



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Select Special
Public Health Act
Review Committee

Tuesday, September 29, 2020
12 p.m.

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Select Special Public Health Act Review Committee

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Standing Committee on Public Health Act Review

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Trish Merrithew-Mercredi, Assistant Deputy Minister, Public Health and Compliance

12 p.m.

Tuesday, September 29, 2020

[Mr. Milliken in the chair]

The Chair: Well, good afternoon, everyone. I'd like to call this meeting to order. Welcome to members and staff in attendance for this meeting of the Select Special Public Health Act Review Committee.

My name is Nicholas Milliken. I'm the MLA for Calgary-Currie and chair of this committee. I'm going to ask that members and those joining the committee at the table please introduce themselves for the record. I believe that I will then go on to note if there is anybody on telephone or video conference as well. With that, I will start to my right.

Ms Rosin: Thank you. Miranda Rosin, deputy chair of the committee and MLA for Banff-Kananaskis.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright.

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont.

Mr. Turton: Good afternoon, everyone. Searle Turton, MLA for Spruce Grove-Stony Plain.

Ms Lovely: Jackie Lovely, constituency of Camrose.

Mr. Reid: Roger Reid, MLA for Livingstone-Macleod.

Mr. Neudorf: Nathan Neudorf, MLA, Lethbridge-East.

Mr. Blue: I'm Dean Blue, the senior public health adviser to the chief medical officer of health.

Ms Merrithew-Mercredi: I'm Trish Merrithew-Mercredi. I'm the assistant deputy minister, public health and compliance.

Ms Hoffman: Sarah Hoffman, Edmonton-Glenora.

Mr. Shepherd: David Shepherd. Happy to welcome you all back to my constituency of Edmonton-City Centre.

Mr. Dang: Good afternoon. Thomas Dang, Edmonton-South.

Ms Govindarajan: Vani Govindarajan from the office of Parliamentary Counsel.

Ms Robert: Good afternoon. Nancy Robert, research officer with the Legislative Assembly Office.

Dr. Massolin: Good afternoon. Philip Massolin, clerk of committees and research services.

Ms Rempel: Good afternoon. Jody Rempel, committee clerk.

The Chair: Are there any individuals joining us by phone or video conference? I believe we have one on the phone.

Ms Ganley?

Ms Ganley: Yes. Good afternoon. Kathleen Ganley, Calgary-Mountain View.

The Chair: Thank you, Member Ganley.

I would also like to take this opportunity to inform the committee that Mr. Rutherford is substituting in for Mr. Long and that Mr. Dang is substituting in for Member Gray.

Pursuant to the August 24, 2020, memo from the hon. Speaker Cooper I would remind everyone that outside of those who have an exemption, those observing the proceedings of the Assembly or its committees are required to wear face coverings. Based on the recommendations from the chief medical officer of health regarding physical distancing, attendees at today's meeting are reminded to leave the appropriate distance between themselves and other meeting participants. Please note that the microphones, of course, are operated by *Hansard*, so you don't have to manually touch or deal with the buttons. They will take care of that for you. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Of course, please make sure that your cellphones and any other devices that you may have with you today are set to silent for the duration of this meeting.

Our first item on the agenda for business is approval of the agenda. Does anyone have any changes that they would like to make, and if not, would a member please move a motion to approve the agenda? I see Member Turton.

Mr. Turton: Yes. I would move the agenda as presented.

The Chair: Okay. Moved by Member Turton that the agenda for the September 29, 2020, meeting of the Select Special Public Health Act Review Committee be adopted as distributed. All those in favour, please say aye. Any opposed, please say no. That is carried.

Moving on to item 3. Next step, of course, we have the approval of the minutes from the previous meeting. Draft minutes were posted for the consideration of committee members. Are there any errors or omissions to note? If not, would a member please move a motion to approve the minutes as distributed?

Ms Lovely: I would like to move that the minutes be approved as presented.

The Chair: Sure, Member Lovely.

Moved by Member Lovely that the minutes of the September 18, 2020, meeting of the Select Special Public Health Act Review Committee be approved as distributed. All those in favour, please say aye. Any opposed, please say no. That is carried.

All right. Item 4(a). Moving on to the review of the Public Health Act. I would note that an updated written submission summary was distributed to committee members last week in response to comments made at the previous meeting. I would also like to thank the officials from the Ministry of Health for the documents provided in response to requests made at our August meeting and for, of course, joining us today to provide technical expertise should we require it.

At our last meeting the committee requested an issues summary document, which organizes the issues identified by stakeholders and members of the public who participated in the review. I would now ask that Ms Robert provide us with a brief overview of that document.

Ms Robert, if you please, the floor is yours.

Ms Robert: Thank you, Mr. Chair. Certainly, I'd be happy to.

Yes, a summary of issues and proposals document was provided to the committee last week, and I'm just going to give you a broad overview of how it's organized more than anything else because there are a lot of moving parts to it. It's a four-column document, and the issues and proposals raised by stakeholders and members of the public are organized under eight broad categories. Number one is expanding the scope of the Public Health Act, number two is limiting the authority of the Public Health Act, number three is emergency powers, and so on.

Those are the broad categories, and then under each broad category there is a more specific issue – that’s in column 1 – and then the actual proposal, which is in column 2, and then if there are any relevant sections of the act to be noted, they are noted in column 3. Then the notes column in column 4 refers members to crossjurisdictional information or ministry information that’s relevant. It sometimes quotes from the submitter as to the rationales that were offered with respect to the proposal. So that’s basically how the document is organized.

That’s all I think I’ll say for now, but I’d be happy to try to answer any questions you might have. Thank you.

The Chair: I see Member Hoffman.

Ms Hoffman: Thanks. I have a question and then a request. The question is just around the proposal. Is this what the people who wrote in proposed, or is this a synthesis and analysis done by the LAO and the LAO’s proposal?

Ms Robert: Mr. Chair, if I may?

The Chair: Ms Robert.

Ms Robert: This is a summary of all of the recommendations and issues that were raised by submitters writing in and by the oral presentations made by stakeholders to the committee.

Ms Hoffman: So – sorry – the question is: what’s in the proposal column, is that what the presenters and the submitters proposed, or is it what the LAO is proposing after synthesizing all of their data?

Ms Robert: It’s what the submitters and stakeholders proposed.

Ms Hoffman: That’s very helpful. Thank you so much.

The other thing I was just requesting, just because it is a substantial document and we did get it within a couple of hours of when we had to submit our motions: I was hoping we could have a slightly more thorough walkthrough of the issues in this meeting. I know we did get it ahead of time, but we got it simultaneously to when we had to submit our motions.

The Chair: It’s my understanding that we had it previous to that, and then there was an update.

Ms Robert.

Ms Robert: Thank you, Mr. Chair. The issues document was provided approximately 24 hours prior to the motions deadline, so it was provided on Thursday afternoon, and the motions deadline was Friday afternoon. The submission summary that you’re referring to is a document that was presented a couple of weeks prior.

The Chair: Okay.

Well, I think that, pursuant to a motion that was put forth in the last meeting, it’s my understanding that the committee has decided to move directly to deliberation of the motions that were proposed.

Ms Hoffman: So no presentation of the actual document?

The Chair: Well, I think we just had basically a summary of the document, and then, of course, it’s been available for all committee members to review it as well.

Ms Hoffman: Your call, Mr. Chair.

The Chair: Yeah. Okay. If we’re comfortable with that, yeah. It’s my understanding with regard to the fact that the motion was done at the last meeting as well.

All right. Any other questions or discussion topics?

Seeing none, moving on to 4(b). Before we begin our deliberations, it may be useful for the committee to determine a plan for our discussions. As we heard at our last meeting, committees undertaking similar reviews have decided to use the issue document to organize the deliberation process, which could potentially lead towards something that aligns with what Member Hoffman had said.

Regardless of whether or not this committee chooses that route, it is important to remember that the committee is not required to address all the issues or proposals identified in the document, nor are we prohibited from raising additional issues so long as we stay within our mandate. I think that all members have had quite a bit of time to review. They’re substantial documents, obviously, that we’ve received, so I think that a lot of great work has been put in on that front.

With those comments in mind, does anyone have thoughts on how we should propose to move forward with the deliberation phase? I would open up to any discussions. I see Member Hoffman.

12:10

Ms Hoffman: Thanks, Mr. Chair. Just to help sort of streamline the discussion – it can be in a formal motion if required; I didn’t submit it ahead of time because I wanted to see all the other motions, of course – basically my proposal is that we do any pieces that are new additions to the act first, and then we do amendments to the act second.

The Chair: This is a discussion point at this point. Do you have a breakdown just for, I guess, clarity as to an order of motions then that you would propose?

Ms Hoffman: Yeah. I think that I would propose that we do – we did draw something, and I can show it here now.

The Chair: Yeah.

Ms Hoffman: That the committee first consider proposed motions and recommendations that would be considered new additions to the Public Health Act – and I think we can probably do that in order because they have been numbered – that the LAO has submitted to us, so I think that would be fine, and then that the committee consider proposed motions and recommendations to amend the Public Health Act following the act sequentially by part and by section. I think the question is just: do we do the new additions first? I think that from all the ones we submitted, there was only one that was a new area. I think the rest all fit within sections and follow the act sequentially.

The Chair: All right.

I see Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. If there is only one that is substantially new, I don’t have a problem with addressing that. I think there could be discussion depending what the amendments would be put forward that may or may not influence new additions to it. If it’s just one, I don’t think I would have a problem with hearing that one first.

I would like to propose that potentially we do a back-and-forth kind of scenario where, whether it’s the government or opposition side, they propose their motion and then go to the other side so that we have a balanced approach to it. I would like to propose that part, but I don’t see a problem necessarily with starting with new information before we seek to address the amended versions.

The Chair: I'm sorry. I may have missed this. Member Hoffman, of the numbering for the ID for each motion, which is the one that you would propose to do first, then?

Ms Hoffman: Let me try to flip through it. It's the one that's around addictions and substance use. That's the only one, I think, that didn't fit within a specific section.

Mr. Shepherd: If I may, Mr. Chair, I believe that would be reference number 47.

The Chair: Thank you for that, Member Shepherd. It's also one that you proposed as well.

Mr. Shepherd: I did.

The Chair: Are there any other comments to be made? I don't think that we have to have a specific motion for this. This is just a general agreement by all parties as to the best way potentially to move the deliberation portion of this committee work forward.

I am kind of seeing some general agreement, I think. I'm seeing some nods here. The general agreement seems to be – if there is somebody who has a comment as to why not to move forward in this process, then I would ask them to take the opportunity now to raise that issue.

Seeing none, then, what I would propose – obviously still open to discussion because I don't want to impose anything or presuppose what the committee would so choose – is to start with ID 47 and then move forward from there in a back-and-forth manner to ensure balance. Again, I'm starting to see some pretty fair numbers of nods.

Ms Hoffman: When you say back and forth, are you meaning speaking points to each of the sequential motions?

The Chair: I think the way I understood it – and feel free to correct me if I'm misinterpreting this – is that what the proposition, the sort of counterproposition, to use a word like that, would be is to start with 47 and then, of course, do a back and forth with regard to discussion wherever possible. Then with regard to the motions themselves, I understood it that the motions themselves would be as best as possible back and forth with regard to – we would move from, say, a member on the NDP side or, I guess, on one side of the committee, members from that caucus, and then members from the other caucus.

Ms Hoffman: I think that's fair. My only request is that because we're here for three days, I would like to be able to prepare tonight for what's tomorrow and prepare the next day for what's the following day. So if there's some way we can get an idea of what order they'll be brought forward, I think that would be helpful for us to be able to prepare for what's most pressing. It could either be numerically, in the order that they were submitted – and I'm fine with it going back and forth, side to side, or by section. I'm trying to be effective in doing my homework tonight.

Mr. Neudorf: I think that that's a reasonable request. I would suggest that before we begin deliberations with Motion 47, the opposition caucus would present the order of their motions, to their preference, and then the government side would propose our motion order, in order of our preference, and then we'd alternate. If that would be agreeable to the committee.

The Chair: Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I would find that agreeable. It might have been helpful – and this is not me blaming you, Mr. Neudorf, but I'm just observing that it would have been probably a good thing to do before we arrived today. If that would be the best way to organize things, I'd be generally in agreement with that but then would propose that we take an appropriate recess to allow both sides to prepare such a list.

The Chair: Yeah. It's my understanding that I think both sides do have intentions with regard to which motions they would like to propose first, so I think we can just take a quick five-minute – oh, I see Member Rutherford.

Mr. Rutherford: Sorry, Mr. Chair. Like, we've had these motions presented to us already. I don't understand why we're not ready to just go forward now. I think the back and forth makes sense. I think that in previous committees you would just get the attention of the chair and present your motion. They're already here, so I don't understand what the getting ready part now is. We should be already ready to go.

Ms Rosin: If I could comment?

The Chair: Member Rosin.

Ms Rosin: Yeah. I will agree with what Member Rutherford is saying. We've had these motions for some time now, and I actually know that on our side I think we are in a consensus on what order we want to go in. I'm happy to provide that right now if we want, but I don't think that we need a recess to do that. I mean, we came to the table today prepared, and if the members opposite did not do so, then I don't believe that the committee needs to take a recess and delay our proceedings because of that.

The Chair: I see Member Dang.

Mr. Dang: Thank you, Mr. Chair. If Ms Rosin is suggesting that we presuppose a decision of this committee in terms of the order and procedure in which motions would be presented and the deliberation portion, which was in the agenda, then I think that is offensive.

Instead, I think what we are trying to do is say that we are wanting to come forward in a collaborative approach and try to make sure that both the government and the opposition are able to understand what will be coming forward on which days.

Mr. Rutherford: I just want to add a comment, Mr. Chair, on the presupposing part. We are responding to what Member Hoffman has just brought up now. The idea that we knew what she was going to request ahead of time is completely ridiculous.

The Chair: I will say, just prior, if I may, that there is the opportunity for members from both sides to simply e-mail the clerk their proposed list in order, and the clerk could then set out the list just on the site. I think my guess is that that e-mail could probably come fairly easily, and that might then be able to be done within the already-agreed-upon first motion by Member Shepherd, which I believe was Motion 47.

But I am open to discussion, of course, with regard to that. I see Member Dang.

Mr. Dang: Thank you, Mr. Chair. I think the point was that we had come in expecting there to be full deliberation on the order of deliberations as per the agenda, section 4(b), and that was what we were anticipating, that we would have some sort of conversation on what that looks like. We're happy to have that conversation, and

we're happy to have a dialogue on how we want to do this format. I think we have a fairly agreeable format proposed by Mr. Neudorf.

However, I think that there were additional suggestions made that require some discussion and some time, perhaps, to compile, because the opposition did not come in presupposing the outcome of this committee. It appears that the government may have done that when they came in with a presupposed list of orders that they would present, a presupposed list of motions that they would pass in the order they wanted, and I think that's something that the opposition was not expecting. It's not in tune with how we typically run the procedures of these committees, but if that's the direction the majority wants to use on this committee, then that is the direction they will choose.

The Chair: I would just note that even if we do ultimately decide on a specific order, members still have the ability to catch my eye and perhaps present a motion in another order. I would never presuppose that members wouldn't potentially do that.

Ms Lovely: Mr. Chair, I would like to propose, then, that we go in this suggested order: 52, 49, 53, 50, 51, 54, 55, 56, 57, 58. Pardon me if I've missed anything.

The Chair: Of course, with the alternating, I see that.

Ms Lovely: Yes. Oh, I may have missed 59. Pardon me.

The Chair: I see Member Hoffman.

12:20

Ms Hoffman: Sorry. If the member could just repeat it, just because I'm taking my notes, that would be very helpful: 52, 49, and then I didn't get any more.

Ms Lovely: So 52, 49, 53, 50, 51, 54, 55, 56, 57, 58, and 59.

Ms Hoffman: If I could read it back and if you could let me know if . . .

The Chair: Sure. Yeah. Please.

Ms Hoffman: So 52, 49, 53, 50, 51, 54, 55, 56, 57, 58, 59.

The Chair: I believe that is correct.

Ms Lovely: Did I miss any of them?

The Chair: I don't think there were any missed by that side's caucus.

Is there a proposed list? I'm not going to put anybody on the spot right now to do it.

Ms Hoffman: Sorry. I think we have the first four or five at least.

The Chair: Sure.

Mr. Shepherd: Mr. Chair, we can certainly propose the first five motions that our side would wish to put forward. Of course, having just discussed Motion 48, first of all, which would be – oh, pardon me.

The Chair: Forty-seven.

Mr. Shepherd: Forty-seven. My apologies. My notes slid on me. With Motion 47 being the first, followed by 48, 40, 39, and 46, then we would take the opportunity to determine from there, as we proceed in order, which motions we would want to bring forward from our side after that.

The Chair: It sounds like we've come to somewhat of an agreement, where I think all parties, on all sides, have decided to put the initial sequential order aside.

Assuming that we have general consensus, I see Member Dang.

Mr. Dang: Sorry. Just to clarify again, Mr. Chair – thank you – perhaps we could have either a member or their staff just e-mail that quickly to the clerk, who could distribute that to all members. Then that may assist in the proceedings.

The Chair: I wholeheartedly agreed with that. I think that that e-mail can be sent. I think that we have individuals that will do that. I'll give this opportunity to the clerk to further consider this.

Ms Rempel: Yeah. Thank you, Mr. Chair. I'd certainly appreciate an e-mail clarifying exactly what the order would be. I'll just let committee members know that I can actually change the order on the internal website that the motions appear in, so once I've done that, you'll be able to see how everything comes together using that tool.

