of Provincial Offences.

The primary objective of this bill, as was stated by the minister, is to protect vulnerable Albertans from a cycle of incarceration and poverty, thus reducing the criminalization of poverty. In the debate so far we haven't mentioned a key issue, and that is the rate of incarceration of indigenous people here in our province and across Canada, which, I believe, this bill will address in a significant way.

Just to bring it to the attention of the members of this House, it's widely known that the indigenous population is overrepresented in provincial and territorial correctional services. I'll remind the members of this House that while indigenous people represent 3 per

cent of the Canadian adult population, they account for nearly one-quarter – that's 24 per cent – of admissions in correctional services. Even more concerning is that – I mean, 24 per cent is just the number in general – if you break it down and you look at indigenous females, they account for 36 per cent when compared to the overall population. This is truly concerning.

11:20

I'm really happy to see that members from the opposition, from the third party, and other parties are in agreement on Bill 9, An Act to Modernize Enforcement of Provincial Offences. You know, we've discussed at length that the cost associated with incarcerating individuals for minor infractions is approximately \$800,000 and that these amendments reinforce our government's commitment towards responsible management of public finances. The electronic filing of tickets will create efficiencies and reduce errors and costs to free up resources in the justice system.

I wanted to stress that if passed, these amendments will end Alberta's outdated process of jailing individuals as a tool to enforce tickets for minor infractions and reduce inefficiencies of the current model. When Albertans, especially vulnerable Albertans, are unable to pay their initial fines and do not attend court, the court issues a warrant for their arrest. The fact is that vulnerable people are more likely to be issued tickets for minor infractions such as not paying for transit and are more likely to be arrested for failure to pay or appear in court, thus landing them in jail. It further perpetuates a cycle of incarceration and poverty, which does not create safer communities, which should be our overall objective. This method of enforcement is disproportionate. It's resource intensive and ineffective. Therefore, these amendments provide a needed step towards ending the revolving door of poverty and incarceration, as stressed by others.

If passed, these amendments will end the practice of punishing individuals for being unable to afford their fines. As mentioned, the current model of using jail as a tool to enforce payment is inefficient and outdated. Moreover, the results of this practice are neither positive nor beneficial to Albertan taxpayers or the broader community in Alberta. Given that the indirect costs associated with incarcerating individuals for minor infractions is approximately \$800,000, these amendments reinforce our government's commitment towards responsible management of public finances. The proposed changes will also help the province defer costs by creating efficiencies that free up significant time for the judiciary, court staff, police, and correctional officers.

For those people who don't own vehicles or refuse to pay their fines, other enforcement mechanisms will be available such as filing writs against property and garnisheeing bank accounts, wages, income tax refunds, and GST rebates. In addition, evidence shows that using warrants as a tool to enforce fines for minor infractions is not effective. Every year the number of outstanding warrants increases here in Alberta. Currently there are about 187,000 outstanding warrants, half of which are for minor infractions. Every year court staff spend more than 9,000 hours processing warrants for minor infractions, making this model inefficient and resource intensive.

The second amendment to the Provincial Offences Procedure Act is enabling the expansion of e-tickets in Alberta, as has been presented. The electronic filing of tickets will streamline the ticketing process by allowing police to file tickets electronically with the courts, and the electronic filing of tickets will create efficiencies and reduce errors and costs to free up resources in the justice system. Currently when an officer issues a ticket, the ticket is handwritten on a preprinted form. After the ticket is issued, the officer must bring the court and police copies back to the

detachment to be entered into the law enforcement data system. This process is time consuming, inefficient, and ultimately hurts the taxpayers and our communities.

If passed, e-tickets will allow law enforcement to focus more of their time on the streets, thus protecting Albertans. It is noteworthy to highlight that this amendment will not create new opportunities for police officers to issue tickets, nor will it change the standard for charging someone with an offence. Officers will still be required to have reasonable grounds to believe that an offence was committed in order to issue a violation ticket. However, it will reduce the number of ticket booklets that need to be printed, saving taxpayer money on printing and storage costs.

Again, I wanted to stress Edmonton police chief Rod Knecht as a stakeholder, and I quote him:

The introduction of Bill 9 will allow police to free up officers and civilian staff to focus on predators and serious criminal offenders.

