



ALBERTA COUNSEL

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SENATE ELECTIONS – AN UNENDING POLITICAL TUG OF WAR

Ashley Stevenson

For decades, Alberta and its uniquely conservative politics have pushed for the Senate to be reformed. Even the progressives within the province hope to see reform, although their reform consists of complete abolishment of the second chamber. To quote former Alberta Minister and Calgary School professor Dr. Ted Morton, the Canadian Senate is “a scandal-plagued institution that is widely viewed as no longer performing any constructive role in Canadian politics.” As such, it is no surprise that since its inception, the federal Conservative party has held a strong policy position of a triple-E Senate – effective, equal, and elected. For a great deal of time, nearly all of Alberta's provincial parties also supported this policy, most notoriously demonstrated by the 1987 resolution tabled in the Legislature by Alberta's Liberals.

Pierre Elliot Trudeau was elected Prime Minister in 1968, partially due to promises of Senate reform during the election. Unfortunately, these promises never came to fruition. Following Mulroney's election as Prime Minister, who ran largely on constitutional reform, Senate reform was once again at the top of the government's agenda. As such, they attempted to institute change through the Meech Lake Accord. The Meech Lake Accord would have amended the Constitution on various issues (if ratified by all 10 provinces), largely decentralizing the federal government's powers including the appointment of Senators. It would have given Premiers the power to appoint their provinces' Senators, leading to the sitting Alberta Premier Don Getty's government tabling Bill 11, the Senatorial Selection Act, for Albertans to elect their own Senate nominees.

Prior to the Senatorial Selection Act, Alberta had already begun its push for Senate reform under Premier Peter Lougheed. In 1983, Lougheed's government established the Select Special Committee on Upper House Reform which produced the 1985 Strengthening Canada: Reform of Canada's Senate report. This report has been the basis of Alberta's Senate reform proposals since it was drafted. Getty's Senate legislation followed this basis; however, Bill 11 died on the order paper as Getty called the 1989 spring election. Many political pundits at the time believed the legislation to be a distraction for voters, with the Progressive Conservatives struggling in the polls due to financial collapse of Principal Trust and doubts in Getty's leadership skills. This is the tried-and-true method of winning an Alberta election still used to this day – run against Ottawa.

The Senatorial Selection Act was reintroduced following the PCs election victory that same year, receiving Royal Assent on August 18. This set the stage for Canada's first ever Senate election – albeit a faux election. The winning candidate would not be declared elected to the Senate – their name simply would be submitted to the Queen's Privy Council for Canada by the Government of Alberta so that they may be summoned to the Senate at the advice of the Prime Minister. Regardless, Alberta went forward with their Senate election that coincided with the province's municipal elections, with Reform Party candidate Stan Waters winning with 42%.

Unfortunately for Mulroney, the Meech Lake Accord failed to obtain Quebec's stamp of approval. Following this, Premier Getty stated that there would not be further Senate elections in Alberta; however, the Alberta Legislative Assembly proceeded to recommend that Mulroney appoint Stan Waters. To everyone's surprise, Mulroney actually did appoint Waters despite the undeniable risk the Progressive Conservative leader was putting on himself by further legitimizing the Reform Party that only had one seat in the House of Commons at the time. This set the precedent that Ottawa is confronted with the input of the electorate for Senate appointments, rather than appointments based on party and patronage. Ignoring the will of the people for Senate appointments is fully within the Prime Ministers constitutional rights, something that Mulroney and Prime Minister Jean Chretien later did; however, they may do so at their own peril in the next election.

In early 1997, scandal rocked the Upper House. Two sitting Senators were convicted of criminal acts and Senatorial attendance records caused national uproar as some were almost entirely absent from sittings. To top off these events, an Alberta Senate vacancy occurred that fall. The province made their desire to elect their next appointee clear to Ottawa; however, Prime Minister Jean Chretien hastily filled the vacancy through patronage. With Albertans indignant, Premier Ralph Klein's Progressive Conservative government renewed its Senatorial Selection Act as it was set to expire in December 1999. Klein then proceeded to announce a second Senate vote for October 1998 – with or without a vacancy.