The Chair: All members sound like they are in agreement.

Any other points of discussion at this time?

All right. I think that deliberations, at least for the most part, are relatively well organized in a fashion that was agreed upon by all parties. That's nice.

All right. Moving on to deliberations and recommendations, which, of course, is 4(c) of the agenda, as we begin our deliberations on the Public Health Act, I will remind members that we are now considering the recommendations that we would like to include in our report to the Assembly. Our Legislative Assembly Office staff have been available to assist committee members with the drafting of motions and to distribute proposed motions on the internal website. These motions are on notice for the next three meeting dates, so we can address them in an order that obviously works. It sounds like that is part of what we just decided in (b).

With that, I guess what I would do, then, is that I would take this opportunity to open the floor to deliberations, and based on our previous discussions, I will look to Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I would like, then, to reference Motion 47, and I will read that into the record. I move that

the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended to

- (a) introduce a new legislative component, in the form of a part, that provides for the powers and duties necessary for the government of Alberta to deal with the public health crisis of opioid and other deadly substance use,
- (b) require the chief medical officer of health to provide the Minister of Health with an annual report
 - (i) summarizing the use of opioids and other deadly substances in Alberta during the preceding fiscal year period, and
 - (ii) setting out the chief medical officer of health's recommendations to the government of Alberta in respect of the measures required to reduce mortality rates caused by this public health crisis, and
- (c) require the Minister of Health to make public the report of the chief medical officer of health under clause (b) at the same time and in the same manner as the minister makes public in accordance with the Fiscal Planning and Transparency Act the ministry annual report for that year.

May I speak to the motion, Mr. Chair?

The Chair: Thank you, Member Shepherd. Please, if you would speak to the motion.

Mr. Shepherd: Thank you. I think we're all quite aware, Mr. Chair, that Alberta, like pretty much all jurisdictions in Canada, is facing more than one health emergency at this time. We've seen opioid deaths, frankly, skyrocket over the last few months under this government as the policy approach to this emergency and this crisis has substantially changed and while, at the same time, we see that Alberta has been hit very hard by economic and social forces and, of course, the impacts of the COVID-19 pandemic.

We've heard from the experts – we've heard from AHS; we heard from Alberta Health – that we need to think more broadly about the issue of population health in the Public Health Act, and I would argue that the opioid crisis is fundamentally absolutely a question of population health.

The opposition, in recommending this, are recommending that we create a new part in the act that provides for powers and duties, frankly, that we believe are necessary to properly combat this population health emergency. We're suggesting that there be some additional reporting so that we can help get to the bottom of the issue and we can have clarity for both the public and for experts and others who are involved in helping to meet this challenge head-on. We need to hear, regularly I think, from the chief medical officer about her recommendations on how we reduce mortality, because, frankly, Mr. Chair, this is not something that should be a political issue, and it's not something that should be subject to ideology. We should be working from data and scientific evidence and those who wield that expertise.

The stakes in this are high, Mr. Chair. We've already seen, particularly over the last few months, that Albertans are dying in record numbers. Indeed, in the last reported quarter more than 300 Albertans were lost to opioid overdoses. That's up more than 100 per cent.

I think this is a reasonable recommendation, a reasonable addition to the act. I think it is free of partisanship. It is simply recognizing that we have a real crisis and an opportunity here, as we review this act, to expand the scope and ensure that we have the tools available to maintain accountability, to allow us to respond as a unified public to address the opioid crisis.

It's my hope that all members of this committee will support this motion. Thank you, Mr. Chair.

The Chair: Thank you, Member Shepherd.

Are there any other discussion points? I see Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. I believe that this is a very thoughtful and well-thought-out presentation and motion. Opioid addiction and deaths within Alberta and indeed across the country are a very significant issue that needs to be addressed. I do question whether this is the vehicle to do that with. From my understanding of the Public Health Act and the review and just going through the proposals and issues summary in terms of expanding the power, I find that most if not all of the direction of the Public Health Act is to address infectious, communicable, and chronic diseases, of which opioid addiction is not one. So I would propose that, as compelling and reasonable a response as this motion is, it may not be the best place to have that, within the Public Health Act. Whether that would be better suited under mental health and addictions or some other place, I do not oppose the presentation, just the application.

While I'm just continuing to do some research and present to that, I would just ask for that to be considered in our deliberations at this point. Thank you.

The Chair: I see Member Hoffman.

Ms Hoffman: Thanks. I just want to say, first of all, that I appreciate the tone that we're attempting to strike today, and I think it's going to lead to a pleasant three days, hopefully, even though we're discussing matters of strong opinion and important public concern. I think we're off to a good start today, so I wanted to say that.

In regard to the Public Health Act I am aware that we have used pieces of the Public Health Act in other things that aren't infectious disease. For example, when Fort McMurray had to be evacuated, before people could return, I believe that there had to be a public health order to say that it was safe, and that wasn't because there was an infectious disease. It was because – I'm going to forget some of the words – the material that had to be sprayed to stop the fire had to be properly remediated before people could return. So I think there is precedence that the Public Health Act has specific application in circumstances that aren't necessarily viral or communicable disease.

12:30

Another example I'm thinking about is that sometimes there are contaminants at a toxic site that the Public Health Act would apply directly to even though, again, that isn't a virus or an infection.

I think for these reasons I support this being considered as a recommendation of this committee to the Assembly. Again, it doesn't make it a final outcome if we recommend that something be added, that it definitively will be by either government or by the Assembly after its deliberations, but I think I would rather we err on the side of recommending more sections. Clearly, most public health experts talk about substance use and specifically the fatality rate as a public health issue as it is something that the chief medical officer of health, for example, and other public health officials weigh in on regularly and give medical advice on.

So I think the act has past precedent that it applies to things beyond viruses and infections, and I think that this is a perfect addition to include. I hope that, you know, 30 years from now we will have updated this legislation probably multiple times and it hopefully won't be needed, but I would say that today this is a very pressing public health issue and it has been for a number of years, and I expect that we will need to focus on this. By having specifically reporting guidelines outlined in legislation, I think it creates a greater sense of public confidence that the Assembly is dealing with this proactively and aggressively, Mr. Chair.

Thank you.

The Chair: Thank you, Member Hoffman.

Next on the list, I believe, I have Member Lovely.

Ms Lovely: Further to Member Neudorf's comments, I'd just like to mention that this would fall under the Mental Health Services Protection Act. It's already covered, I understand. Is that correct?

The Chair: I'm not here to – please.

Ms Lovely: Okay. That's my understanding.

The Chair: Thank you, Member Lovely.

Are there any other members? I do have some on a list. Seeing Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the remarks that have been brought forward by some of the members so far. I appreciate Mr. Neudorf's thoughts, his question whether the Public Health Act is, in fact, the correct place to do it. I appreciate the clarification Member Hoffman brought forward, just identifying

that, indeed, the Public Health Act has been used in situations other than communicable and infectious disease.

I would certainly say that the issue we have with opioid use is on the scale of a pandemic. That has been recognized nationally. Certainly, in every aspect of its effect, its impact, it relates very strongly to many of the things to which the Public Health Act is already applied. The question of whether this is not the correct act, whether it should be instead in something to do with mental health and addictions or, as Ms Lovely suggested, the mental health services act perhaps.

Of course, those acts are not in front of us here today; we are looking at the Public Health Act. This is clearly within the scope of that act. This is clearly an issue that has been brought forward. It's been made clear that there is work to be done. We have the opportunity to bring that forward, and I've heard no disagreement from any member here that any of that, in fact, is true, that this is not a crisis or something that requires an extraordinary effort of government to meet.

My suggestion would be that we are merely here today making recommendations. And if this goes forward as a recommendation from this committee since we are all in agreement that this is indeed a pressing issue, if the minister or the government should choose to look at this and decide that this is not the appropriate place, then that is their decision to make, and they can choose whether or not that would take place as part of any amendment to the Public Health Act. Indeed, we simply are highlighting it as a committee, and they could choose then to take action on the appropriate piece of legislation to incorporate that if they indeed agree with the committee or with the decision of the committee should it be decided that this recommendation go forward.

Just my thoughts at this time, Mr. Chair. Thank you.

The Chair: Thank you, Member Shepherd.

Next on the list I have Member Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I guess just some comments to this and then, I guess, a question back to the mover of the motion. It sounded like Member Hoffman had described scenarios that were covered by the Public Health Act but didn't require specific clauses within the Public Health Act to be acted on. My impression, then, would be that the chief medical officer has the ability to review things that are, you know, in and out, broadly saying – you had mentioned the forest fires up in Fort McMurray. It seems to me that the powers listed under the Public Health Act would already allow the chief medical officer to be able to make recommendations to the minister about opioid addiction as well. So I'm wondering if the act already covers this. I can respect what the desire to have it singled out is, but I'm wondering if we would get to the point, then, where we're trying to single out everything as opposed to having the chief medical officer be able to broadly look at the health of Albertans and then make recommendations as well. I'd just like to hear some comments to that if possible.

The Chair: Are there any members looking to – I see Member Neudorf.

Mr. Neudorf: Thank you. I definitely want to reiterate the importance of this conversation. I think it does open the door to a very, very important conversation for the entire province on all kinds of addictions, whether it's nicotine or smoking, vaping, alcohol, other substances, or media, gaming, or gambling, all those kinds of things. I think this is a very poignant conversation. I think there are a lot of very good points made by the members opposite. I think these things do need to be addressed, but as Member Shepherd did say, we're trying to deal with strictly the Public Health Act review, and I would

like to see that addressed, but possibly whether it's under mental health and addictions is, as I've said, linking to a further conversation. I do maintain that I think it would be better served to have a more fulsome conversation in that regard under that ministry, but I do want to reiterate that the proposal put forth does bring to light a very serious topic to be debated, so I thank him for that.

The Chair: Thank you.

I see Member Hoffman.

Ms Hoffman: Yeah. Thanks. To address some of the points raised by Member Rutherford and to add on to some of what Mr. Neudorf said as well, in terms of those other examples I gave, there was a state of either provincial emergency or public health emergency that was brought forward, that was raised, so there had been an enacted state of emergency. It's my understanding that with substance use that hasn't been the case, and it's been a prolonged crisis rather than an emergency. I think one of the things that I like about the motion that's being proposed here today – we know that we have seen a recent increase in some of the numbers, but we know that people have died every quarter for the last several years. I think one of the things I like about this recommendation is that it doesn't prescribe what the action should be; it prescribes that there needs to be regular reporting and that there needs to be regular communication around how we're addressing what I would say has been a sustained and sometimes heightened crisis in terms of overdoses related to substance use.

I think that this is different from those others – and I don't think you need to prescribe and enact: when there is a forest fire, you do this; when there is an evacuation notice for a flood, you do this. Those are specific states of emergency. The challenge here is that I think this has been a public health crisis that has been sustained for a long period of time, and for that reason I think it makes sense to include some of these reporting mechanisms to communicate to the public that we do believe that this is an item of public importance when it relates to public health.

Again, I agree that I have no issue with it being added to the mental health and addictions act. I think that that would be a lovely parallel, but I think we're here, as Member Shepherd said, to review this piece of legislation. I believe that substance use does relate directly to a public health matter of significant importance, and I think having an opportunity for us to recommend this to the government and to the Assembly speaks to the fact that we as a committee believe that this is a public health issue that requires additional reporting and transparency and some additional measures to be communicated to the public. I think it wouldn't preclude it from being added to mental health and addictions legislation, but I think it does say that we believe that this is a public health matter that deserves appropriate attention and reporting and follow-up.

For those reasons, I still stand in support of the motion. That doesn't mean that I don't support other things also happening around mental health and addictions. I think that that would be excellent. If we were reviewing those other pieces of legislation, I would add probably similar language or propose that we add similar language to what Member Shepherd has proposed here today in this legislation, but as he said, we are here to review this act, and we do certainly have a public health crisis, I'd say, on our hands when it comes to substance use, overdose, and fatalities.

Thank you.

12:40

The Chair: Thank you, Member Hoffman.

I believe Member Turton is next on the list.

Mr. Turton: Yes. Thank you, Mr. Chair. Just a couple comments to add to the discussion. First of all, I'd like to thank Member

Shepherd for bringing this motion forward. As well, I would like to start off by echoing Member Hoffman's comments about the tone of the committee. I definitely and certainly appreciate it for today.

I guess just a couple of quick comments about the motion that's before us. I guess when I look at this – and I in no way, shape, or form want to discount the crisis that many members around this table have talked about. I, for one, have had a close family member that overdosed on opioids and passed away a couple short years ago, so I know that for myself and for my family and for many residents of Spruce Grove and Stony Plain it truly is a crisis.

However, I also realize that, you know, and it was quoted about Dr. Hinshaw – I recall a statement that she made when she was here about talking about the Public Health Act in a way that it would maintain flexibility and prepare Albertans and our government to deal with future crises that may hit our province. In that regard, I, for one, am interested in increasing that amount of flexibility that our administration can have when it deals with future issues, and by singling out individual crises, as serious as they are, which include opioids, I find again the question that comes to bear is: what other issues are we missing? What are we not mentioning to put in there?

Then it becomes: do we talk about alcoholism? Do we talk about a host of other issues? One of the issues is going to face our province, you know, in a year or two years, and it could be years before this committee actually has an ability to be struck again and to review this important piece of legislation. As much as I appreciate the spirit that Member Shepherd is bringing forth on this one individual motion, I think it's paramount that we increase the level of flexibility for this legislation, for the Public Health Act to deal with all emergencies that are coming out, and not single out individual issues.

As it was mentioned by the chief medical officer, just on a side issue, by having influenza specifically mentioned, and there was a talk by numerous officials that came before this committee about trying to make it more broad and not zero in on individual points so that the focus of the Public Health Act goes on that.

While I appreciate Member Shepherd for bringing this forward at this point, I will not be supporting this motion, but I would still like to thank him for bringing it forward. Thank you.

The Chair: Thank you, Member Turton.

Are there any other members looking to – I see Member Ganley.

Ms Ganley: Yes. Thank you very much, Mr. Chair. I apologize. I lost you briefly while I was in the parkade, so I hope that I am not repeating any comments that anyone else made, but I did just want to add my voice to this.

I think the comments that have been made are true. The act needs to be responsive to all different forms of public health crisis, but I think in the presentation from the chief medical officer and the presentation from AHS they did highlight ways in which the act, which is a bit old, I think, wasn't able to address some sort of more modern issues. For instance, one of the things they highlighted was the tendency to focus on acute care rather than chronic diseases, and that was one of the areas that they mentioned. I think that this very much falls into a similar category.

This falls into a category that the act maybe doesn't do the best job of addressing. I think the fact that the provisions are put in there doesn't mean that they need to be used in all instances; only in instances when something relevant arises, and I do think there is a true public health crisis going on. It doesn't maybe make the news as much as it once did, before COVID, but we are seeing increased deaths, and for each one of those deaths is a grieving family and grieving loved ones. I think it's clear that there needs to be a continuum of supports in these areas. It's clear that there need to be

different services available. I think it's also clear that more supervised consumption actually contributes to diminished social disorder. That, I think, is a big part of this, too. So I think this is a public health issue. I think it does belong in the act. I thank very much Member Shepherd for bringing it forward.

Those are my additions. Thank you.

The Chair: Thank you, Member Ganley.

Are there any other members wishing to speak to this proposed recommendation? I see Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. It appears that members may have shared their views, so I just wanted to make a few comments to close. Indeed, again, I would just reiterate that I brought this forward because this is a recommendation that is a matter of public and population health, which is a specific issue which is covered under the Public Health Act, and, as my colleagues know, in the presentation from AHS they noted that there was opportunity to modernize the act, to bring it up to date to deal with and encompass some of the issues which were not previously conceived of at the time that this act was drafted.

This is an opportunity for us to highlight the fact that this continues to be an issue of population and public health, that this is something that requires proper attention and ensuring, to be clear, Mr. Chair, that the first provision there is simply to give great latitude, certainly, to the minister and the government of Alberta to shape and define it in an appropriate way, simply introducing a new legislative component, the increase of a part, to provide for the powers and duties necessary for the government to deal with this public health crisis of opioid and other deadly substance use. In that sense it gives a great deal of latitude for government to shape that as is best, indeed is not as specifically prescriptive as members may have viewed it or suggested. It's quite broad in terms although it addresses a specific issue, that being a particular crisis, which we know is existent.

I understand the reticence of members. I would note that, I guess, in making this decision, they're making some very particular decisions about the kinds of parameters they feel should be encompassing what we put forward as recommendations on this act. I guess, I will keep that in mind as we consider some of the other motions that come in front of us, the parameters that government members seem to feel we should be placing on our work.

With that, Mr. Chair, I believe I've made clear my reasons for bringing this forward, and I'm happy to have the committee vote.

The Chair: Thank you, hon. member.

Are there any other members wishing to discuss this?

If not, I'm prepared to go to the question. On the motion as proposed by Member Shepherd, all those in favour of the motion, please say aye. Any opposed, please say no. That motion is defeated.

Mr. Dang: A recorded vote, Mr. Chair.

The Chair: A recorded vote has been requested. The easiest way to do this is for members to raise their hand and then mention on the record their name and the way that they are voting. So what I will do is, to begin the process, I will say all those in favour of the motion as proposed by the hon. Member Shepherd, please say aye and in doing so follow the directions that I just led, starting with, I believe, Member Hoffman.

Ms Hoffman: Aye. Sarah Hoffman, Edmonton-Glenora.

Mr. Shepherd: David Shepherd, Edmonton-City Centre.

The Chair: You're saying aye as well.

Mr. Shepherd: Aye.

Mr. Dang: Thomas Dang, Edmonton-South. Aye.