As a result of modernized technology and this new approach, a significant reduction in administrative processes and paperwork is expected.

A segment of the population that we haven't discussed – I mean, it has been mentioned by members of the third party – are those with mental health issues. From my own experience and being a community organizer and someone who has dedicated some time to working with homeless people, advocating on behalf of homeless people, especially with the connections that I have at Boyle Street, we know that a large portion of the people who are homeless are people who have mental health issues.

I've seen it first-hand, where – and I'm not saying anything bad about the Edmonton police, but they're having to deal with a homeless person and trying to do their very best in order to address the issue that, you know, the person is on the street. Sometimes it's presumed that they're intoxicated, but really, no, they're someone that has mental health issues, and it's not an issue of intoxication. But the police still need to deal with this individual, and it's a concern how they have to deal with them and then have to issue a ticket.

I'm really glad to hear from members from the third party. I believe that it was the Member for Calgary-West who brought up the issue of mental health. It's also a significant concern for members on this side of the House when dealing with this particular issue, and we feel that this bill addresses a lot of the root causes, as the Member for Calgary-West stipulated.

Again, I really want to congratulate the Minister of Justice and Solicitor General for introducing this bill. I think that it'll go a long way to address a lot of the issues that are being experienced by homeless people on the streets as well as people with mental health issues and – again I'll stress it – the indigenous population. I want to remind the members that, you know, indigenous people represent 3 per cent of the adult population in Canada, and to know that overall they represent 24 per cent of those admitted in correctional institutions is a serious matter. It's a matter that even many grassroots indigenous community organizers have brought to my attention. The fact that indigenous women represent 36 per cent of those admitted in correctional facilities is even a more grave concern.

I'm really hoping that this bill is the beginning of being able to address these very serious concerns that we have and being able to address the root causes of these segments of the population so that we can have a more compassionate approach, and I think that this bill goes in that line. This is perhaps the first step in addressing some of these issues, by first being able to reduce the criminalization of poverty, here in Alberta at least, and being able to take a deeper look at some of these serious concerns that I've brought up in the House.

11:30

Again, I really congratulate the Minister of Justice and Solicitor General for bringing forward this bill, and I'm really happy to see that there's wide support amongst many of the members of the House. I would encourage all members of the House not only to vote in favour of this bill but actually, you know, when we have an opportunity to discuss it further in Committee of the Whole, to go and share it with their constituents as well, to really get out there and talk about the positive impacts that this bill will have here in Alberta if it's passed. We can really share with our constituents, share with the population of Alberta that we're on the right track.

Yes, I agree that the argument of reducing the cost to taxpayers is a good argument. I mean, as government we're here to address the issue of costs – it's important – but this bill is not just that. This bill goes much further than that. You know, we are able to address these very serious concerns that I've brought up, and it's all connected. All these factors are connected: saving costs, being more compassionate with members of our communities that are considered vulnerable Albertans. We're taking a huge step towards the decriminalization of poverty.

I want to encourage all members to vote in favour of this bill at second reading, and I look forward to discussing it.

The Deputy Speaker: Any questions or comments under 29(2)(a)? Seeing none, I'll call on the hon. Member for Edmonton-Whitemud.

Dr. Turner: Thank you very much, Madam Speaker. I've actually really enjoyed the debate this morning. I think this is one of the finest moments of this Legislature, when we can see that all members of this Legislature really recognize what social justice is all about. I think this is the situation, and I really want to commend the Member for Calgary-West. I think his comments were right on. They certainly replicated the comments of people that I know in law enforcement. They have long recognized that there needs to be a streamlining of this process and a fairness applied to this process, that I think that this bill does. I do want to thank the minister for putting this bill together. I think that, as has been said many times, it is long overdue, but I really think the minister deserves a lot of credit for expediting these changes.

One of the real pleasures of being the MLA for Edmonton-Whitemud is that I get to represent the Minister of Justice and Solicitor General at the graduation ceremonies at the training centre, which is located in the beautiful riding of Edmonton-Whitemud. I've been joined there by the Sergeant-at-Arms on occasion and by other colleagues from this caucus. There are several types of law enforcement that are graduated from that training centre. I'm very proud of the training centre itself. It is a world-class facility, and I've learned a lot about the complexity of being a peace officer or a correctional services officer as well as a sheriff. Indeed, I don't think the members of this House need to be reminded about the fact that our safety as MLAs and the safety of the Executive Council is done by the sheriffs, and I'm very appreciative of that.