The 1998 Alberta Senate election was clearly a reaction against continued nepotism, as five Alberta Senators were appointed between 1989 and 1998 despite the province's numerous requests for an election. Additionally, the 'rogue' election was intended to highlight the ineffectiveness, unequal, and unelected representation in the Upper House. By holding this election regardless of a vacancy, it was a clear democratic challenge to the federal government that could become a practical alternative to the outdated practice of patronage appointments. This was another step towards Senate reform in the lengthy chess game of constitutional politics.



ASHLEY STEVENSON
Policy and Research
Assistant

Ashley Stevenson is a third-year political science and economics student at the University of Alberta, originally from a farm near Carstairs, Alberta. Prior to working for Alberta Counsel, she was an intern for UCP Caucus in 2019, worked for MP Martin Shields, and is an avid volunteer for campaigns and elected politicians both on federal and provincial levels of government.

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Throughout the campaign for the 1998 election, Chretien referred to the election as a 'joke,' 'meaningless,' 'a waste of time and tax dollars' and 'impotent' until Senator Jean Forest announced her retirement mid-way through. The tone of the Liberal government then changed as they called the election 'unconstitutional and undemocratic' as the winners wouldn't face the electorate again once appointed. Chretien further insisted that this would complicate Canada's unity agenda by including Senate reform. Regardless, Alberta pushed forward with the election to loudly promote Senate reform with support from all elected parties. "Real reform of the Canadian Senate involves three E's – equal, effective and elected. Alberta Liberals are sticking to their support for a Triple-E Senate," was stated by Liberal leader Nancy Macbeth in 1998, as well as the New Democrats also supported the policy briefly as they took a break from their abolitionist stance. The two Reform Party candidates overwhelmingly swept the election against the two independents, yet Chretien chose to ignore the democratic mandate given by Albertans by filling the vacancies with patronage, as per usual.

In 2004, Alberta went through yet another provincial election where Ralph Klein's PCs were successful, owing this partially to their commitment to another Senatorial election within the province. Prime Minister Paul Martin had indicated to Klein during a first ministers meeting prior to the election that he would fill Alberta's three vacant Senate seats with those elected; however, he proceeded to advise the Governor General to appoint three Senators of his choosing. Following the collapse of the Martin government and election of Prime Minister Stephen Harper in 2007, the winning candidate of both the 1998 and 2004 Alberta Senatorial Elections, Bert Brown, was appointed to the Senate.

Alberta was due for yet another Senate nominee election in 2010 as the terms for the elected nominees from 2004 were due to expire, as well as a vacancy was due to open soon for Alberta. Premier Ed Stelmach made the surprising decision to extend the term for senators-in-waiting until 2013. This created great upset as many believed it to be undemocratic seeing as the electorates' mandate for these nominees had expired. Stelmach's reasoning for this extension was justified by saving costs on an election. The 2004 Senate election cost Alberta taxpayers \$1.6 million – only half the cost of the 1989 1998 elections. Others believe that Stelmach delayed this Senate election as a tactic to prevent the Wildrose Alliance from defeating the Progressive Conservatives prior to a provincial election.

One of the three 2004 nominees, Link Byfield, slammed Stelmach for his decision and resigned from his designation in order to run for the Wildrose Alliance in the upcoming provincial election. Byfield criticized Stelmach, calling the decision undemocratic and stated his dissatisfaction with Stelmach for not attempting to advance Senate reforms to help nominees during their terms. Prime Minister Stephen Harper went on to appoint Betty Unger to the Senate eight years after she was elected as a nominee. Cliff Breitzkreuz, the third of Alberta's 2004 elected nominees, saw his term expire in 2012 without being appointed.

Alison Redford won the PC party leadership in late 2011 and was sworn in as Premier. She promptly announced that the province would hold yet another Senate election for three new nominees alongside the provincial election's ballots in 2012. Redford was criticized for the \$3 million price tag; however, neither her nor the committee chair MLA Lindsay Blackett ever commented on the cost. Out of the dozen candidates running, the winners all belonged to the PC party. Prime Minister Stephen Harper advised the Governor General to appoint two of these senators-in-waiting in 2013, Doug Black and Scott Tannas.