Ms Ganley: Aye. Kathleen Ganley, Calgary-Mountain View.

The Chair: Thank you.

And all those opposed to the motion as proposed by Member Shepherd, starting with, I believe, Member Neudorf.

Mr. Neudorf: Nathan Neudorf, Lethbridge-East. No.

Mr. Reid: Roger Reid, Livingstone-MacLeod. No.

Ms Lovely: Jackie Lovely, Camrose constituency. No.

Mr. Turton: Searle Turton, Spruce Grove-Stony Plain. No.

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont. No.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright. No.

Ms Rosin: Miranda Rosin, Banff-Kananaskis. No.

12:50

The Chair:

That motion is defeated seven to four.

Pursuant to our previous discussions as to order, I believe that the next motion for the floor will be Motion 52 from Ms Rosin.

Ms Rosin: Thank you, Chair. Would you like me to read it into the record?

The Chair: If you would, please.

Ms Rosin: Okay. Thank you, Mr. Chair. I would like to propose, then, under Motion 52, that

the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended in relation to orders issued under the act that apply to the general public as follows:

- (a) for the purpose of increasing transparency in respect of the issuance of orders under the act, establish a requirement under the act that all orders be made publicly available online immediately upon their issuance, along with a plain language summary of each order that includes the date on which the order came into and the date on which it ceases to be effective;
- (b) establish conditions that must be satisfied before a minister exercises their authority as referred to in section 52.1(2) in relation to the application of an enactment;
- (c) establish criteria for the purpose of making a determination whether, in the case of extraordinary circumstances or emergencies, the Legislative Assembly is unable to sit;
- (d) revise the act's provisions as necessary to clarify that an order declaring a state of public health emergency made under section 52.1 cannot lapse and subsequently be reinstated without the approval of the Legislative Assembly, provided that the Legislative Assembly is able to sit;
- (e) revise the act's provisions to ensure that all ministerial orders issued under section 52.1 cannot be renewed without the approval of the Legislative Assembly, provided that the Legislative Assembly is able to sit.

The Chair: Thank you, Member Rosin. If you would take the opportunity, it's up to you.

Ms Rosin: Yes. For sure. I know this is quite a lengthy motion, so I'll kind of go down it clause by clause. I suppose in entirety the intent of the motion is to increase transparency in the Public Health Act and how the government is able to handle states of public health emergencies while also ensuring that democracy is well maintained as we navigate through future public health emergencies.

For clause (a) the rationale being is for the need to publicly post all orders upon their issuance with a plain language summary. I do want to be clear that it is already a necessity in the act for orders made under the Public Health Act during an emergency to be publicly posted, but this is just to ensure that those are posted in a timely manner for the sake of transparency to the general public and to make sure that there is a summary as well so that if the order is full of legal jargon the general public is able to understand that order and why it has been instituted.

- (b) establish conditions that must be satisfied before a minister exercises their authority [under 52.1(2)]

Just to read the existing Public Health Act into the record under that section. It says:

- (2) On the making of an order under subsection (1) and for up to 60 days following the lapsing of that order, a person referred to in subsection (3) may by order, without consultation,
 - (a) suspend or modify the application or operation of all or part of an enactment, subject to the terms and conditions that person may prescribe, or
 - (b) specify or set out provisions that apply in addition to, or instead of, any provision of an enactment . . .

Essentially, the current act in its form allows for the minister responsible for the Public Health Act during the state of emergency to issue orders or enactment during the state of public health emergency just in the extraordinary circumstance that the Legislative Assembly isn't able to sit. The rationale for this existing – and I understand this is the first public health emergency we've ever had. If, say, one of the MLAs in our government or the opposition had caught COVID, the entire Assembly would have needed to adjourn. We would have all been sent into quarantine for 14 days, and the government and its opposition would have been rendered entirely unable to handle or react to the ever-changing landscape of the pandemic. That's why those clauses were in the act to begin with.

Section (b) of my proposed amendment would just establish conditions that need to be met for that clause to be used so that it can't be taken advantage of or used too much.

Section (c), again, would also determine and make clear the criteria that would be required for the Legislative Assembly to be rendered unable to sit in a state of public health emergency.

Going down through (d) and (e), those go in the same vein, that once those orders and enactments are created during a state of public health emergency, the state of public health emergency cannot be renewed without the explicit consent and permission of the entire Legislative Assembly and same with any orders that are proposed and enacted during that period. This just goes to make sure that any orders proposed don't become permanent without the explicit consent of the Legislative Assembly and all the members who make it up, all of the constituents' permission whom they represent.

That's a long-winded answer to say that, hopefully, this long, five-pointed amendment that I'm proposing will help to increase transparency to the general public in a future state of public health emergency and also hope to increase the democratic rights of citizens and the duties of this Legislative Assembly in making sure that proceedings are orderly.

The Chair: Thank you, hon. member.

I see that Member Shepherd would like to join the discussion.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity to speak to the motion brought forward by Ms Rosin. I thank her for bringing this forward, and indeed there are some important things here. Let's just talk about this piece by piece.

Now, to be clear, Mr. Chair, while I hesitate to breach the very collegial tone in which we've been able to hold our discussion so far, I lack any other word to use than to say that there is a certain amount of hypocrisy in this recommendation because I myself stood on the floor of the Legislature when this government introduced Bill 10, indeed the legislation which I would say it's fair to say led to the very fact that we had to have this committee and do this review of the Public Health Act because of the profound response from the public to the decisions the government made in terms of some of the sweeping powers it chose to award to the Minister of Health and indeed all ministers.

Amongst one of those concerns, which we highlighted with the bill on the floor of Legislature, and indeed an amendment that I brought forward was specifically to require to emphasize the precise point which Ms Rosin in clause (a) is choosing to emphasize here. Now, at that time the argument from the government was that, as Ms Rosin just said, there are already some provisions in that regard, so we don't need to have any further iteration of that. Yet in this very circumstance we have precisely that. That's clause (a).

In respect to clause (b) – and I would note, Mr. Chair, that every single member of the government which was there and present and voted on Bill 10 voted against this very kind of provision and amendment at that time. Clause (b). Looking at clause (b), establishing conditions that have to “be satisfied before the minister exercises their authority,” so saying: establishing clear criteria before the minister exercises the sweeping authority which is afforded under this legislation to create entirely new legislation or amend or change any piece of legislation at the stroke of a pen. What we have here in clause (b) is proposing that there be clear criteria established.

Let me be clear, Mr. Chair. When we raised this concern in the Legislature on Bill 10 and the government turned down the amendments we brought forward, they made very clear what they consider to be the criteria, which was whatever the minister says it is. At that time, in the midst of a pandemic, that would have been a very good time to provide clarity on what powers they were awarding to their minister for use immediately at that time in the midst of a public health emergency. I will say that I appreciate that at least at this point, perhaps after having heard the expert testimony, perhaps having heard it from a mouth other than from the opposition members, they are finally willing to admit that this was a glaring gap in the legislation and that this is something that absolutely should have been addressed.

I would note that I have a motion coming up later, Mr. Chair, that I think addresses clause (a) somewhat more effectively, so I may be reserving my support on this one in favour of something I think that provides a more substantive job of addressing the concern that's brought forward.

In general, what I'd say is in respect to the clause regarding the Legislature sitting, now I have little critique to offer there. I think it's a good first step. Now, I will note that it doesn't address necessarily the key issue that we need to deal with and the issue that the UCP government is being sued for in the courts right now, that being that the executive branch should not have the authority to bypass the Legislature itself to create new laws. However, I do believe that it's reasonable to look at some of the considerations around allowing the Legislature to sit and do its work, which, hopefully, we will see some corrections in the bill to address. But, in general, what I'd say right now with clause (b) is that it's a very vague recommendation. It does not undo the damage done by Bill

10. It still puts a fair amount of power in the hands of the minister to determine for himself what the criteria should be that will govern him in the legislation that he brings forward, and I think we've got some motions coming up later which would better address the significant concern that exists there.

At this point those are my initial thoughts, and I'm happy to hear from other members of the committee.

1:00

The Chair: Thank you, Member Shepherd.

I believe that next on the list is Member Lovely.

Ms Lovely: Thank you, Mr. Chair. You know, we've had several presentations during the work of our committee here. Our purpose as a committee was to listen, and that we have done. Now we're proposing some changes that we'd like to introduce. I think we've carefully considered everything that we've heard as a committee, and now we're moving forward.

The Chair: Thank you, Member Lovely.

I see Member Ganley.

Ms Ganley: Yes. I just wanted to add a couple of notes on this. I think all members have seen all of the motions that have come forward, so we're all sufficiently briefed in that regard. I think that with respect to clauses (a) and (b), we have coming forward a motion which I think is somewhat stronger, which I think is itself important to consider, because I think what we're talking about here, in context, is essentially ministers writing legislation by way of a ministerial order. I think that's a big concern.

My concern specifically with clause (a) of this motion is that “publicly available online immediately upon their issuance” is good, but the government has an enormous number of websites and ways to publish things online. I think it's important, as we have laid out in our motion, to centralize it. The point is not for the government to have done what they needed to do. The point is for the public to be able to access the information, and in order for the public to be able to access the information, the public needs to know where to go. Simply to say that it should be available online is, in my view, insufficient.

That being said, I think what's outlined in clauses (c), (d), and (e) is actually supportable. I think that having criteria for what is extraordinary is important. Clarifying, you know, what constitutes an emergency under section 52.1 and not being able to reinstate an order without subsequently going to the Legislature I think are very important. These are all important issues. My concern is with the strength of clause (a), and I think that in that respect the motion we proposed was preferable.

I think my only other note with respect to this area is that I hope – and I think Ms Lovely referenced this. You know, we've had the opportunity to listen and to learn and to move forward differently. I hope that that moving forward differently translates to the House because I do recall a number of instances in which it was raised. These bills went through the House very quickly, and there were a number of instances in which concerns were raised and questions were unanswered, and there was what I would call a fairly mocking tone coming from the government benches about our inability to read legislation. I actually chaired the Legislative Review Committee for government for four years. I've read a lot of legislation – I think I'm pretty quick on a legislative read – and sometimes it just takes a little bit of time to consider an issue.

Now, I understand that this was operating in an emergency, but I think it highlights the importance that when members of the government caucus, when members of the opposition caucus read questions into the record, there is normally a procedure in the House

by which the minister turns up at the next reading of the legislation and answers those questions. That is, in my view, an incredibly important aspect of this Legislature. When I was in government, I took that responsibility incredibly seriously. I read over the questions ahead of time. Certainly, there are people from the government that operate to sort of look up those answers, write those answers, work with those answers.

I think my point is that with this, as Ms Lovely referenced, we're having to go back and fix this error, but I think that, going forward, an easier fix would be to get it right in the first place, and that can potentially be accomplished. The role of opposition is not just to oppose; it is to propose things as well. If we're able to move forward in a more collaborative manner such that the questions that we ask, which we don't necessarily intend to be partisan or attacks, are answered by ministers in the House, I think that that will improve legislation for everyone. I hope that we can all take this as a lesson.

With that, as I've said, I think there is a stronger motion on this issue though I do, I would say, support the overall intent. Thank you.

The Chair: Thank you, Member Ganley.

I believe the next member on the list is Member Rosin.

Ms Rosin: Thank you, Mr. Chair. I won't take too much time because I know that I'm the mover of this motion and there may be others who wish to weigh in, but I did just, I guess, want to clarify a couple of things. First – and this is a completely conciliatory tone – I just want to be completely honest that my intent with this motion was not to be hypocritical and look back at what the government did. I think what Member Lovely said was spot-on, that this was the first state of public health emergency ever declared in the history of our province since this act has been in place, since, I believe, 1910. Throughout that process and since this committee was struck – I mean, the reason we struck this committee was to listen, to gather feedback on how we could improve, and to move forward.

My intent with this motion is not to be hypocritical. My genuine intent is to say, "Look, we have listened – we've listened to the public, we've listened to stakeholder feedback, and we've listened to written submissions, to presenters to this committee – and we've come up with these amendments in hopes that they will improve the system that is there." The intent and my honest position are that we've listened, and I'm hoping that this amendment can help us move forward to create a better act.

But I do just want to say as well – and I believe Member Shepherd and Member Ganley, maybe Member Hoffman as well all referenced their coming motion, which is Motion 41, and how theirs might be a little bit stronger than ours in terms of clause (a) – that I think, in comparing the motions, they're actually very similar. The only real difference is that ours says, "Be made publicly available online," and theirs says: available online at the government of Alberta website; ours has "immediately," and theirs has "three hours." I think that, aside from the specific wording around the government website, ours actually might be a bit stronger in that it suggests that notices be made public, with a friendly, plain-language summary for the public, immediately as opposed to three hours after. If we needed a friendly amendment to just put in "government website" instead of the word "online," I would be happy to accept such a thing. But I think that, other than that, our motions actually do go to accomplish the same thing, and ours actually would require the notices to be posted quicker.

I do hope that we can all work together to support this motion. I think there's a lot of good in here to just keep the transparency open with the general public and let them know how a future government will handle the next public health emergency and make sure that the

public knows exactly what's going on and what orders have been issued. I'd just also make sure that, again, our democratic processes are upheld and that any order that is issued during a state of public health emergency has to be ratified by members of the Assembly and the public, who they represent, before it becomes permanent law in Alberta.

I think there's a lot of good in this motion. There's a lot of really honest and good intent behind it, and I just hope that we can all support it together.

The Chair: Thank you.

Member Dang.

Mr. Dang: Thank you, Chair. I have a few comments, and then perhaps I have a proposal that we might entertain at the end of my comments. But I'd like to start off by replying a little bit and mentioning that I think that having a prescribed time period is more useful than having a general one. I think the phrase "immediately" can be open for interpretation. It's not defined in legislation; it's not defined in regulations. It could mean anywhere from one hour to 24 hours to 48 hours, right? So I think that that is one of the reasons we consider our motion to be more strong.

I don't want to presume too much and get too much into other acts as well – I think my colleague Ms Ganley here may have some other things to say about that – but I think that certainly there's a special role for the Minister of Justice and Solicitor General that is distinct from the other ministries in the government and their responsibilities in terms of being that Solicitor General role. I think that's important to remember as well when we talk about how strong each of these motions is and how the reporting system would work, any of these systems.

Otherwise, I think my main point I want to bring forward and perhaps a proposal at this point is that I think we have general agreement on clauses (c) through (e). I think that for us on the opposition side, or at least myself – and hopefully I can hear from the government side – (c) through (e) seem to be okay. I'm wondering if perhaps we can vote on those separately, or first even, and then we can go back and talk about, perhaps, changes to (a) and (b) that might reflect both sides' intentions more. I don't know if I need a motion for that or how the chair would like to approach that, but if we could have that discussion, I think it would be collaborative and productive.

1:10

The Chair: Okay. Noted.

I do have a few people on the list, so before we go down the possibility of perhaps severing a motion, I think that I want to give all members who are at least on the list – I think that at this stage what I'm going to do is that I'm going to follow the list, and we can park the idea of potentially severing the motion unless throughout this discussion I find that the committee is looking to move forward on that.

The next on the list that I have is Member Reid.

Mr. Reid: Thank you, Chair. Again, I want to express my appreciation over the tone of the committee today. It's wonderful to be working together. I think this motion and the opposition's Motion 41 certainly share the same tone and direction, and I do want to encourage members on the opposite side to consider supporting this motion, maybe with some friendly amendments, as I do think it allows government to respond more appropriately. Again, to Member Dang's comments that "immediately" is open to interpretation, I think we all know what "immediately" means – I don't think it's open to much interpretation – that it is the responsibility of the government to get that out as quickly as possible.

I may have some reservation about something as specific as the government of Alberta website. We all know that in the 110 years since this legislation came into play, technology has changed things drastically, so I would be a little concerned about being that prescriptive, because even a year from now the technology available to the people and the government of Alberta may be different enough that there may be even better ways for us to make sure this information goes forward.

Again, I just want to speak to the similarity of the tone and the spirit, I think, of the motions and encourage the members opposite to consider that. Thank you.

The Chair: Thank you, Member Reid.

I see Member Hoffman.

Ms Hoffman: Thanks very much. I think this is the first time I've spoken to this motion, and I just wanted to add a couple of pieces. I think that there have been many court cases determining whether or not the clause on immediacy has been met on a number of different matters, so I think that there probably isn't a clear legal definition of what "immediately" means. That's why, I think, when we drafted this and we consulted with folks, they said to come up with a time limit that you think is fair and reasonable, and many said: three hours. Obviously, if faster than three hours is doable, I think that's better. But with "within three hours" the intent is that there not be a substantial period of time.

I think it relates to some of the things that parents have been telling us about how, when there might be a case at school, they want to be notified immediately. For some schools, that means the next school day, and for others it means you come into school on Sunday morning and you call through all the parents to make sure that they know.

I think that in giving clarity in this legislation that it will be posted, there are two ways we can accomplish this. One, we can amend clause (a), or two, we can sever them, vote down clause (a), and then pass the other piece or amend the other one, I guess amend Motion 41. I do feel keen to support (c), (d), and (e), the idea of us being able to vote on those and then come up with what language we think is most appropriate to meet the intent, what I hear from the mover, that it be done I'm guessing she means faster than three hours. I think that that was the comment, but I don't think that our proposal is clear. I think that putting something in (a) or defeating (a) and passing Motion 41 or defeating (a), amending Motion 41, and then passing that are all good options, but I think the goal we want to get to is that it be posted within three hours. I would like it to be in a prominent place on the GOA website as well for ease of understanding.