I make a point in my remarks when I'm at the training centre graduations to say how proud I am of the individuals that are in corrections or are peace officers or are transit police or wildlife officers or, if I haven't mentioned them, corrections officers. They are a tremendous resource to this province, and they need to be given the freedom to do their job.

I want to turn to one other factor. One of the first visitors to my constituency office was a constituent who works as a psychiatric nurse at the Royal Alexandra hospital, and that individual has come to my office on more than one occasion bringing up this

very cause. He mentioned to me that he has clients, as he calls them, that need to travel to the Royal Alexandra hospital mental health facility from places distant, and they often don't have resources to pay for the LRT fare or to buy a bus ticket, and on occasion some of his clients have actually been incarcerated and spent time in jail for fare jumping. This bill will help to reduce the chances of that happening, and I think that for that single reason this bill deserves support.

You know, I'm not the youngest member of this Legislature. My schooling goes back a long way, and it actually goes back to a time when the book that now you will all know as *Les Misérables* was written. I don't go back to Victor Hugo's time, but the book is called Jean Valjean. If you recall, what happened to Jean Valjean was that he was incarcerated and put to hard labour by Louis XVIII or Louis XVI, something like that – it was before the French Revolution – for the crime of stealing a loaf of bread. In my mind, the crime of fare jumping is probably equivalent to the crime of stealing a loaf of bread. It took the French Revolution to get changes to the French laws that led to that sort of thing. I think it's only taken us 10 months to make the changes in this province that are going to do that.

With those comments, I would actually ask that the debate be adjourned, Madam Speaker.

[Motion to adjourn debate carried]

Bill 7
Electoral Boundaries Commission
Amendment Act, 2016

[Adjourned debate April 13: Ms Ganley]

The Deputy Speaker: The hon. Member for Wetaskiwin-Camrose.

Mr. Hinkley: Thank you, Madam Speaker. I wish to speak on behalf of Bill 7, Electoral Boundaries Commission Amendment Act, 2016. Under the current wording of the act a commission cannot be appointed earlier than July 2017. If the commission is not appointed before then, there will not be sufficient time for new electoral boundaries to be set prior to the next election, in 2019. It is integral to note that the last commission was appointed in 2009, and we have had two elections since. The last provincial election was one year earlier than scheduled; thus, the boundary reform should be one year earlier as well.

The Chief Electoral Officer, Glen Resler, has requested a change in the legislation. Mr. Resler indicates that since the next general election will probably be between March 1 and May 31, 2019, as per the fixed election period set out in the Election Act, Elections Alberta must be ready for that election. Plus, I'm sure constituency associations and candidates want sufficient time to plan and campaign for the election as well. With boundary changes there may need to be new founding meetings for some of those electoral districts and their district associations.

11:40

Alberta's population has grown significantly since the last election. It's gone from 3.7 million to 4.1 million people, and most of that has been in urban areas. Also, there are First Nation reserves which are fast growing regarding population increases, and this needs to be factored into the new boundaries. Getting the census and data will take time. The Electoral Boundaries Commission needs time to hold public hearings and write an initial report. This report will set out the proposed electoral boundaries. Then there need to be additional public hearings which will be held to review the initial report. After the representations the commission will then provide a final report. The recommendations of the final report will

be presented to the Legislative Assembly for consideration, and the bill will go through the readings and debates and, when it is passed, will need royal assent.

Once that is done, Elections Alberta must provide maps, polling books, polling areas, and lists of voters. All of this takes time, and it is sensible to start reasonably early to finish by, say, January 1, 2019, if not earlier. In fact, electoral district associations I'm sure would appreciate having more than two or three months – I'm sure it would be more like one or two years – so the sooner they can get started, the sooner that can be done.