Under Alberta's NDP government, the Senatorial Selection Act was not renewed when its sunset clause caused it to lapse in 2016. This was unsurprising as the NDP hold a strong abolitionist stance towards the Senate. However, Premier Jason Kenney promised to bring Senate elections back to Alberta during his 2019 campaign, a promise that he kept. In July 2019, Bill 13 known as the Alberta Senate Election Act was passed, further amended in the summer of 2020. The next Senate election in Alberta will be held on October 18th, 2021 in conjunction with the municipal election and two referendum questions.

“Real reform of the Canadian Senate involves three E's – equal, effective and elected. Alberta Liberals are sticking to their support for a Triple-E Senate.”

Nancy Macbeth



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Photo Credit: Brendan Brown



THE NEWS
from ALBERTA COUNSEL



JAMES JOHNSON
Director of Research

Beginning as a research analyst, James progressively worked his way up to Special Advisor for the UCP Caucus over 10 years at the Alberta Legislature. He served as Director of Research for the Wildrose and United Conservative Party Caucus as well as directing the internal machinery of the UCP Caucus during its 2017 Leadership period. He was also a key member of provincial campaign teams in three Alberta general elections, serving in various roles including Tour Director, Issues Manager, and Manager of Candidate Selection. James brings a solid grasp of government and political communications, public policy, and legislative process.

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POLITICAL EVENTS

UCP – Second Annual UCP Horse Race

Friday, August 6th @ 2:00 pm

Location: The Track on 2, Lacombe

- Join UCP MLAs for an afternoon of horse racing, including an MLA T-Rex race
- Tix: \$50 - \$2,000 (unitedconservative.ca/events)

UCP – Economic and Mental Wellness Recovery

Wednesday, August 11th @ 6:00 pm

Location: Silver Springs Golf & Country Club, Calgary

- Join Jason Kenney and Jason Luan for a special fundraising event.
- Tix: \$150(unitedconservative.ca/events)

NDP – Lethbridge East Pig Roast

Monday, August 16th @ 4:30 pm

Location: Lethbridge

- Join the Lethbridge East NDP for a take away pig roast.
- Tix: \$50 (albertandp.ca/events)



Photo Source: Alberta.ca

KEY INFLUENCER PROFILE **RAJAN SAWHNEY** Minister of Transportation

Ashley Stevenson

A first generation Canadian born and raised in northeast Calgary, Minister Rajan Sawhney is the daughter of Sikh parents who immigrated from India in the 1960s. As a passionate member of the Sikh community, she has played a key role in leadership with several Sikh organizations and has worked actively as a volunteer. In recognition of her community engagement work, Sawhney was named a Community Builder by the YWCA for Canada 150. She also is bilingual, speaking both English and Punjabi.

Sawhney got her first taste of politics in 2007 while helping campaign for her cousin, Calgary's Ward 5 City Councillor George Chahal. Provincial politics got its hooks in Sawhney after decades of working in the energy sector as an economist and business strategist. Sawhney worked for 23 years as an economist and business analyst in the petroleum industry. While working for Alberta Energy Regulator (AER) on methane emissions abatement regulations as the file's economist, she saw firsthand as investment left the province due to poor government policy.

In 2019, Rajan Sawhney left her career in the oil and gas sector as VP Business Development for FRACMOD as she was elected as MLA for Calgary – North East. Shortly after her election, she was appointed to cabinet as the Minister of Community and Social Services. As part of Premier Jason Kenney's July 2021 cabinet shuffle, she was promoted to the Ministry of Transportation.

While Sawhney has made an impressive career for herself, she is also a passionate mother and a strong advocate for her four children. Her oldest daughter, Raman, was Miss Universe Canada 2019 and made headlines after being the victim of a prejudiced attack. The Minister spoke out publicly against race-based violence following the latter.

Sawhney has faced many systemic barriers while growing her career as a relatively young woman of color and mother of four. Whether it's articulating herself while sitting on her Gurdwara committee, speaking up against injustices faced by marginalized communities, or holding her leaders accountable, Sawhney is breaking through the glass ceiling and has a bright future ahead of her.