With (b), I have, again, some concerns where it says, "Establish conditions," based on the debate we had in the Legislature and the discussion we had on that. I would be happy for there to be some further clarification about what "establish conditions" means and why it is that the minister has the authority to do that or why we're proposing the minister have the authority to do that. But, again, I think that if we can vote on (c), (d), and (e) and then figure out how to either strengthen (a) or strengthen an alternate motion, it would probably get us to a point of good consensus on this committee, which is exciting.

Thank you.

The Chair: Thank you, Member Hoffman. I appreciate your comments.

I do want to just note that I want to make sure we don't enter into a place where we end up concurrently debating two motions. I think that my initial thoughts, especially with regard to your idea on

severing the motion through (a) and (b) and then (c) through (e), could be done very reasonably. However, that would come at the end of the debate on this motion, and then it would essentially create two questions. I think that's the best way to probably move forward on it. Then, of course, there are other motions, as you referred to, as well. So just for clarity to make sure that we don't debate two motions concurrently, because I don't think the process is set up for that.

Are there any others?

Ms Rosin: Okay. Thank you, Member Hoffman. I think – and I guess, because of my motion, I'll just inject my opinion – the easiest way from my perspective to move forward: I'd be happy to amend clause (a) to get to a point where I think all of us are in agreement. I'm not sure if we need to do that through a friendly amendment or through a formal motion. Because we already have two similar motions on the floor, maybe there's a way to do a friendly amendment that just kind of combines them. I mean, I'd be happy to change the language around "immediately" if we need to. I mean, in my mind, "immediately" was quite clear, and it would insinuate that the second order is made, is public, but perhaps we can make that language more clear through either a friendly amendment, again, or through a formal motion.

Also, in terms of making sure that access to information is available in a clear and centralized destination, which – I agree with Member Ganley – is important, I agree with Member Ganley and I also agree with Mr. Reid that we don't want to be too prescriptive on this. I think perhaps we could change the language around "online" to say "available online, including the government of Alberta website" or "online at the government of Alberta website and other electronic means," whether that be Twitter, Facebook, social media. Maybe there's a way to word that so it's clear there is one central place that it should be while also not being too prescriptive and limiting future ministers from only going to that place to put information. Again, if we need to do that through a formal motion, I'm happy to do so if, pending that, there is agreement or through a friendly amendment.

I'm not sure what's the best case, but happy to amend clause (a).

The Chair: I hesitate to interrupt. I was going to mention, along the lines of what Member Rosin has brought up, that amendments are, of course, available. Though I would never presume the decisions of this committee, with overlapping ideas within certain motions being a possibility, one motion decided upon by the committee could essentially negate a potential later motion, making it out of order. I just want to bring it to the attention that, of course, we would have to deal with waiving notice of an amendment, should an amendment be the appetite of the committee, and then we would vote on the amendment. But at this stage, I don't think that we have a proposed amendment.

Ms Rosin: I'm just curious. Would we need to do a formal motion amendment, or could we do a friendly amendment that just changes simple words to clarify? It would be a formal motion? Okay.

The Chair: Yes.

At this stage, we can continue with debate. I'm perfectly happy to do that. Are there members looking to – I see Member Rutherford. Member Ganley actually caught my eye first, in order to help with the back and forth.

Ms Ganley: All I wanted to add is that if we're looking to amend (a), it would be my view that we ought to consider including a person to be responsible, specifically a minister. We have proposed the Minister of Justice though there are others, I think, who would

be alternates. The reason it's important to have a specific person is because in order for an obligation to be fulfilled, vesting it in an individual is a much better way to do that. Otherwise, it's unclear a little bit, I think, for everyone. It's good for everyone to know, especially from the way sort of government departments operate. It's good for the departments to know sort of whose job it is to make sure they're moving forward with that, so I think that it's helpful both from a public transparency perspective, in the sense that the public knows who to look to to ensure that the obligation is fulfilled, but also from the government perspective in terms of knowing who ought to fulfill the obligation.

The Chair: The next member that I had on the list was Member Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I was just going to make a quick point. If we're going to have an amendment proposed to this motion, I would suggest that whoever wants to change it make that amendment. Then we can discuss the amendment and keep this process moving forward because it sounds like we're speculating about future amendments that we don't even have on the floor yet.

1:20

The Chair: Thank you, hon. member.

I see Member Hoffman.

Ms Hoffman: Yeah. Thank you very much, Mr. Chair. I appreciate the intent of arriving at something that we can all support unanimously. I think that's the goal any time there's a, quote, friendly amendment, so I would love to try to achieve that. I think one of the ways we might start with language – and, again, happy to have language from any of the government caucus members' proposed suggestions. But I'll start with proposing one amendment, which I think could be that

we strike (a) and replace it with the draft language that we had in 41,

which I think achieves the outcome. It definitely – so that's what I'll propose. The other way it could be done is if somebody wants to amend my amendment or vote it down and propose another amendment.

The Chair: So not to – I totally appreciate what you're saying. With the process that has been put in place with, I believe, 52.041, what we would do is take your statement that you have made with regard to the amendment, and we would vote. So we might get an answer really quick because we would be voting on whether or not to put aside the notice requirement of the amendment . . .

Ms Hoffman: Right.

The Chair: . . . right? If that would work, then I think that the best situation right now is to ask the committee if – and that wouldn't presuppose a future ruling with regard to the merits of the . . .

Ms Hoffman: Yeah.

The Chair: So I'm just trying to show both sides. Exactly.

On the amendment as proposed by Member Hoffman and with respect to only waiving the notice period of that amendment, to be able to then be put forth before this committee through the floor amendment statement by Member Hoffman, all those in favour, please say aye. Any opposed, please say no. Okay.

I think that that is actually now on the floor because that was accepted by the committee.

Therefore, what we have in front of the committee at this time is your amendment. If I can reiterate it slightly, and you can confirm

whether or not that is the – we may even have an actual writing here for it. But I think the logic of it was to, if I remember correctly, strike (a), keep the rest, and then input 41 into (a). Is that what you were looking to do? All right. I'm seeing agreement.

Seeing that, then that amendment is on the floor for debate. Are there any members who would like to debate?

Mr. Rowswell: My concern is that the – I like the part where it's "plain language summary," which is not in 41. That would be my concern with that one. Like, if we can focus on the time frame, that might appeal to me better, like the "immediately" versus "three hours" or whatever. That was my concern with it.

The Chair: Okay. Are there any – I see Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I think my colleagues have clearly iterated why we feel 41 was better in that it identifies a specific individual, gives a very specific time frame that is not open to, shall we say, legal wiggle room in the way a word such as "immediately" might be, and it provides some greater clarity about where the information should be put forward.

That said, Mr. Rowswell does raise a fair point, and certainly as a student of communications I am a big fan of plain language, so I would move – if there's some way we could move a subamendment to incorporate the words "in plain language" into 41, I would suggest that we do so.

The Chair: It will be the same process.

Ms Rempel: I don't really have Ms Hoffman's final wording here, so maybe she wanted to include those words.

The Chair: No. That's not going to happen.

Dr. Massolin: Yeah. You have to go through the process of the standing order.

The Chair: I'm going to take a two-minute recess just because we need to put together the wording correctly to ensure that we can then move forward with the subamendment. First, we're putting together 41 into (a). We're at that stage. And we've had a request to do a subamendment, which would take further the same process of having to waive notice and then go to the floor. We'll just take a quick couple of minutes, so if anybody wants to grab a coffee, I say that we'll be back at 1:30.

Thank you very much.

[The committee adjourned from 1:25 p.m. to 1:31 p.m.]

The Chair: Thank you, hon. members. I would like to take this opportunity to bring the committee back to order.

One thing that has been brought to my attention is that there could be a discrepancy that hasn't been considered by the committee. Therefore, we may not have the same ideas. We may not have a meeting of the minds with regard to what this amendment, as it currently stands prior to the friendly amendment – if hon. members would note that in the original motion, as proposed by Ms Rosin, under (a) it talks about "the issuance of orders under the act, establish a requirement under the act that all orders be made publicly available online."

In 41 the wording is somewhat different. It talks about "making or issuing of an order, regulation, or other type of legislative instrument under the act in respect of a public health emergency."

With that, first what I would say is: do members potentially see an issue there? We do have a member from the ministry that may be able to consider, from her view, whether or not this could present

an issue about there being different orders between the two motions' language that we have.

If I could please call on Ms Merrithew-Mercredi.

Ms Merrithew-Mercredi: Yes. Chair, could you repeat the question just to make sure that we . . .

The Chair: Sure. Absolutely. Under 52, which was the original item (a), the idea was to strike that and then input the wording from 41. Under that, it used the terms, essentially, any and all orders: "the issuance of orders under the act, establish a requirement under the act that all orders be made publicly available." Then the wording in 41 was somewhat different. It talked about the issuing of an order, and essentially it was any "legislative instrument under the act in respect of a public health emergency."

I guess my personal question would be: is there a discrepancy between the potential orders that could be done, whether it's within a public health emergency, or if there are powers under the act to do so that would fall outside of that?

Ms Merrithew-Mercredi: Mr. Chair, I would believe that this is the case. There would be a difference.

The other thing that I would raise is that we did ask our legal counsel regarding preparing or publishing plain-language summaries, and one of the issues that they raised with us was that if there were perceived to be a difference between the language in the actual order and the plain-language summary, it might call into question the actual order.

The Chair: Okay. What I did there, for the benefit of the committee, is that I just wanted to raise the fact that there was somewhat of a discrepancy there. That said, as of right now it's my understanding that we have an amendment on the floor that did strike out (a) of 52, which was the original motion brought forward by Miranda Rosin, and then the wording that was inputted into (a) was the exact wording from 41. It does show, I think it can be said, that there is a slight discrepancy.

That said, I would not presume the will of the committee, so if there are members who would wish to speak to this, I did see Member Dang first.

Mr. Dang: Thank you, Mr. Chair. I think that with the new comments brought forward by department officials here, perhaps there is some thought to be given to the work around the plain-language summary. However, in terms of bringing this in alignment with the original government motion, I think that we certainly could strike the words – let me get the exact wording here – "in respect of a public health emergency." I think that would mean that it would be all orders, in alignment with what the government had suggested – right? – to match what the government had suggested there, and I think we can address the plain-language part, that the department has raised as a concern, separately. Perhaps I'll wait to see what members of the government want to say. Perhaps we can see what the intent of members of the government is there. I think that certainly, if the intent is to be more expansive, as in the original wording of the motion on the government side, that's fine, but I think that the concerns that the department has raised around the plain-language summary would mean that perhaps we can move back to the amended language without the subamendment if that works.

The Chair: In order to make a change, we would have to do a subamendment that would have to have notice waived, and I am not convinced yet that the committee has exactly what the wording of the subamendment would be.

In order to balance this, what I'll do is that I'll move to Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. I think that during the recess it was very good to get a little bit of a reset. We have tumbled into a few confusing issues here, and I want to clarify the three main points, as I understand it, that are under debate in section (a). There is the wording around "the Minister of Justice," which I, personally, don't support. During a public health emergency, if that minister was ill, then we'd have to establish a whole line of order for who posts what, where, when. I think the order should be by the ministry in charge of it. That's problematic, just that one point, for me as a subtopic.

The specific time frame, which I think we can probably come to some sort of agreement on, whether it's the word "immediately," "three hours," "six hours," or something. I think we can find something there.

The clarification as to where it's posted: again, I think the government side could find agreement with the opposition on how that wording is.

I'm not sure of the best way to do this, but right now I'm under the inclination to vote these amendments down – not their intent but just because we've gotten trapped in a way of wording – go back to the original motion, clarify that a little bit. I do also appreciate a previous suggestion by the opposition to segregate this out and vote on (a), vote on (b), vote on (c), (d), and (e), and I think there might be some ways of moving things through more quickly in agreement to that. That, again, I think we can handle.

The Chair: I'm allowing this debate even though technically my personal ruling on this aspect of the debate would be that it's my understanding that with a subamendment, there's an intention to put it on the floor. I think that as of right now, before we go to the hon. Member Dang's subamendment, it's still valuable – and I'm getting some nods – to get a little bit of further inclinations from all sides.

I see Member Shepherd first.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate that summary from Mr. Neudorf. I think he's laid out quite well what we're looking at. My suggestion would be that we have the amendment that's currently in front of us – we have one subamendment to the amendment. I think it's reasonable we deal with that subamendment. Then if we have a further one from Mr. Dang, we can consider that.

1:40

In regard to the issues that were raised by Ms Merrithew-Mercredi around the challenge with a plain-language summary of each order, what I would note again is that we as a committee are merely making a recommendation and not writing the legislation, so I think this nicely summarizes the intent of what we would like to see based on what we have heard from the stakeholders that came to us. If there are indeed difficulties in how that could be actually applied or challenges or things that may be adjusted, that is within the realm of the minister and his staff, who would work to draft the amending legislation.

The Chair: I genuinely do appreciate those comments. What I will say is that for the purposes of just cleaning up what we're dealing with right now, because technically what we have is that we have 52, that has then been amended to put 41 into (a), and then technically we are considering – we've now started to veer back to this idea of plain language. That was essentially a subamendment. Truth be told, we actually haven't dealt with the notice portion of that. In order to bring it to the . . .

Mr. Shepherd: Oh. By all means, Mr. Chair.

The Chair: Yeah. If we could – and that was proposed by, I believe, you as well, correct?

Mr. Shepherd: Yes, sir.

The Chair: Thank you, sir.

With regard to waiving notice on the – unless I have somebody who wants to discuss just the notice portion. I see Member Hoffman.

Ms Hoffman: Thanks. Yeah. What I was just trying to weigh in on is that piece. I believe that needs to be resolved, the notice piece, and then, assuming it gets majority support, we vote on that before we go back to considering the main or any other proposed sub-amendments, one subamendment at a time.

The Chair: Potentially a subamendment that has been parked temporarily but obviously not forgotten.

Ms Hoffman: Yeah. I'm speaking in support of adding the "plain-language summary." I think that was a really productive piece that was proposed in the original motion, and Member Rowswell convinced me that Member Rosin's language was useful, so I would speak in support of us waiving notice and adding Member Rosin's language to the amendment.

The Chair: All right. I believe what we are doing now is that we are considering whether or not we will waive notice on the plain-language subamendment as proposed by the hon. Member Shepherd. All those in favour, please say aye. Any opposed, please say no. Okay.

That is carried.

We are now dealing with – I'm moving us back, but I'm actually moving us forward, I believe. Are there any members who are wishing to discuss the amendment as it currently sits? I think that what I had done is that there was a potential subamendment that had been alluded to by the hon. Member Dang, but my previous ruling was that I think we are making some headway with regard to some discussions.

Ms Hoffman: Just for process, I think we need to vote on – now that we've said that we want to debate the subamendment, we just need to vote on it. I don't have anything more to say to it.

The Chair: Oh, yeah. Right. Of course. Of course. Thank you very much for that.

All those in favour – unless there's discussion, because now we get to discuss the plain language. Okay. I don't see any discussion with regard to that, so all those in favour of the amendment as proposed by the hon. Member Shepherd, please say aye. Any opposed, please say no.

That is defeated.

All right. I see Member Ganley.

Ms Ganley: I just wanted to comment to Mr. Neudorf's comment just for the clarity of the committee. It is not the case that it is problematic in any way to have a specific minister. In fact, throughout legislation, regulation, orders, everything throughout government, specific ministers are named. And there is within cabinet a specific, like, order of succession of who signs if that minister isn't there, so those procedures are already in place. There's no possibility that a situation – I mean, absent some very imaginative scenarios it's unlikely a possibility would arise of that occurring. I think of *Battlestar Galactica*, for instance.

The Chair: Are there any other members wishing to speak? We are currently at a situation where we have 41 inserted into the space of – because (a) has been struck. I will just mention that at this stage I will give the floor to Member Dang, as I think, within the logic of where this debate has gone, his subamendment would probably take priority, seeing that there doesn't seem to be too much discussion on that.

If Member Dang wishes to do so, he can. If not, it's your prerogative.

Mr. Dang: Sure. Thank you, Mr. Chair. I think that at this point I would like to propose the subamendment that I mentioned earlier. I think that it addresses the clarification raised by the chair at the offset . . .

The Chair: For the benefit of the clerk, could you please reiterate?

Mr. Dang: Sure. I would propose that we subamend the proposed amendment

by striking "in respect of a public health emergency."

I think that would address the concerns around there being a difference in language between the original Motion 52 and the proposed amendment made by my colleague Ms Hoffman here. I think, certainly, if it is the case that we want to maintain the original language from 52, then this accomplishes that, and I would be happy to request the consent of my colleagues to move that.

The Chair: All right. Are there any members?

Now we have to deal with, first and foremost, waiving notice. All those in favour of waiving notice of the motion as proposed by the hon. Member Dang, please say aye. Any opposed, please say no. All right.

That is carried.

Now we are at the stage where we can debate or deliberate upon this subamendment as was proposed by Member Dang. I believe the wording is in front now, too, so if members would like to just take a moment to take a look at that. However, if there are members who wish to put themselves on the list, I would happily call upon you.

Seeing none, on the subamendment as proposed by Member Dang, all those in favour, please say aye. Any opposed, please say no.

That subamendment is defeated.

It's my understanding that we are now – and I can be corrected by the clerk – debating the amendment that was striking clause (a) and importing the exact language of Motion 41 into (a). Are there any members who wish to debate on that? I see Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. We seem to have taken an interesting turn. We were having some good, I think, collegial discussion, and we certainly saw government members seeming to agree with a number of changes that we were proposing here in trying to find a way that we could, I guess, marry the intent of the motion that we had and the motion that Ms Rosin had brought forward. But so far on both of the subamendments to the current amendment, which would allow that to take place and indeed incorporate the pieces which were of import to government members, we have seen them choose to vote those subamendments down.