The commission needs time to consider appropriate factors in making those boundaries. For instance, the commission must consider the requirement for effective representation as guaranteed by the Canadian Charter of Rights and Freedoms. But along with equal representation rural factors of sparsity and density of population must be factored into the boundaries because some of the constituencies have a very large area but may be below critical mass in regard to the number of voters. The commission needs to look at common community interests, trading areas, and overlapping jurisdictions. Some counties, of which I have one in my constituency, may have three MLAs for that one county, and they may prefer to change that.

In my constituency of Wetaskiwin-Camrose we have two First Nations reservations, but just across the road are two more Cree Nations, which have been placed in another constituency, whose principal town is over one hour away. First Nations populations have been growing rapidly and could dramatically change the population size of some constituencies. These factors need to be considered and consulted upon. Likewise, in Edmonton and Calgary communities should not be divided, and there is the aspect of continuing urban sprawl and new urban development into rural areas. Where will these new communities be placed? Consideration, consultation, and time are needed to deal with these complex issues. Changing roads and travel systems need to be examined to see if geographical features have changed and if they have impacted the complexion of the existing constituencies.

Most importantly, it is desirable to have clear, common-sense, understandable boundaries which meet Albertans' Charter rights to vote, and their vote includes the guarantee of effective representation. This is fundamental to democracy.

Therefore, Madam Speaker, I urge everyone to support the democratic Electoral Boundaries Commission Amendment Act, 2016, to have time to get it right and give Albertans the opportunity to participate in this democratic process. Thank you.

The Deputy Speaker: The next speaker on my list is Barrhead-Morinville-Westlock.

Mr. van Dijken: Thank you, Madam Speaker. I rise to speak to Bill 7, the Electoral Boundaries Commission Amendment Act, 2016. There are two major amendments happening here in this bill. The first seeks to accelerate the date of the appointment of a new Electoral Boundaries Commission, to have the commission appointed by October 31, 2016. This will start the commission ahead of the original schedule and complete its work in May 2017. This means that the new boundaries will be up and in place for the next election. Political parties will go out and create new constituency associations, and then the fun of fundraising and nominating candidates can begin.

[Ms Sweet in the chair]

The second amendment stands to change the population data which the commission uses for the purposes of its work. This allows

the more up-to-date and accurate municipal information to be used in some cases.

Now, Madam Speaker, it's interesting to note that if the last Premier had looked in the mirror and realized an early election was a bad idea, we wouldn't be debating this bill today. In fact, we would probably be in the middle of an election right now. The law as it is could have remained in place. The clock would tick, the stars would align as per the current law, and this boundary review would happen in 2019. But we are here, and the boundary review has to either be moved up or moved back, and the government has decided to move it up.

What we need to ensure is that this process is fair to Albertans. That includes my constituents in Barrhead-Morinville-Westlock and those who are in even bigger ridings, where their ability to be represented equally comes into question if the ridings get too large. Now, my constituency of Barrhead-Morinville-Westlock is a pretty standard size for a rural constituency, but that still poses challenges. I travel over two hours from one end of my riding to the other to get to different events. I feel that if it was much larger, it would get very difficult to have constituency and town hall meetings as folks already often have to drive over an hour to make a meeting. You also have to think of those winter driving conditions. It can often be a challenge to provide that effective representation in these geographically larger ridings, and I know I have colleagues here who already have a tougher time than I do.

I'm pleased that this bill does not try to alter the overall parameters that the commission can work with, but I'd also suggest that there should be a goal of maintaining historical boundaries as much as possible. If we can avoid it, we don't want smaller municipalities getting swapped to a neighbouring constituency where they have no history or don't really belong. I know that there are a lot of folks out there worried that rural Alberta is going to lose seats in this redistribution, but I have faith in the commission to follow the law as established and not try to gerrymander the constituencies like some jurisdictions in the United States have done.

In general, Madam Speaker, I support the beginning of this process and will be watching to see how the rest unfolds. Thank you.

The Acting Speaker: Thank you, hon. member.

Is there anybody wishing to speak under 29(2)(a)?

Seeing none, the Member for Sherwood Park.

Ms McKittrick: Madam Speaker, I am delighted to speak in support of Bill 7, the Electoral Boundaries Commission Amendment Act, 2016. This bill reminds me of a year ago when the whole issue of electoral boundaries and where I should be door-knocking was full front on my mind. It also reminds me that in three years all of us will once again be carefully looking at riding boundaries as we prepare our door-knocking and re-election campaigns.