PASCAL RYFFEL
Director of Government
Relations

After completing his MA in Media and International Development, Pascal spent four years with the Alberta NDP Caucus. Pascal has been directly involved in Alberta politics for almost two decades, including as a candidate in 2008, and has a deep and current knowledge of Alberta politics. Pascal has been with Alberta Counsel since 2015.

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AT A GLANCE

In the Media

Provincial Government Announces New Mental Health and Addictions Funding

The Government of Alberta has announced various new projects to support Albertans' living with mental health concerns and addictions that will be receiving provincial funding. Youth mental health hubs were announced by Associate Minister of Mental Health and Addictions Mike Ellis with a grand total of \$7.3 million in funding. These mental health resource centres primarily are located in rural areas that have faced a lack of supports in the past.

\$3 million of the funding will be allocated for the 2021 year. The government also has committed to a multi-million-dollar project to build a new recovery community just east of Lethbridge to expand supports for those struggling with addictions. This facility will offer 50 spaces for holistic treatment. In addition to the recovery community, 11 publicly funded residential recovery treatment beds will be provided to Lethbridge's Southern Alcare Manor.

Grassy Mountain Coal Project Being Appealed After Rejection

Benga Mining, the company behind the controversial Grassy Mountain coal project, is appealing the joint federal-provincial review panel's decision to reject the proposed open-pit coal mine. Their request was filed with the Court of Appeal of Alberta, stating that the June 17 decision to reject the project contained errors of law and procedural fairness that warrant an appeal.

The decision to reject the project was made due to the significant adverse environmental effects on westslope cutthroat trout and surface water quality. Benga contends that the panel erred in law by ignoring or misconstruing relevant evidence on the environmental and economic impacts of the project. The mine would create hundreds of jobs as well as mine up to 4.5 million tonnes of coal per year over its approximate 23-year life span. The application for the appeal will be heard on September 9th, 2021.

Province Announces Funding for First Steps Towards a New Edmonton Children's Hospital

The Alberta government is providing \$1 million to launch capital planning for a new children's hospital in Edmonton. The Stollery Children's Hospital Foundation will be matching the government's funding by providing an additional \$1 million to help develop the needs assessment, capital cost estimate, and a business case. If built, this new stand-alone Stollery Children's Hospital would serve children and families from the Edmonton area, northern and central Alberta, and children across Western Canada.

Banff Mayor Appointed as Alberta's Newest Senator

On July 29, Canada's new Governor General Mary Simon appointed five new individuals as Independent Senators on the advice of Prime Minister Justin Trudeau. These include David Arnot for Saskatchewan, Michele Audette, Amina Gerba, and Clement Gignac for Quebec, and Karen Sorenson for Alberta.

Sorenson was born and raised in Ontario, having moved to Banff following her graduation from the University of Guelph. As the current Mayor of Banff, she will be resigning from her elected office on Banff Town Council after 17 years in order to represent Alberta in the Senate.

UCP MLA Devinder Toor Fined by Elections Alberta

UCP MLA for Calgary – Falconridge, Devinder Toor, has been slapped with \$15,000 worth of fines by Elections Alberta. During his time as a candidate in the 2019 provincial election and as a UCP nomination contestant, Toor faces charges for:

- Accepting a prohibited in-kind contribution in the form of use of property, from a corporation of which he was a director.
- Filing a false financial statement with the chief electoral officer
- Exceeding expense limits
- Receiving a loan from a party other than a financial institution
- Failing to deposit donations into the bank account on record with the chief financial officer
- A person other than his chief financial officer accepted donations

Sahib Bhakri, Toor's financial officer for both contests, faces \$14,000 in fines. The corporation that donated to both campaigns was fined \$4,500 as well. Toor released a statement acknowledging the wrongdoings of his campaign, taking full responsibility as well as ensuring he fully participated in the Election Commissioner's investigation.



**AARON
SINGLETON**
Policy Analyst

During the second year of his Political Science degree at the University of Alberta, Aaron worked as the campaign manager for a candidate in the 2011 federal election. He was able to translate that experience into a public service career that includes various positions with Service Alberta and Justice & Solicitor General. He also served as the Foreign Policy Advisor for Security Council at the University of Alberta's HSMUN conference where he developed his understanding of pragmatic policy analysis.