Now, I don't want to presuppose what the intent of the colleagues across the way might be. Perhaps they've chosen not to speak to either of these so far. Perhaps they will speak here and give us some clarity as to their intent or if we indeed have a pivot in thinking here. Perhaps members of government are not inclined to accept the wording that we are looking to import from our Motion 41 and are choosing instead, once we have voted on this amendment, to indeed

make adjustments to their own clause (a) to incorporate some of the pieces that we have suggested. Perhaps they are leaning towards simply moving away from that collegiality altogether and voting for their amendment (a) unchanged. That would be unfortunate, Mr. Chair, but of course I will not presuppose what the decision of my colleagues across the way might be.

But I would be in favour, for the reasons that we have noted, of the language that we have here specifying the Minister of Justice and Solicitor General, so making that clear. As my colleague Ms Ganley noted, that in no way impedes the process or introduces any additional obstacles or red tape, having a specific time frame of three hours, which provides additional clarity as opposed to the legal tap dancing which can occur around a word such as “immediately” and clarifying on those aspects.

So I will be supporting this amendment, Mr. Chair. Thank you.

The Chair: Thank you, hon. member. I do thank you for your statement about not presupposing because, of course, as we’ve seen today, there are always opportunities for, it seems like, perhaps more amendments.

I believe I have a list, and the next on the list is Mr. Rowswell.

Mr. Rowswell: Yeah. So what we’re left with now is the exact wording from Motion 41, right? I think that if that were to fail, then we’d go back to where we could maybe talk about MLA Neudorf’s thing about splitting things up. Because the way that is, like, I couldn’t support that the way it is.

1:50

The Chair: Next I do have Member Shepherd on the list from the previous should you . . .

Mr. Shepherd: Sure. I’ll just briefly state, Mr. Chair, that there was no need to vote on this amendment as it is. We’ve offered a couple of opportunities now to amend it to be more in line with what the government members had hoped to see. So if they feel that they are in a position now where they cannot accept this wording, that is by their choice.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Next on the list I have – I am looking at Member Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I appreciate it. I guess, to the point of being collegial, I think we have been, throughout this, hearing out amendments and deciding on them and doing it in a respectful manner. That’s exactly, I think, what this committee should be doing. So I appreciate that’s the direction that we’ve taken.

To the amendment as it stands, I guess a couple of questions that I would have surrounding it – the three-hour timeline: I prefer the word “immediate,” but I’d like to hear arguments as to why three hours was picked. And it says: from “issuing” an order. So if an order is issued and the government – the government of the day, whenever this may be – is preparing a public announcement to explain the order and to describe it to people in plain language, as I would imagine that they would try to do, I don’t know if three hours is enough, depending on what it might be. We can’t foresee every situation, so I’d like to stick with “immediate” and get the government to know that it has to do these things right away and make it a priority as well. That’s just one thing that stands out to me on that.

In terms of saying “the government of Alberta website,” to MLA Reid’s comments, you know, 20, 30, 40 years from now we don’t know what the lines of communication are going to be, so I think that that language should highlight that the government has to get

that message out to the public where they can access it, but to say that it’s the government of Alberta website when we might not be using websites at that point in time is too prescriptive.

Thank you.

The Chair: Okay. Any other members on the amendment? I see Member Hoffman.

Ms Hoffman: Thanks very much, Mr. Chair. The arguments made by Member Rutherford are the opposite arguments made by Member Rosin when Member Rosin said that three hours was too long. I agree with her that three hours should be the upper limit. For the government to make decisions and not know how to communicate those in plain language I think is the reason why we’re in court right now with regard to Bill 10, or at least part of that, that decisions are being made but not being communicated publicly. I think that the three-hour limit is fair and reasonable. The court cases that have been – the filings that have happened in light of the current legislation that was passed around Bill 10 speak to the fact that government making decisions without informing the public and without doing it in a highlighted way is not just problematic but is probably unconstitutional and definitely undemocratic.

This is just putting an upper limit that reflects, I think, what Member Rosin’s intent was, that immediate be within seconds. I think that was what was said in debate just a little while earlier, and I agree with it. I think that if the government is going to make decisions and they’re not going to do them in public, they have a minimum responsibility of reporting those decisions in an incredibly timely fashion publicly. And we propose three hours. If the government isn’t able to communicate them, then they shouldn’t be making those decisions at that time. That would be my argument.

For these reasons, I think we’ve put in some reasonable proposals. I have a feeling I know where the government is going to take this. I think that that has proven not to be successful when it came to Bill 10 and making decisions to keep things from the public, and this is an attempt for us to recommend to the government to recommend to the Assembly a way to do this with fair and transparent and effective communication, which I think were some of the big failures around Bill 10. We have a chance to correct those here today, and that’s why we’re proposing three hours. I support this amendment.

The other piece I want to say is that if this gets voted down and we don’t immediately go to severing, then we probably will try to amend (a) to make (a) better and meet the intended outcomes. Voting this down expeditiously doesn’t mean that we immediately go to severing. It means that we’re going to try to do it in a different way because I think our goal is to achieve the outcomes identified by Member Rosin and to do it with some greater clarity for the public.

Thank you.

Mr. Rutherford: Thank you, Member Hoffman, for that. You still haven’t explained to me: why three hours? I’m just wondering. You talk about immediate, that it has to be as soon as possible so the public knows. I still don’t understand why it’s three hours, why that’s what you picked, just to be honest with you. If there is an answer to the specific three hours, then it would make more sense to me, but I don’t understand why three hours. So I just wanted to highlight that specifically. I preferred the language of “immediate” to no matter what. It keeps the government moving forward to get that goal finished.

The Chair: Thank you, Member Rutherford.

Are there any other members?

Ms Ganley: I mean, my take on the three hours was simply that it seemed like a sufficient timeline to be able to sort of get the information to communications and get it up online. I think the point behind the three hours wasn't three hours itself. It was to avoid the language of "immediate," which can have significant flexibility in terms of court interpretation and in terms of how the government acts on it.

So the idea, again, is to provide clarity for the public, because ultimately, at the end of the day, the things that we are doing here today are for the public because the public raised concerns about government overreach and about government lack of transparency. So in order to make it more transparent, it's very easy for someone to understand what three hours means. Now, someone from the public looking at the word "immediate" may think they know what it means, but we know that courts have interpreted these things broadly. Certainly, I mean, the court wouldn't be there policing this, right? It would be up to the government to interpret it. So I think the point there is just to have a time frame so that the public has a time frame.

The Chair: Thank you, hon. member.

Are there any other members looking to debate the amendment as proposed?

Seeing none, on the amendment as proposed by, I believe, hon. Member Shepherd . . .

Dr. Massolin: Hoffman.

The Chair: Sorry. My apologies. It's been a while since we got to that part of it.

On the amendment as proposed by the hon. Member Hoffman, all those in favour of the amendment, please say aye. Any opposed, please say no. That is defeated.

Mr. Shepherd: A recorded vote, please, Mr. Chair.

The Chair: There was a request for a recorded vote. I think we've gone through this process quickly, so I don't have to explain it. I'm seeing unanimous consent on that, I believe.

All those in favour, please raise your hand. I'll start with Member Ganley as to whether or not you support this motion as proposed by Member Hoffman.

Ms Ganley: Kathleen Ganley, Calgary-Mountain View. Aye.

Mr. Dang: Thomas Dang, Edmonton-South. Aye.

Mr. Shepherd: David Shepherd, Edmonton-City Centre. Aye.

Ms Hoffman: Sarah Hoffman, Edmonton-Glenora. Aye.

The Chair: All those opposed to the amendment, please say no, just for clarity.

Mr. Neudorf: Nathan Neudorf, Lethbridge-East. No.

Mr. Reid: Roger Reid, Livingstone-Macleod. No.

Mr. Turton: Searle Turton, MLA for Spruce Grove-Stony Plain. No.

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont. No.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright. No.

Ms Rosin: Miranda Rosin, Banff-Kananaskis. No.

The Chair: Okay. I believe that that was defeated six to four.

All right. Now we are back on the original motion as proposed by Member Rosin. I believe that Member Rosin has caught my eye.

Ms Rosin: Okay. So now that we're back to the original motion, I do want to continue working together with the members on the other side of the House, but the reason I think we voted no to their amendment was that there were things we agreed with and things that we didn't quite agree with. So I would like to propose an amendment. I think it's best to leave . . .

The Chair: I believe that . . .

Ms Rosin: Oh. We have to give notice, right?

The Chair: No. I believe that the issue is that the member who proposed the motion cannot move an amendment to that motion. That is my understanding. If there's anything else that you'd like to discuss, you have the floor.

Ms Rosin: That's it.

The Chair: However, if not, then I will open it up to the rest of the committee. I see Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. I do thank the members opposite for their patience as we figure out this process. We are trying to work collaboratively. Like I had stated before, there are a number of issues that they've raised that I think are legitimate and that I want to bring in there. As we move forward, hopefully, we can get the understanding of when to debate and when we're voting, before we get wording in there that's problematic and we subamend subamendments. I do appreciate the tone that we've started with. I'd like to continue down that.

2:00

I think that I am open to hearing debate particularly on section (a), that allows for some specificity of the time frame. I think that there has been establishment that "immediately" may or may not be sufficient. Where I personally feel that three hours may be too restrictive in some cases, I don't have another number in there, so I'm willing to work with them on either finding that or moving it forward or leaving it to the Ministry of Health to define that time frame. I just want to establish that there's some level of co-operation.

As well, I'd be open to an amendment that provides clarity as to where this was posted. I think that's a reasonable suggestion.

I thank Ms Ganley for her clarification on the minister being named. Again, personally, I don't think it's necessary because I think it is clearly established within a whole bunch of other places and that, depending on where the order comes from, whether it's Health or Justice or whatever ministry, I think it should be up to that ministry, and personally I feel it could be problematic to define that.

Again, I do want to continue on this process. Hopefully, we can clarify how we do this and have the debate before we put up things that establish problems with amending amendments, but I think that if we can continue to take that collaborative approach, we may be helpful in moving forward.

Thank you for allowing me to have those comments, Mr. Chair.

The Chair: Thank you, Member Neudorf.

Are there any – I see Member Hoffman.

Ms Hoffman: I guess I'll try for one amendment. I'll keep it short and tight, and we'll see if it gets voted on, and then we'll consider other ones.

The Chair: Please feel free to read it in for the record, and then we'll deal with the notice aspect of it.

Ms Hoffman: That after the word "immediately" I'm proposing brackets that say "(within three hours)."

The Chair: Okay. Well, we will first rule on whether or not this is going to come before the committee, so with regard to waiving notice of this amendment, all those in favour, please say aye. Any opposed, please say no. All right.

This amendment is now on the floor.

Just to reiterate it, the idea is that after the word "immediately" it will say "(within three hours)." Correct?

Ms Hoffman: Yes.

The Chair: All right. Are there any members who wish to discuss this? I see Member Hoffman. Yes, of course.

Ms Hoffman: Thank you. Just because Member Rutherford has asked specifically about the three-hour piece, again, in my experience, to be able to propose an MO, you need to be able to communicate why you're wanting that MO to, probably, the Premier and cabinet, and to be able to communicate that to them, you should be able to communicate it to the public as well. I think probably an hour is more than sufficient to post something on the website, but I think three hours is reasonable, a very reasonable time frame. The other reason why we came up with three hours is that it implies, very likely, within the same day, and I think "immediately" could be interpreted in other ways to mean days later. I don't think that that's fair to the public, to make them wait when there are these kinds of orders that impact their liberties. That's why we're saying three hours.

The Chair: Thank you, hon. member.

Are there any other members wishing to discuss this amendment as proposed by hon. Member Hoffman.

Mr. Reid: I appreciate the stringency and the urgency on behalf of the members opposite – I agree completely – to inform Albertans as quickly as possible, but just a reminder that we're not writing the legislation; we're simply making suggestions to Health. I think that to impose – again, we're not worrying about the legality of the words or the legal interpretation; we simply want to give that sense of urgency to government when a minister goes to write the legislation. I think "immediately" actually just conveys that urgency for the ministry to review the legislation, so I don't think we need to have this amendment. I think we just leave the word "immediately" in there. It's got the flexibility and the urgency that I think we want to communicate.

The Chair: Thank you, Member Reid.

Member Shepherd did catch my eye previously.

Mr. Shepherd: Thank you, Mr. Chair. I'm just speaking in support of the amendment. I think, as Member Hoffman and Member Ganley have indicated, you know, three hours is a very reasonable time frame. As Member Hoffman noted, there is a good deal of work that is put in before a ministerial order gets anywhere near being proclaimed and put in place. All that work has been done; it's been communicated; it's been written. They are actually enacting that order. All we are saying is that after all that work is complete – clearly, they know why they are doing it. They know what it means. They know the impact that it has. If not, they should not be enacting that order. So to say that after all that work has been

completed and all that preparation has been done and they clearly themselves understand what they are in fact doing, that they within three hours of that enactment should communicate that to the public: I don't think that is unreasonable or overly prescriptive.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Are there any other – I believe I had one more. I believe I had Member Turton.

Mr. Turton: Thank you, Mr. Chair. I guess just a couple of quick comments on this amendment that's before us right now. I, for one, will not be supporting this. You know, we have talked with the previous motion – a couple of hours ago, it seems already – about trying to maintain flexibility in the actual act and having specific references to specific health crises removed to allow that flexibility.

I also think that the term "immediately" gives ample jurisprudence to make sure that this is announced to the general public, you know, so there is due course followed. I do think that three hours is pretty prescriptive when we are trying to look at modernizing the act to give it the flexibility to be able to deal with the health crisis of tomorrow.

While I appreciate the congeniality of the discussion, I will not be supporting this amendment. Thank you.

The Chair: I saw Member Dang.

Mr. Dang: Thank you, Mr. Chair. I think that there's a certain level of hypocrisy coming from Mr. Turton right there and perhaps members of the government as well. He speaks of being both flexible and also that "immediately" should be very clear what it means. I think that's actually just a farce, really. I think instead what we should be talking about is how, yes, we're not prescribing what's going to be in the legislation today. This is not that. We are making recommendations to the government, but we should be telling the government that when we say these things, we mean certain things. I think saying that "immediately" means within three hours or within one hour or whatever the time period should be – we should make it clear to the government that that is the intent of these recommendations. Without this, this committee is basically saying that they don't have a clear understanding of what those definitions mean, and I think that the government members should think very carefully because it's clear that they are not actually understanding the speaking notes that are being put in front of them.

Thank you.

The Chair: Thank you, Member Dang.

I believe that I had Member Rutherford on the list.

Mr. Rutherford: Thank you, Mr. Chair. I'll just be quick. I wasn't suggesting that the government did not know why it made a particular decision. What I was talking about was communicating it to the public. As an example, as I think about this, if Dr. Hinshaw consistently comes out at 3:30, people could expect to see her at that point. If the decision is at 11 o'clock, are you going to have an announcement come out earlier than what people expect, or would it be easier to wait that extra hour so that she could explain it to the public or be a part of that announcement at a usual time? I was wondering. That's just what I'm considering on the three-hour aspect of it as opposed to communicating it. Not that the government doesn't know why they made the decision that they made, but when we're communicating it out, the best way to do that so the public can absorb what the decision is and why it was made.

The Chair: Thank you, Member Rutherford.

Are there any other hon. members looking to speak to this?

Seeing none, on the amendment as proposed by the hon. Member Hoffman, all those in favour, please say aye. Any opposed, please say no.

That is defeated.

We are back to the original motion.

Mr. Reid: In the spirit of co-operation, I'd like to propose an amendment to Motion 52. Simply, I would like to add the words "including the government of Alberta website" after the word "online" and before the word "immediately."

The Chair: While we put that up, I think everybody is okay with us moving forward with the waiving notice portion of this. All those in favour of waiving notice of the motion, please say aye. Any opposed, please say no.

That is carried.

The motion for the amendment as proposed by hon. Member Reid is on the floor. Are there any members who wish to discuss this? I see Member Shepherd. Honestly, if Member Reid has a few other comments, I think that . . .

Mr. Shepherd: Of course.

The Chair: Member Shepherd is – yeah. If you have other comments to say on this, please do take the floor.

2:10

Mr. Reid: Just briefly, to go back to my comments earlier about leaving things flexible for us to be able to address the changes in technology, maybe the addition of the government of Alberta website brings that clarity to the exact place where people can consistently go to find the information. I think that is a fantastic suggestion, so I support that. But I think this also leaves us the flexibility to continue to utilize different communication means as they become available to us.

Thank you.

Mr. Shepherd: I just wanted to say that I would be in agreement with this amendment. I appreciate this gesture from Mr. Reid. I think it encompasses some of the concerns we've brought forward and would certainly bring myself closer to being able to support this portion of the motion that we have in front of us.

The Chair: I'm not seeing any others. On the amendment as proposed by the hon. Member Reid, all those in favour, please say aye. Any opposed, please say no.

That is carried.

On the original Motion 52 as revised by the amendment by Member Reid, are there any members wishing to discuss? I see Member Ganley.

Ms Ganley: Yes. I, too, would like to propose an amendment. In subsection (a) it reads "for the purpose of increasing transparency in respect of the issuance of orders under the act, establish a requirement" and then

insert "that the Minister of Justice make publicly available online" with the new amendment, et cetera, et cetera. So that would require crossing out the words "under the act that all orders be made."

I hope that was clear. I'm willing to say it again if you totally missed it.