First of all, election campaigns are important because they're a good way to remind all of us of the cornerstone of democracy, a guarantee of effective representation, which is what this bill is all about. This amendment in this bill was necessary due to the previous government's early election call. The last electoral boundaries review occurred in 2009. Since that time the population of Alberta has grown considerably, and the growth has occurred unevenly in the province. It is important that all Albertans, wherever they live, feel that their vote counts and that they have a guarantee of effective representation. This bill importantly clarifies the Electoral Boundaries Commission's authority to consider recent information respecting population growth that is not collected on a province-wide basis such as municipal census information. This

would be used along with the federal census or recent province-wide census.

I have spent a considerable part of my career working with census information, helping municipalities, nonprofits, and communities plan for programs, housing, and services. I know how population changes occur in neighbourhoods as housing changes and neighbourhoods move from single family to aging seniors. In Edmonton due to shifting demographics, school boards are currently engaged in planning in long-established neighbourhoods where there are excess school spaces. Municipalities develop new subdivisions as in my own riding of Sherwood Park. Rural families move from farms to nearby villages and then to the nearby town to access services. Albertans also move where jobs are, resulting in a very fluid population.

11:50

Alberta's population has grown by half a million since the last time the provincial electoral boundaries were redrawn to reflect population growth. From my own personal experience in working with the last federal census, especially in rural communities, I know that due to the concerted federal government's decision to no longer make the long-form census mandatory for the 2011 census, that data is not accurate. Thanks to the current federal Liberal government for having reversed that decision and ensuring that the 2016 federal census will be accurate. In the meantime, however, it is important that any decision based on population in Alberta uses all the available information, including municipal and county censuses. I applaud the government for making the amendment in this bill to allow consideration of additional population censuses, thereby ensuring that the decision on boundaries this time will be based on the most accurate population data available.

I am often reminded that every action may have unintended consequences. This bill is needed because the former government called the election a year earlier, and if the bill is not amended, it will not leave enough time for the new electoral boundaries to be established before the next general election. I personally want to ensure that every Albertan has the opportunity to know that their vote will count in the next provincial election, that every Albertan knows that their voice is important when they exercise their responsibilities as citizens and vote in the election.

The general rule is that the population of a proposed electoral division must not be more than 25 per cent above nor more than 25 per cent below the average population of all the proposed electoral divisions. This act provides for exceptions provided that the criteria set out in the act are met. In a maximum of four electoral divisions the percentage of population deviation can be as high as 50 per cent provided specific criteria are met. An important criterion is the requirement for effective representation as guaranteed by the Canadian Charter of Rights and Freedoms. This is an important criterion.

I was interested in how my own riding of Sherwood Park has changed over the years. Thanks to the work of the Legislature Library staff I was able to obtain a good history of electoral riding boundaries. In the 1905 election my riding was called Strathcona. In 1913 it was called South Edmonton. In 1921 it was called Edmonton, where five members were elected to represent three amalgamated constituencies. In 1926 it was called Leduc; from 1930 to 1971, Clover Bar; in 1975, Edmonton-Ottewell. In 1979 it was back to Clover Bar; in 1982, Edmonton-Sherwood Park; from 1986 to 1989, Sherwood Park; in 1993, Clover Bar-Fort Saskatchewan; and since 1997, Sherwood Park, the riding that I am now proud to represent. This is a good example of how population changes allow for different electoral divisions. In 2008 there were 28,349 electors in my riding and in 2010, 32,159.

I would urge all members of the Assembly to vote for Bill 7 and ensure that boundaries that guarantee effective representation are established before the next provincial election, which is anticipated between March 1 and May 31, 2019.

Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any questions or comments under 29(2)(a)?

Any other members wishing to speak?

The Deputy Government House Leader.

Mr. Bilous: Thank you, Madam Speaker. I rise to adjourn debate on Bill 7.

[Motion to adjourn debate carried]

The Acting Speaker: The Deputy Government House Leader.

Mr. Bilous: Thank you, Madam Speaker. Seeing the time, I move to adjourn the House until 1:30 this afternoon.

[Motion carried; the Assembly adjourned at 11:55 a.m.]

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