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A HISTORY OF TIME (CHANGES) IN THE WILDROSE PROVINCE

Aaron Singleton

I beg your indulgence as I humbly move to invoke the Cher clause. If I could turn back time as I propose to do here, it would be prudent for us to look at the most recent referendum topic that will be added to the October ballot. Indeed, Premier Jason Kenney has confirmed that Albertans will be asked to vote on whether or not the province should continue the practice of bi-annual time changes. This is far from the first time the subject has come up in Alberta politics. It is not even the first time Albertans have voted on the debate. Rather than dig into potential outcomes, we want to look at how we got to this point. Believe it or not, it is a rather interesting history with parallels to contemporary Alberta.

In 1948, the provincial government passed legislation entitled An Act Respecting the use of Daylight Savings Time within the Province. This bill formally adopted Mountain Standard Time for Albertans while also prohibiting following Daylight Savings Time in any individual municipalities. At the time, anyone who violated the act was subject to summary conviction and a fine of no more than \$25 plus costs. Interestingly enough, this legislation was implemented to quell the initiatives of both Edmonton and Calgary that sought to implement Daylight Savings Time. In fact, the two cities even held successful plebiscites in 1946 and 1947 respectively which made for some obvious logistic complications for the province. In Edmonton, the 'yes' vote won by a count of 13,837 to 10,471 in a year where Harry Ainlay was elected mayor.

It would not be until the late 1960's that we would see another major shift in time policy. Public campaigns led by activists Bill Creighton and David Matthews, in addition to renewed municipal pressures, led to the province holding two plebiscites in the province that, if successful, would see Alberta adopt the bi-annual practice of changing our clocks to observe Daylight Savings Time. When the first vote was held in conjunction with the 1967 general election, it simply asked "do you favour province-wide daylight saving time?" The decision was a close one (though not as close as the Quebec sovereignty referendum of 1995) with 51.25% voting against the proposal. The vote ultimately failed due to strong turnout from rural Albertans who opposed changing time twice a year. The Calgary Herald publicly displayed their dismay with the result, issuing a headline on May 24, 1967 that read "Rural Cousins Defeat DST". Of course, you can imagine how such a headline would be (justifiably) received in Alberta today.

In the next general election in 1971, Albertans would once again have an opportunity to voice their opinions on this controversial legislative debate. The same players were involved, and an identical question was asked. Yet, this round resulted in a resounding 61.47% support for implementing Daylight Savings Time. So, what was different this time around? It was not the arguments that changed; rather, it was the organization of the 'yes' campaign who learned hard lessons from their defeat four years prior. The 'no' side was also much less active and organized than the last campaign effort, and it didn't hurt the 'yes' side that there was a new premier at the helm who had agnostic views towards time changes. Funnily enough, the end to a single-observed time was also the end of the Social Credit's reign over the province (though correlation should not be interpreted as causation in this instance).

Let's fast forward to 2017. While some things are new on the political front (such as the first New Democrat provincial government), the old became new again as the debate on time changes was renewed. Then-rookie MLA Thomas Dang of the NDP tabled a private members bill which proposed to end the time change practice in our province while formally adopting Mountain Standard Time alone, once again. While about 82% of respondents in a provincial consultation survey agreed with the premise of ending Daylight Savings Time, the bill was ultimately abandoned due to pressures from the business community. Unlike the campaign 40 years prior, unintended consequences such as NHL game scheduling were used in opposition to the bill. Of course, some familiar faces (Creighton and Matthews) popped up to make the decades-old arguments once again.

In 2021, Albertans will be asked to vote on this issue for a third time on the provincial level when October 18th comes around. Unlike the prior plebiscites, the vote will run in conjunction with the municipal election – a decision made that will no doubt have indirect consequences on the municipal ballot. The exact question to be asked in October will be formalized later this summer, but one question that remains is whether or not the results of this referendum will be binding. For a non-constitutional issue, section 5.2(1) of the Referendum Act indicates that the Lieutenant Governor in Council must order the results to be binding – it is not automatically so. Of course, we do not expect the UCP to go through the effort of a referendum like this without ensuring the result is binding. We are already seeing similar arguments being made as we saw in 2017, but will we ultimately see a referendum victory for the provincial government?

Time will tell.

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