The Chair: Yes. I can even jump in here. I think under (a) it's: establish a requirement that the Minister of Justice make publicly available online immediately, et cetera. So the struck-out words would be "under the act that all orders be made."

Ms Ganley: Yes. But I think we need the words "all orders" in there, so it would be that the Minister of Justice make all orders publicly available . . .

The Chair: I think that's the spirit of what – yeah.

Ms Ganley: Okay.

The Chair: I'll just give a moment. Pursuant to, obviously, all the procedure up to date on the amendment as proposed by Member Ganley but simply on waiving notice in order to, then, have it go before the floor, on waiving the notice of the amendment, all those in favour, please say aye. Any opposed, please say no.

That is carried.

The amendment by Member Ganley is on the floor. Member Ganley, you have the floor if you would like.

Ms Ganley: I'll just make brief comments. Of course, the intention of the amendment is just to make it clear who has the responsibility to make the publication, and that just makes it clear for the public to see who it is that has that responsibility. Of course, when we say government, we're sort of referring to a fairly amorphous – not amorphous; I mean, we know who's in the government, but it's a very large group of people. It's nice for the public to have someone to look to, which is why generally different ministers have responsibilities for different acts and different actions and that sort of thing.

Those are my comments. Thank you.

The Chair: Thank you, hon. member.

Are there are members wishing to – I see Member Neudorf.

Mr. Neudorf: Thank you, and thank you to the member opposite for her amendment. I have stated this before, and I will state it again. I think there are redundancies already within government as to who addresses what. I feel that there are scenarios under a public health emergency where different ministers might be issuing orders for different purposes, and I don't think that we need to make it as restrictive as naming the Minister of Justice. Although I understand the clarity they seek, I don't feel that it's required at this time, so I will not be supporting this amendment.

The Chair: Any other hon. members?

On the amendment as proposed by Member Ganley, all those in favour of the amendment, please say aye. Any opposed, please say no.

That is defeated.

We are back onto 52 as originally proposed by Member Rosin with the amendment as accepted, the amendment by Member Reid. Are there any members wishing to speak to this? I see Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. In order to maybe move more quickly, I would like to suggest that we vote on section (a), section (b), and then sections (c), (d), and (e) together. Maybe we can move this more quickly through, if that would be agreeable to the committee.

The Chair: My understanding of severing this out is that as of right now we are debating the motion as it stands. Once we get to a point where no member – I don't want to impose the inability for members to speak should they, at a later point, should discussion continue, want to discuss aspects of the motion as a whole. My ruling on this would be: I would be open to, when the vote does get called, to sever it into initially (a), and then take a vote on (b), and then take a vote on the rest. I'm seeing general agreement on this, and

I'm willing to say that that's how we're going to move forward, and that is my ruling.

We are, like I stated, on 52 as proposed by Member Rosin with the amendment that was accepted that was proposed by Member Reid. Are there any members wishing to debate this? I see Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate all of the discussion that we've had, and I won't speak long because I think we've all had the opportunity to make our views on these different portions quite clear. Before we proceed to a vote, I just want to be clear as to my intents in how my votes may be cast.

In terms of clause (a) I appreciate the amendment that was brought forward by the government to include the government of Alberta website. I believe that is important and that is an improvement. However, that members of government feel that we do not need to prescribe anything more specific than "immediately," that we do not need to prescribe a specific minister to whom this responsibility should fall, those, for me, just render it too weak and too vague, so I do not believe I will be able to support clause (a). Although I certainly support the intent of it and believe in increasing transparency, I simply believe there should be more to it than what we have. Based on the rejection of those amendments that we brought forward to improve that, I unfortunately will find myself having to vote against.

In terms of (b), to again be clear, these are powers: they are suggesting that we establish conditions on powers that the minister simply should not have. We made that quite clear when Bill 10 came before the House. We made it quite clear that it was far too great an overreach to give him that power without restriction and to give him that power, period, something I would note that no other jurisdiction in Canada does. This is not a place, I think, where we as a province should be exceptional, so again I don't believe I will be able to support clause (b).

Clauses (c), (d), and (e), as we've noted, I think are important and reasonable and certainly reflect valuable learning from our experience over the last few months, and I appreciate Member Rosin bringing those forward. Those would be something I may be more inclined to support.

Thank you, Mr. Chair.

The Chair: Thank you, Member Shepherd.

Are there any hon. members wishing to join debate on 52 as amended?

Seeing none, then, on the Motion 52 part (a), which was the portion that was amended by Member Reid, all those in favour, please say aye. Any opposed, please say no. That is carried.

Mr. Dang: A recorded vote, please.

The Chair: A recorded vote has been requested. All those in favour of (a) as amended, please raise your hands. I see Member Neudorf, and then name and . . .

Mr. Neudorf: Nathan Neudorf, MLA, Lethbridge-East. Aye.

Mr. Reid: Roger Reid, Livingstone-Macleod. Aye.

Ms Lovely: Jackie Lovely, Camrose constituency. Aye.

Mr. Turton: Searle Turton, Spruce Grove-Stony Plain. Aye.

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont. Aye.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright. Aye.

Ms Rosin: Miranda Rosin, Banff-Kananaskis. Aye.

The Chair: All those opposed, please raise your hand and indicate. I will begin with Member Ganley.

Ms Ganley: Kathleen Ganley. Nay.

Mr. Dang: Thomas Dang, Edmonton-South. No.

Mr. Shepherd: David Shepherd, Edmonton-City Centre. No.

Ms Hoffman: No. Sarah Hoffman, Edmonton-Glenora.

The Chair: I believe that that is carried seven to four.

On section (b), all those in favour, please say aye. Any opposed, please say no. That is carried.

Mr. Dang: Recorded vote, please.

2:20

The Chair: Yeah. We can do a recorded vote.

All those in favour of (b), please say aye. We're going to begin with Member Neudorf.

Mr. Neudorf: Nathan Neudorf, MLA, Lethbridge-East. Aye.

Mr. Reid: Roger Reid, MLA, Livingstone-Macleod. Aye.

Ms Lovely: Jackie Lovely, Camrose constituency. Aye.

Mr. Turton: Searle Turton, Spruce Grove-Stony Plain. Aye.

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont. Aye.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright. Aye.

Ms Rosin: Miranda Rosin, Banff-Kananaskis. Aye.

The Chair: All those opposed? I will begin with Member Hoffman this time.

Ms Hoffman: Sarah Hoffman, Edmonton-Glenora. No.

Mr. Shepherd: David Shepherd, Edmonton-City Centre. No.

Mr. Dang: Thomas Dang, Edmonton-South. No.

Ms Ganley: Kathleen Ganley, Calgary-Mountain View. No.

The Chair: I believe that that is carried seven to four.

Moving on to (c), (d), and (e), all those in favour of (c), (d), and (e), please say aye. Any opposed, please say no.

That is carried.

All right. I've got a couple of things that I just want to note. First and foremost, with regard to severing I think that in this case it really worked well. In certain cases in the future it may not, so there's not necessarily a precedential value placed on the fact that this one was severed. I just wanted to make that clear for everybody on all sides.

Secondly, orally there was presented a motion – basically, your side presented orally which motions and in what order you wanted to propose. I believe that there's a discrepancy with what has been received by the clerk. What I'm going to do is that I'm just going to clear that up really quickly if that's okay. We started with 47. We went to 52. Initially it was 48, 40, 39, 46. What that has switched to is 44, 48, 40, 39, 46.

Mr. Shepherd: Yes. Mr. Chair, that is a list that we submitted to the clerk, and that was our intent.

The Chair: Perfect. Yeah. Okay. I just wanted to make sure that all members were aware of that and, honestly, for the benefit of *Hansard*. That's really why I did it.

We are on to the next, which is 44. Let me pull that up. I believe that is you, hon. Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity to indeed move Motion 44, which is addressing part 3 of the act, section 52, a section, I think, that has been at the centre of much of the contention around the Public Health Act and indeed was the subject of much discussion when this government brought forward Bill 10 in front of the Legislature.

To put the motion in the record, I move that the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended to repeal all powers under the act that empower a person to

- (a) suspend or modify the application or operation of the act or its regulations or any other act or regulation, or
- (b) provide for provisions that apply in addition to or instead of a provision of the act or its regulations or any other act or regulation.

Mr. Chair, I appreciate . . .

The Chair: I totally hesitate to interrupt. However, I just want to make a quick note that this motion as proposed may in some ways deal with 52.1(2), I believe, which was the subject of Motion 52. I think that for clarity with regard to where you're going with this, I just want to see: is it your intention that this would apply insofar as it doesn't negate what was decided by the committee in 52 as amended by Member Reid?

Mr. Shepherd: Certainly, Mr. Chair. What the committee decided in the previous motion was to request that criteria be established for whatever powers are granted to the minister under section 52. I am proposing that no such powers be granted to the minister under 52, which doesn't negate the designation of criteria. It would simply mean that step would become unnecessary if those powers didn't exist. It's not contradicting; it's simply addressing a different aspect of the act.

The Chair: Insofar as it doesn't negate what was done in 52.

Mr. Shepherd: That would be my contention, Mr. Chair.

The Chair: All right. The motion is on the floor. You can feel free to continue because I interrupted.

Mr. Shepherd: I appreciate the opportunity to speak to it. This amendment would make the Public Health Act constitutional. Let's be clear; Bill 10, as I was quite clear in speaking about in the Legislature and indeed as hundreds if not thousands of Albertans have spoken out on, was not constitutional, decidedly unconstitutional, a significant and sweeping power grab, delegating to the minister the ability to write entirely new laws simply by ministerial fiat at the stroke of a pen. That's not how our system of government is supposed to work. The authority to make laws is vested, Mr. Chair, in the Legislature, not in any individual minister. The minister has the right to bring legislation before the Legislature to be debated and duly passed; however, he should not have the power, as they do not have in any other jurisdiction in Canada, to create legislation that utterly bypasses the approval of the people's Legislature. We know this because all we've got to do is consult the owner's manual; that is, the Constitution.

Section 92, Mr. Chair, of the Constitution expressly vests authority in the Legislature to make laws. There is no capacity in our Constitution to delegate that authority solely to a minister, yet that's precisely what Bill 10 did. That's why it's currently being challenged in court. That's why the individuals who have raised that court challenge came and sat before us and communicated exactly that along with many, many others who made submissions to this committee. Simply put, it's what the legal community actually calls the Henry VIII powers. That would be removed. So thanks to the submissions that we've heard from those that appeared before the committee, those that wrote to us, those that spoke with us, and indeed hundreds of Albertans who e-mailed me directly at my constituency office, we've had that discussion here.

We have seen in the documents and the summaries that have been provided to us by the very capable staff from the legislative affairs office that no other jurisdiction in Canada provides this kind of power to a minister. Not one, Mr. Chair, and there is good reason for that, because it is unconstitutional.

It's my hope that government members will listen to the many constituents whom I know they have heard from on this issue and the very clear testimony we heard from individuals before this committee to rectify the mistake that was present in Bill 10 and which, unfortunately, despite us raising this concern on the floor of the Legislature, having it dismissed rather condescendingly at the time and then supported by all government members who were present in the Legislature at that time – this is the opportunity to set that right. Indeed, Member Rosin noted earlier that that's the intent here, and the intent of bringing motions forward is to take that opportunity to indicate that we have in fact listened to Albertans, that we have listened to the clear legal opinion and stakeholder testimony that we have heard here. This motion is giving us precisely that opportunity to do it.

We've heard from the experts, from the public, from our constituents that were deeply opposed to the powers granted to the government under Bill 10. It's an unconstitutional power grab, and we simply cannot allow that to stand if we have any respect for the people of Alberta and indeed the rule of law and indeed our Constitution, Mr. Chair. It's my hope that government members will join us in supporting this motion and making this recommendation so that this can be corrected in legislation, and if they cannot support this recommendation, I hope that they will take the opportunity to explain to Albertans and indeed their own constituents why they believe that in 2020 in Alberta the Legislature should not be the sole place that has the exclusive right, as shown under the Constitution, to enact laws on behalf of and binding on the people of Alberta and to explain why they feel section 92 of the Constitution, in fact, in this province no longer applies.

Thank you, Mr. Chair. I look forward to the discussion.

2:30

The Chair: Thank you, Member Shepherd.

I believe Member Rutherford has the call.

Mr. Rutherford: Thank you, Mr. Chair, and thank you for the explanation for why the motion was being moved forward. I just have a question to the mover. If this is such an egregious power, I'm just wondering why, when the NDP was in government and they reviewed the Public Health Act three times, it was left in there. I think a clear explanation of that would be important to help inform my decision as to how I'm going to vote on this.

I don't believe any government wants to supersede the Constitution and take away the rights of citizens. I'm wondering about at what point in time, if the Legislature can't sit, if we are not

able to come together, and about what ability the government has to continue operating and looking after the safety of Albertans and then about how we balance that. I think that that's a question that still needs to be answered, and I don't believe that this motion actually addresses it. It looks more like an opportunity to grandstand when, unfortunately, there were three opportunities the NDP had to amend this and chose not to.

The Chair: I see Member Dang.

Mr. Dang: Thank you, Mr. Chair. Perhaps members of the government would like to think back to when they voted in favour of Bill 10, because the largest unconstitutional power grab performed in the Public Health Act, added to the Public Health Act, was in Bill 10. That was unconstitutional because we know that in section 92 of the Constitution "in each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated." It is very clear that in our Constitution the Legislature exclusively has these rights.

Mr. Rutherford is incorrect when he says that it was reviewed three times. In fact, the previous government did not review it. It made minor amendments. But the majority of these powers that we're talking about were indeed introduced by his own government, by this UCP government, which introduced and is currently being sued in the courts by the Justice Centre for Constitutional Freedoms regarding the legality of these clauses. It is well established that the Legislature has the exclusive power to make laws. It is well established that our job as MLAs in this place is to vote and debate those laws that are introduced in the Legislature. Indeed, it is very clear that the Constitution reserves those rights for our Legislature.

So when the members opposite talk about, "Why didn't the government do this?" it's because these powers were not in place when the NDP was in power. Indeed, they were introduced by this government in their unconstitutional Bill 10, one they are being sued for right now. I think it is incredibly misleading for members opposite to use terminology like that, Mr. Chair. It's, frankly, appalling. If members opposite cannot understand the damage that they are doing to this place, the damage that they are doing to the Legislature, to the ability of us to perform our jobs, they need to look very deeply and understand.

Indeed, I have copies of section 92 of the Constitution here that I will distribute to all members in this place to show them that these powers are unconstitutional. Indeed, when we return to the Legislature in a few weeks here, Mr. Chair, I will table these copies for every single member of the Legislature as well so that they know that what they are doing, what they are voting for is unconstitutional and an attack on democracy itself. I hope members will actually do their homework, do their jobs, and read the Constitution and understand why these changes are necessary, why making these recommendations is necessary to restore faith in our democratic system and our parliamentary system here. If members opposite can't support this recommendation, they need to explain to this committee and they need to explain to Albertans why, why they believe that this year, in 2020, in Alberta the Legislature no longer has the exclusive right to enact laws, why section 92 of the Constitution will no longer apply in Alberta. Members opposite, members of this government, need to justify that to our constituents and to Albertans.

Thank you.

The Chair: Thank you, Member.

Are there any members? I believe Member Reid has the call.

Mr. Reid: Thank you, Chair. I'm sorry to see decorum going out the window at the committee today, but I do do my homework. I was quite surprised when I printed off the existing Public Health Act last April, prior to the passing of Bill 10 – there are seven of us if you want to count – and the phrase I was surprised to see is that the power to "suspend or modify the application or operation of all or part of an enactment" existed prior to Bill 10. I have it upstairs in my office. I have it highlighted because I did have a number of constituents reach out to me via e-mail and phone call, and I did do my homework. I found it was there.

Our issue with the Public Health Act is that we can't hamstring the government. I'd like to share with you a quote.

In a public health emergency we know that government needs to be able to respond quickly. That's why within the Public Health Act there are already extraordinary [measures] that are granted to government to make changes to legislation, to respond quickly. These are extraordinary because they do bypass the democratic processes that we have in place in this Legislature, and they are there for a very good reason.

That was said by a member of the opposition on April 2, 2020, understanding that we are in a position, when we have a public health emergency, where the government needs to be able to respond quickly to protect Albertans. I agree completely that we need to have the checks and balances in place to bring things back into line when the emergency is over, but we have to make sure that the government has the ability to respond and save the lives of Albertans.

I have to say that I need to vote against this motion. I think what it implies is incorrect in terms of the, quote, unquote, power grab that was part of Bill 10. Those were powers that existed prior to the introduction of Bill 10. They've existed. They existed when the NDP was in power, and they made no effort to change them at that point.

Again, I agree with hon. Member Pancholi in her quote saying that these are there for a very good reason. So I will not support this motion.

The Chair: Thank you, hon. member.

Just for the record section 92, under Exclusive Powers of Provincial Legislatures, isn't going to be specifically handed out to every member. Similar to the process in the House, it'll be placed on a table on the side.

I believe the next hon. member with the call is Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. We've heard some lovely talking points from government members today regarding this particular act and some interesting comments there from Mr. Rutherford and some others.

To be clear, what this government chose to do with Bill 10 was that they decided they needed to clarify the language that existed in the act. They awarded themselves power that, in their view, they decided they already had and changed the language to allow themselves to do that, much as, thinking back to this past fall, they passed legislation in Bill 21 awarding themselves a power they believed they already had to tear up the master agreement between physicians and the province of Alberta. It seems to be a habit of this government.

Now, that said, we do not believe that the language that existed granted the minister the ability to create entirely new legislation out of whole cloth, legislation which did not previously exist in any form, and to enact that at the stroke of a pen without ever setting foot on the floor of the Legislature. Now, I recognize that the minister and his department seem to feel that that already existed, and they wanted to change the language to clarify that fact. That is what Bill 10 did. We as a government did not believe that that

power existed in the act. However, having seen the actions of a government that decided that they needed to interpret what existed to such an extraordinary extent to grant themselves such sweeping power that led to a lawsuit, a lawsuit which did not occur under any other previous government under the previously existing language of the act, it was the overreach of this government that tipped that over the edge.

Now, that being the case and recognizing that a government could choose to take that kind of sweeping power for itself, like this government has, which, again, Mr. Chair, has led to this entire process, all of the hours that we have spent, all of the dollars that have been spent, all of the taxpayer resources which have been occupied in this committee I think, quite arguably, spring back, tie back to that exact decision by this government and the outcry from Albertans, the legal challenge which we are facing, which bring us here.

Having seen that and having had the opportunity now through this review of the act to note that every other single jurisdiction in Canada manages to function in the midst of a public emergency, manages to navigate through this COVID crisis without this power, that is why I'm bringing this motion forward. Clearly, this is a government that cannot be trusted with this kind of power, and clearly we have to consider that there may be future governments who may also choose to badly interpret and then choose to pass legislation enforcing their poor interpretation of the law in a way that has drastic effects on the rights of Albertans and the legal means by which laws are put in place that govern the lives of Albertans.

That is why this motion is here, and that is why I'll be supporting it. Thank you, Mr. Chair.

2:40

The Chair: Thank you.

Are there any other members looking to speak to this motion? I see Member Ganley.

Ms Ganley: I'm happy to let a member of the government side go.

The Chair: I called you.

Ms Ganley: Okay. Fair enough.

I think my take on this – and I think this is an important provision. I actually think this is the substance of what we're here to deal with or at least the substance of the lawsuit that originally engendered this committee. It's my view and has always been my view – and I think we've seen that there are some significantly differing legal opinions on this front – that the addition of provisions to apply in addition to or instead of provisions in the act is different than to suspend or modify the operation of the act or its regulations. That's my take. I think the second is a significant overreach.

I think it's fair to say that if the first – and the government has clearly taken the position that the first is merely clarified by the second. If that is the case, then I think that both are troubling. I would not have read it that way, but the government is clearly putting forward that they read it that way. If they are reading it that way, that is, in my view, a new interpretation and a new reason to have concern about this. I think it's worth bearing in mind, before we deviate too far down arguments about this, that what we are talking about fundamentally is the right of the citizens to be involved in a process. The difference between an order that is made by a minister and an order in council is that those orders are made in cabinet, and cabinet deliberations are private. They are not public. The public is not included in them. There is, in fact, legal privilege which covers those deliberations.

Meanwhile deliberations which are made in the House are public. The public has a right to be informed about what's come before the

Legislature, to have the opportunity to reach out and contact their representative and voice their opinion about what's being debated in the Legislature. That's a really big difference. The Legislature, true, may have a longer and more cumbersome process, but that longer and more cumbersome process exists for a reason, and that reason is to allow the public in a democracy to have the opportunity to determine what it is that their leaders are considering and what it is that is going to be issued forward as law.

These are laws that will bind us all. Ultimately, I think that if we take seriously the notion of democracy, allowing even in an emergency the government to circumvent that process, to circumvent that public scrutiny without proving that it is necessary, without demonstrating that the Legislature is unable to meet, that is extremely problematic. And I don't think that that is a partisan view. I think that people on all sides share that view. I think we saw that quite clearly in a number of instances.

I will be in support of this motion. I think it's an incredibly important motion, and I think that, at the end of the day, what we're talking about and what we should keep in mind that we're talking about is the rights of our constituents, rights of members of the public. I think that there can be no higher authority for us as elected members than those members of the public. I think we should all bear that in mind as we consider this motion.

Thank you.

The Chair: Thank you, hon. member.

I see Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. I think it's very important to note that the courts will decide whose legal opinion, as Ms Ganley pointed out, is being debated in that court of law. They will decide who will carry this issue forward.

I'd like to go back to Motion 52 from Ms Rosin, that we just passed. I think there's a very important part in there that we didn't spend a lot of time talking about, part (b), "establish conditions that must be satisfied before a Minister exercises their authority as referred to in section 52.1(2)," which is what we're talking about right now, "in relation to the application of an enactment." I think that those conditions will be incredibly important moving forward. Maybe we should have spent more time establishing what those conditions would be. Maybe we'd have more debate on that, but I know that I have presented to my caucus some thoughts that I've carried on that issue.

I'm glad that this line is in there and does carry incredible significance. I think it does establish what needs to be considered, particularly during a public health emergency, where whether it be the entire Legislature or cabinet or even the Premier may or may not be able to address an issue because of whatever the outbreak or pandemic or emergency may be. I think it's important to know that these powers were there before Bill 10. I think, as I've said before, the courts will decide those different legal opinions on how to interpret those powers, but I believe that we have addressed this issue in Motion 52 and do not necessarily need to remove it wholeheartedly from the act, though I understand the members' opposite opinions on this.

Thank you for those thoughts, Mr. Chair.

The Chair: Thank you, hon. member.

Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. Just in response to Mr. Neudorf's comments on the provision that was indeed passed in Motion 52 in clause (b), the issue for me there is that these recommendations will go forward and they will go to the minister

who has responsibility for this legislation to make the determination of what goes forward. That minister already made clear what he thinks the criteria should be for the exercise of these powers, that is none.

He had the opportunity when he brought Bill 10 forward in the Legislature to establish checks, balances, criteria. Indeed, when we raised concerns in the Legislature, there was the opportunity for any of the members opposite or any government member to respond with checks, balances, criteria. The government at that time, when they had the legislation in hand, determined that their belief and indeed this minister who brought the bill forward made it clear that his belief was that there should be no criteria governing his exercise of these powers.

For this recommendation in 52(b) to go forward back to that minister to say, "Please, Minister; again, please reconsider your position on that," personally I don't have faith that the minister who awarded himself these sweeping powers is now going to reconsider it. That's not a quality I have seen as being terribly inherent in that minister or this government.

For that reason, I continue to support this motion.

The Chair: Any other members wishing to speak to Motion 44? I see Member Hoffman.

Ms Hoffman: Thanks. I just wanted to try to add one little piece, and that's – and I think I mentioned it maybe in this committee before, and if not, I've mentioned it in the House. These laws that we're here to consider and to bring forward recommendations on will probably outlive many of us in terms of our political service. I know that when we're thinking through what the implication is with today's government, today's minister, I think it's important for us to think about the legs that they have and the fact that they will likely be here for some period of time.

I do want to clarify that I did bring forward an amendment to the Public Health Act when I was the minister. There was a specific concern around measles outbreaks in the province and how we can most effectively share information about where students are going to school with public health officers, so if there are students who aren't immunized – not the immunization records being shared with the school but where students are registered being shared with public health so that public health could act quickly if students weren't immunized in a population that was at risk, to notify families that they needed to isolate for risk that their child could contract measles. Of course, we know the potentially deadly consequences of that.

That was the one specific challenge that we were attempting as a Legislature to solve. I don't recall the details of that vote, but I remember feeling that it was something that all members of the House wanted, to support people in protecting children who were at risk, not forcing immunizations on anyone but making sure that children who weren't immunized could be protected if there was an outbreak. That was the one amendment act that was titled as such. There may have been some other grammatical changes and things over time, but I just wanted to give a little bit of that context. What we have the opportunity to do here today is much more robust than that. We are not just looking at one specific problem; we're looking at the act in its entirety. I think that this is a great opportunity for us to reflect on that.

2:50

Of course, the Henry VIII clause that has been noted is the ability for there to be an amendment to suspend or modify the application or operation of the act or its regulations or any other act or regulations, and that is a very massive, sweeping power. I think that we have had an opportunity here from members of this table but also from

members who were testifying as well as in the summary document that the Legislative Assembly research team has put together to – I don't see a lot of recommendations or proposals from folks in the summary that say: this should stay in. I think that we were here to listen, as Ms Lovely said in opening remarks on another section that we were considering, and I think that if we are to effectively and respectfully listen to the feedback that we've heard through testimony, through submissions, and through what are now legal challenges, we would act to make sure that we removed this clause.

For those reasons, I think we need to support this. I understand that we aren't just here in response to Bill 10 although I think that that is probably what motivated the government in calling this, but in response to Bill 10 and in looking at this bill in its entirety, I think that this is a very problematic clause, and that's why I'm supporting the motion to remove it or for us to recommend to Health and to the government that when this bill comes back, it be removed.

Thank you.

The Chair: Thank you, hon. member.

Are there any members wishing to speak to Motion 44 as proposed by Member Shepherd?

All those in favour of the motion, please say aye. Any opposed to the motion, please say no.

Mr. Shepherd: Recorded vote, Mr. Chair.

The Chair: I hear that a recorded vote has been requested. All those in favour of the motion as proposed by Member Shepherd, please raise your hands. I will start with Member Ganley.

Ms Ganley: Kathleen Ganley, Calgary-Mountain View. Yes.

Mr. Dang: Thomas Dang, Edmonton-South. Aye.

Mr. Shepherd: David Shepherd, Edmonton-City Centre. Yes.

Ms Hoffman: Yes. Sarah Hoffman, Edmonton-Glenora.

The Chair: All those opposed, please raise your – I will start with Member Neudorf.

Mr. Neudorf: Nathan Neudorf, Lethbridge-East. No.

Mr. Reid: Roger Reid, Livingstone-Macleod. No.

Ms Lovely: Jackie Lovely, Camrose constituency. No.

Mr. Turton: Searle Turton, Spruce Grove-Stony Plain. No.

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont. No.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright. No.

Ms Rosin: Miranda Rosin, Banff-Kananaskis. No.

The Chair:

That is defeated, four to seven.

All right. The next motion that we have – I see . . .

Mr. Dang: Not a motion, just a request.

The Chair: Sure.

Mr. Dang: Thank you, Mr. Chair. I think we've made quite a bit of considerable progress today. I was wondering if the committee would entertain a 15-minute recess just for us to recollect ourselves and come back.

The Chair: That is a great idea. We're going to do that.

I just want to clarify a few quick things. The next motion that will be put to the floor will be, I believe, 49. What I do want to do is – there have been a few little changes, I think, with regard to some of your caucus, so I just want to clarify that. We've done 47 and 44. The new requested list of the proposed motions' motion order would be, further to that, 42, 43, 48, 40, 39, 46. Correct? Of course, with the back and forth and all that. Just wanted to clarify that. Yeah.

Happy to take 15 minutes. I guess we'll return at 10 after 3.

[The committee adjourned from 2:54 p.m. to 3:10 p.m.]

The Chair: Thank you, everyone. I would like to call this committee meeting to order.

We have as the next step Motion 49, and I believe Member Neudorf has the call.

Mr. Neudorf: Thank you, Mr. Chair. I will try to read this into the record. I believe that's step one. I move that

the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended for the purpose of clarifying the rights of an individual under the act as follows:

- (a) by clearly establishing in the act
 - (i) a provision affirming the rights of individuals under the act,
 - (ii) an expedited appeal process in respect of an order or certificate issued under the act that applies specifically to that individual,
 - (iii) in the case of the detention of an individual under the act, the rights of an individual to, immediately on being detained, know or be informed of
 - (A) the reasons for which they are being detained,
 - (B) the location at which they will be detained,
 - (C) the individual's right, at any time during their detention, to retain legal counsel . . .

And then we are at – I think it says (v), but I believe it means to be (iv).

- (iv) criteria required to be satisfied before an authority requires an individual to be treated or examined under this act,
- (v) criteria required to be followed if an individual's personal health information is collected or disclosed under the act, specifically the manner in which that personal information must be collected, held, handled, used, or disposed of;
- (b) by revising the act's text, where necessary, to provide for limiting the imposition of a restriction under the act on an individual's rights during a state of public health emergency to the extent that is reasonably necessary for the purpose of responding to the public health emergency; and
- (c) repealing the minister's and regional health authorities' power to conscript individuals needed to meet an emergency, as specifically referenced in section 52.6(1)(c) of the act.

The Chair: Just for everybody in attendance and at home, the chair does have discretion to proceed with motions put on notice that have perhaps a small discrepancy or small changes, and looking around the room, I don't think anybody has a problem with switching around the order of (iv) and (v), which has already been done in front of us.

Going forward, Mr. Neudorf, should you choose to take the floor.

Mr. Neudorf: Thank you, Mr. Chair. I believe that we as a committee heard from a number of individuals, organizations, and stakeholders that the need to protect individuals' rights during a public health emergency – this is something that I was written to by

many constituents. This is something I believe in very strongly. I think that the motion here very clearly outlines some of those rights that need to be protected in a way that is not overly prescriptive yet clearly identifies specific rights that need to be addressed within the act. I look forward to the debate that is ahead, but I would hope that all members would feel that these things are important to protect, particularly individuals' personal health information related to incidents that might occur. I think that this motion prescribes in a reasonable way how to address some of those issues that could be moving forward.

Thank you very much for the opportunity to put this forward and speak to it, Mr. Chair. I look forward to comments from others around the committee.

The Chair: I see Member Ganley.

Ms Ganley: Thank you, Mr. Chair. I have a couple of questions about this motion. I think that generally it's good. I don't think it's as good as just repealing the power to legislate by way of ministerial order, but it's still a step in the right direction, so that's a positive thing. But I do have a couple of questions. Specifically, we have, in (a)(i), "a provision affirming the rights of individuals under the act." I just wanted to clarify what rights we're referring to, whether it references specifically these rights. Like, individuals have rights around detention, which are expounded upon in subsection (iii) to section (a). That is one set of rights. But, I mean, individuals obviously have a whole series of other rights under the Constitution or under the Human Rights Act or various other things. So I'm just curious specifically what that refers to.

Then, sort of related: what exactly is clause (b) trying to do? I find it a bit nonspecific. It's saying: "revising the act's text, where necessary, to provide for limiting the imposition of a restriction under the act on an individual's rights during a state of public health emergency." I mean, that's kind of vague language. Like, in principle it seems good, but it's not clear that you actually need to do anything specifically. I'm wondering what those rights are and then which infringements we're talking about in this case.

Finally, clause (c): sorry; how to frame this? It says: "repealing the minister's and regional health authorities' power to conscript individuals needed to meet an emergency," specifically as referenced by – you're intending to repeal that entire section. Is that the intent there?

I guess that's three questions. I will just leave it at that before we lose the thread completely.

The Chair: Thank you, hon. member.

I see Member Neudorf.

Mr. Neudorf: Thank you. I appreciate those questions. Hopefully, I can clarify. I don't have all of the research, but I hope to very quickly address your three questions. In (a)(i) I think we're speaking about property and reimbursement. There are many references within the act where the government can go into and acquire property and personal information, like, things, whether that's a private residence or a private commercial residence. I think this is some clarity to address that with further definition.

In section (b), when you're talking about "limiting the imposition of a restriction," I think that is referring to, like, quarantine or house arrest, which we have seen, trying to define that, at what length and stages we would be addressing where self-imposed – I'm losing the other word – quarantine would turn into, quote, unquote, a house arrest scenario, which is also referenced within the act. Yes, it is my understanding that it would repeal this section of the act completely. Conscript: as it is, that power rests under a general state of

emergency, and we would make the presentation that if that need was required at this stage, the province may move from a public health emergency to a state of emergency in order to engage those powers.

I believe that in some point in our committee meetings we did speak to different levels of response pending the severity of the emergency being addressed. I think this is one way of adding that level, not to mention the fact that it is my understanding that in all the years that we've had the Public Health Act, conscription has never been necessary. I think it would be something, I would say, that I see in Alberta, that the ability for individuals to respond voluntarily far outweighs the conscription mandate, and I think it's much more effective that way.

Anyways, hopefully, that answers your questions, Member Ganley.

I appreciate that, Chair.

The Chair: Thank you, hon. member.

Are there any other members wishing to debate this proposal?

Ms Ganley: Sorry. I just want to clarify. The rights referred to in (a)(i), "a provision affirming the rights of individuals": you're talking specifically just about rights vis-à-vis expropriation and privacy, not sort of any other rights?

Mr. Neudorf: If I may confer with our research team, I'll try to get back to that more specifically than how I've addressed it, if I may just have a minute or two.

The Chair: We could either take five, or we could adjourn the debate on this one. I think that – I'm looking around, and I'm seeing that perhaps the quickest way to do this would be to take five. Is that okay? I'm taking a look around. I see Member Turton.

3:20

Mr. Turton: Yes. Thank you, Mr. Chair. I guess, just in terms of moving along the conversation, I would perhaps ask if there are any other outstanding questions regarding this one particular motion. If we take five and we're talking about the one question that Member Ganley talked about, I would be wondering if there were any other additional questions that we could also take if we were going to take a break anyways, just to make sure that, you know, we didn't come back, have an answer, and then be forced to take another five-minute break if an additional question popped up at that point.

Thank you.

The Chair: I see Member Ganley.

Ms Ganley: I mean, I don't have any more questions except that that question itself is related to the question about (b), which is to say: what exactly are the sort of practical examples of what we're doing, what we're talking about when we're saying: "limiting the imposition of a restriction . . . on an individual's rights"? A couple of practical examples would be helpful for me there.

Thank you.

The Chair: Member Neudorf.

Mr. Neudorf: Yeah. Thank you, Mr. Chair. Just having a little more clarification on that, I appreciate the time to do that. The Bill of Rights would still be enforced under a public health emergency, and it would speak to different rights – the right to appeal, different rights that are prescribed there as well as rights within the Public Health Act: that is what my understanding is – to affirm those and understand that those are not suspended under a public health emergency. That's the nature. It's fairly broad language, which is

why it's mentioned broadly here, so that measures taken to address an outbreak of some sort or whatever the public health emergency may be do not supersede a person's right to appeal that decision. They'd still have that process. That's what we wanted to do. That was the intent here, to reaffirm, not establish anything new or get into a list of definitions, that those rights still hold. It may be a slightly different process under a public health emergency, but they're still there.

I do have it, if I could maybe read it, just a further example.

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion,

et cetera. That's from the Bill of Rights, that kind of intent, if that brings clarity to the debate.

Thank you.

The Chair: Thank you, hon. member.

Are there any other members wishing to discuss this motion?

Seeing none, on Motion 49, as proposed by the hon. Member Neudorf, all those in favour, please say aye. Any opposed, please say no.

That is carried.

I believe that next on the list is 42. Member Shepherd has the floor should he so choose, and he does.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity. Just give me one moment to catch up with my notes. To read the motion into the record: that

the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended to require the Minister of Justice and Solicitor General, in respect of every order, regulation, or other type of legislative instrument that applies to the general public made or issued in respect of a public health emergency, to make available on a website of the government of Alberta in an easily accessible manner a legal opinion from the Ministry of Justice, with supporting reasons, on whether the provisions of the order, regulation, or other type of legislative instrument are consistent with the purposes and provisions of the Constitution Acts, 1867 to 1982.

Now, this does follow on an earlier motion which I moved, indeed, the last motion which I had the opportunity to move, Mr. Chair, which was not supported by the committee, but perhaps in this case they would be willing to consider the support. This is an important recommendation, I think, one that was supported by the expert testimony that we heard at this committee.

Now, again we are talking about the powers that the government has awarded itself. In the opportunity I had, when I received a briefing on Bill 10, to discuss this with the staff of the minister, at that time they were unable to confirm that they had in fact received a legal opinion that the steps they were about to take in awarding themselves these sweeping powers, which I have discussed at length previously in the Legislature and again here today, for the Minister of Health and other ministers had indeed been reviewed and that the legislation was, on the advice of legal counsel, considered to be constitutional.

I think that's an incredibly important question to consider. In a case where government gives themselves the power literally, again, to be clear, to write any new law by ministerial fiat, the stroke of a pen, without ever setting foot on the floor of the Legislature, in the midst of a public health emergency, then the public deserves to know that, in the opinion of the Minister of Justice and Solicitor General, that law which they wish to create is, in fact, constitutional.

We may differ in our opinion as to whether the powers which were awarded, unprecedented powers, under Bill 10 to all ministers of the government during the public health emergency were constitutional. Certainly, that, as many have noted today, is something that is currently before the courts, a legal challenge. Now, that, of course, takes time. That takes expense of the government of Alberta. That's at the expense of Alberta taxpayers. And it's reasonable, I think, that if the government is going to award itself such powers and is going to make use of such powers without any other checks and balances on it, it should at least be able to affirm to the people of Alberta that it's done its due diligence and that the law it wishes to enact, again, without the consultation of their representatives in the Legislature, is, in fact, constitutional.

We heard from the experts that appeared in front of this committee that the role that the Minister of Justice and Solicitor General occupies is a unique one. They are meant to be the guardians of our rights, much as Mr. Neudorf just affirmed that the act should confirm in the motion that he just brought forward and was supported by the committee. They are meant – it is the job of that Minister of Justice, the Solicitor General – to ensure that the ministers within their own government are not exercising overreach. They are part of the checks and balance in the system. We saw with bills 10 and 24 that in the view of the opposition and those that are currently launching the legal suit against the government of Alberta, in the view of those legal scholars, those bills were themselves unconstitutional. By compelling the Minister of Justice and Solicitor General to make public a formal legal opinion on the constitutionality of each order, regulation, or legal instrument issued during a pandemic, we create a check and balance.

To be clear, Mr. Chair, if someone wants to argue that this is creating additional work and red tape, then I'd be extremely disappointed to hear that that is not already a step that is being taken with every single bill that comes forward, that this government would not be seeking a legal opinion to ensure that the steps it wishes to take are, in fact, constitutional and above challenge. By compelling that to be the case, we create and ensure that check and balance, a check and balance that, frankly, would have been sorely needed and was sorely needed and, in my opinion and others', failed to be exercised during Bill 10.

We're only recommending that this need be done during an emergency. You know, in normal circumstances, again, as I noted, I think there are good reasons why the government would want to be checking in with the Minister of Justice and Solicitor General to check on this, but there may be very good reasons for them not to make public that legal opinion. That's understandable – that is advice that is internal to government – during normal operations and times, but in the case of a public emergency I think this is a reasonable step.

Those exceptional circumstances: I think the public needs assurance that their rights are protected, as indeed all members of this committee just affirmed on the motion that we supported from Mr. Neudorf. In a public health emergency we see power shift dramatically, significantly in favour of the government. I think all members have recognized that. All members have recognized that there is some need for that to be the case but also that there needs to be appropriate checks and balances. Indeed, that is why we are here and reviewing this act today. While that is acceptable, I think the recommendation to amend the act would shift that power back just enough. This would provide an additional check and balance that would still allow the government to do what it needs to do, to take the actions that are necessary to respond and take appropriate action in the case of a public health emergency, at the same time

giving the public a few more tools by which they can ensure they can hold that government to account.

Thank you, Mr. Chair. I appreciate the opportunity to introduce this motion. I look forward to debate.

3:30

The Chair: All right. Thank you, Member Shepherd.

Are there any members looking to discuss Motion 42, as proposed by Member Shepherd? I see Member Ganley.

Ms Ganley: Thank you, Mr. Chair. I just wouldn't mind taking a moment to speak in favour of this. I think the motion itself is relatively narrow, so we're referring only to these sorts of orders as issued during an emergency. It's not even as broad as, say, under the federal government, which requires an opinion from the Attorney General vis-à-vis legislation introduced in the House.

I think it's important for a couple of reasons, one of them being that when these bills themselves, the bills that created the contention, bills 10 and 24, came forward, part of the challenge was – well, from our perspective, at least, and I think potentially from the perspective of members of the public – that we were looking at it and saying: this looks problematic. Right? It looks problematic to me. I mean, to me, it looked like an expansion of powers. It looks problematic to say, you know: you can add or amend. That, in my view, is different than: you can waive a provision of.

Now, obviously, people have different opinions, but there were a lot of sort of issues wrapped up in that, and we were asked to debate it very quickly. It isn't just the opposition. You may lack sympathy for the opposition, which is fine, but it's members of the public as well, right? Not every person who is interested in the business of this Legislature has a law degree, nor should they. We shouldn't require that of people. Those people are left in the same position, where they're hearing one side, they're hearing the other side, and they don't really know what to think.

A legal opinion would be a document published online by the minister that would outline, "Here are the reasons why I have the opinion that this only clarifies" or something like that so that individuals at least would have somewhere to look that would give them a clear outlining of the issues. It also ensures that the Attorney General, in that special role, is taking the time to consider that and make sure that that work has been done.

Ultimately, a legal opinion is, I mean, legal work being done by a lawyer who is still, even the Minister of Justice, subject to the Law Society and subject to the rules and the ethical codes surrounding the Law Society. I think that is an incredibly important thing to note, to, you know, ensure that you're getting it from this interesting role, from your Minister of Justice, your Attorney General, who has the sort of legal obligation to consider these things but also a public-facing role, an obligation, in my view, to communicate them to the public. I think that it would be incredibly informative and helpful to the public because then they have somewhere to look, right? When a bill is moving through the House in 48 hours, it's not just the opposition that has the position of having to figure out what it says and what to do about it in 48 hours; it's the entire public that has that same situation.

I think that this is a very good motion. I'm definitely in favour of it, and I'd like to thank Member Shepherd for bringing it forward.

The Chair: Thank you, Member Ganley.

Are there any others? I see Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. I do respect the members opposite for bringing this forward. I find it a very compelling argument that they have presented. I think, in fact, they do define

very well what the Minister of Justice and Solicitor General should do, particularly under a time of public health emergency.

I think that where I begin to have trouble with it is where they make their legal opinions public. I would agree with Member Shepherd saying that the Solicitor General should be providing that advice to any and all of cabinet during those times for legalities and all that kind of thing, whether or not that could be understood as breaking the confidentiality of solicitor-client privilege or parliamentary privilege, depending on how those conversations are undertaken. I believe that, depending on how severe the public health emergency was and the impact upon this House and the Legislature, it could be construed that the Minister of Justice becomes a de facto voice of the opposition in the manner of how this is put forward.

I understand, again, the intent. I do believe that the part of it that makes the general public aware is what we addressed in Motion 52 under section (a), where we did have some significant debate about making those orders publicly available. We talked about “immediately” versus “three hours.” We talked about a government website versus just online. We did talk about the importance and the acceptance of the plain-language summary of each of those orders. I believe that much of this intent is already captured there. I don’t know if anything going above and beyond that would be helpful. I do appreciate the motivation and the presentation at this point, but whether or not it is necessary or would put the Minister of Justice in a position where he was opposing his own government or her own government could be problematic, so I see some problems with supporting this motion at this time.

Thank you, Mr. Chair.

The Chair: I see Member Ganley.

Ms Ganley: Yeah. I think I just wanted to clarify a few things. With respect to the federal level it is the case that the Attorney General in the federal government is required to put forward such a legal opinion with their legislation. We’re not asking that it go that far; we’re just asking with respect to these orders. Honestly, I’m a little troubled by the suggestion that a government would be proceeding with an order if the Attorney General had in fact rendered advice that it was unconstitutional. You’re suggesting that it would be a problem for the public to know that this dispute was going on. I think I would suggest, in return, that it’s a problem for a government to wilfully do something which it considers to be unconstitutional. I think that if you have an Attorney General who’s in the position of saying that – I mean, there are places in the world, for instance in the U.K., where the Attorney General doesn’t sit in cabinet in the same way because they’re meant to be that check on exactly that, that sort of legislative power. Obviously, we have a bit of a different system here. The problem, I think, is not in the making of it public; it’s in the fact that that exists at all. I think that the public deserves to be aware of that if that is, in fact, the case.

That’s all I would say about that.

The Chair: Thank you, Member Ganley.

Are there any other members wishing to debate Motion 42?

Seeing none, on Motion 42, as proposed by Member Shepherd, all those in favour, please say aye. Any opposed, please say no. That is defeated.

Mr. Shepherd: A recorded vote, Mr. Chair.

The Chair: A recorded vote has been requested. All those in favour, please raise your hands. I will start with Member Hoffman.

Ms Hoffman: Sarah Hoffman, Edmonton-Glenora. Aye.

Mr. Shepherd: David Shepherd, Edmonton-City Centre. Aye.

Mr. Dang: Thomas Dang, Edmonton-South. Aye.

Ms Ganley: Kathleen Ganley, Calgary-Mountain View. Aye.

The Chair: Any opposed, please raise your hands and say no with your name. I’ll start with Member Neudorf.

Mr. Neudorf: Nathan Neudorf, Lethbridge-East. No.

Mr. Reid: Roger Reid, Livingstone-Macleod. No.

Ms Lovely: Jackie Lovely, Camrose constituency. No.

Mr. Turton: Searle Turton, Spruce Grove-Stony Plain. No.

Mr. Rutherford: Brad Rutherford, Leduc-Beaumont. No.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright. No.

Ms Rosin: Miranda Rosin, Banff-Kananaskis. No.

The Chair: I believe that

that is defeated four to seven.

Moving on to Motion 53, Member Reid has the call.

Mr. Reid: Thank you, Chair. To read it into the record, I move that the Select Special Public Health Act Review Committee support the inclusion of sunset clauses under section 52.1 of the Public Health Act and recommend to the government of Alberta that it review all existing sunset clauses on orders made under section 52.1 of the act for the purposes of increasing the clarity of those provisions and ensuring the length of time for which the orders apply are reasonably necessary to protect public health.

3:40

The Chair: Thank you, Member Reid. Should you choose to take it, you have the opportunity to take the floor.

Mr. Reid: Absolutely. Thank you again, Chair. Again, in response to our stakeholders and their responses as well as the responses of a number of constituents as we’ve discussed the Public Health Act, this is another state of ensuring that we have proper checks and balances in place. I just, again, want to affirm, from the reading of the Public Health Act back in the spring, that it was evident that these checks and balances, these sunset clauses are there. But I think, to some of the points that the hon. members across the table have stated, there’s a way to make them more explicit and more clear to the public, so I’m happy to bring this motion forward, that we suggest to the government of Alberta that it work to make sure those sunset clauses are clear and reasonable for the Alberta people.

Thank you.

The Chair: Thank you, Member Reid.

I see Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair, and thank you, Mr. Reid, for bringing this motion forward. It is strikingly familiar. I recall, back in the Legislature, when we had the debate on Bill 10, bringing forward a substantive amendment which included specifically introducing clear sunset clauses, much as is being laid out here in this motion from Mr. Reid. It’s unfortunate that at that time the government chose instead to respond – I believe it was the Minister of Transportation at the time – somewhat paternalistically and dismissively to the concerns that we raised and dismissing the amendment that we brought forward to this effect. Indeed, all

members of the government that were present in the Chamber at the time voted against that amendment and to maintain Bill 10 as it stood, without this provision, and indeed to continue on in the state of a public health emergency without this protection and, dare I say, respect for the Alberta public.

I appreciate that they are bringing it forward now. It's unfortunate that we've had to go through this considerable process to get to the point of something which could easily have been fixed months ago and addressed and provided that additional respect and support and comfort to the people of Alberta. It probably would have saved many e-mails to all members at this table. However, that was the choice of the government at the time. I am pleased to see that they have recanted on that choice now, that they are no longer mocking the suggestion that this was necessary although I will acknowledge that it was not these specific members. It was indeed, instead, one of their colleagues in the House, to be clear on that point.

I appreciate that they are bringing this forward now, and I will support this motion. Thank you.

The Chair: Thank you, hon. member.

Are there any other members looking to join debate on Motion 53? I am not seeing any.

On Motion 53, as proposed by Member Reid, all those in favour, please say aye. Any opposed, please say no.

That is carried.

According to the list that I have, I believe that you, Member Shepherd, are up with Motion 43 should you be prepared to do so.

Mr. Shepherd: Thank you, Mr. Chair. It seems I have a busy day.

We have Motion 43. I will read that into the record, that the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended to establish the right of an individual who is subject to an order made in response to a public health emergency to apply, on an urgent basis, to the court for a review of the order.

A fairly simple recommendation, Mr. Chair.

The Chair: Yeah. If you want to, I would offer you the floor.

Mr. Shepherd: Thank you. A simple but very important recommendation, Mr. Chair, one that I believe was supported by all the expert testimony that we heard here at this committee. We heard from the experts that the public health orders issued during this pandemic indeed created some problems for the administration of justice in our province, that the courts weren't easily accessible, even just for normal matters, but even more importantly they weren't accessible for citizens who found themselves in the situation where they needed to challenge what they viewed were potentially unconstitutional acts by the government.

It's quite clear, as we have discussed at length – and I won't belabour too much longer here – that we give awesome power to government in the midst of a public health emergency. We acknowledge that some of those extraordinary powers may indeed well be necessary, but if a government goes too far, we need an appropriate legal mechanism to expedite the challenges to those powers in the courts. Indeed, again, we've had a motion that was supported, that came forward by Mr. Neudorf, wanting to make sure that we are very clear on what the rights of individuals are. The courts are the mechanism by which individuals have the right to defend and support those rights. If we want to clearly iterate those rights, we need to make sure that they have swift access to the courts to protect them. This recommendation would simply codify in legislation the right of any Albertan to challenge any order that's issued by the government on an expedited basis.

You know, we've heard from the expert testimony that was here. We certainly heard from them that it would seem that at certain points the current government is in fact trying to actively delay in court some of the challenges that are there in regard to Bill 10. We've heard that it could, in fact, take years for that challenge to go through all the legal loopholes, during which time the government and the ministers would get to enjoy and exercise the significant sweeping powers they chose to award themselves. I think that everybody in this committee has heard from the public on this issue, on Bill 10, through their constituency office, in the public, in the media, and indeed through this committee.

We're bringing forward this recommendation just to help protect the rights of Albertans, that we have already voted as a committee should be clearly iterated in this act, and ensure that the administration of justice works just a bit more effectively in the midst of a pandemic or another significant public health emergency. Simply put, it's expedited access to courts to challenge the government in the case of an emergency, which, obviously, I think, is something that is needed as recent history has demonstrated.

With that, I'm happy to hear discussion and the thoughts of other members on the committee. Thank you, Mr. Chair.

The Chair: Thank you, Member Shepherd.

Are there any members wishing to debate Motion 43 as expressed by Member Shepherd? I am seeing that I had Member Rosin.

Ms Rosin: Okay. Thank you, Chair. I just want to, I guess, go on the record and say that I couldn't agree more that we need to have access to some form of an expedited appeal process for certain orders that are made during a public health emergency on individuals. I think myself and Member Neudorf and other members of this committee: kind of that civil liberties viewpoint has been one that we've at least stressed since day one of this committee, that there needs to be a proper appeal process for individuals who fall subject to some of the orders in this act to ensure that it is not too far overreaching. I want to just go on the record and say that I strongly support the idea of making sure that we have access to an urgent and expedited appeal process, but that being said, I do feel as though this was somewhat covered under Member Neudorf's motion previously.

I suppose my only concern with this motion right now is that it's very prescriptive that the appeal process would be through the court, and I just wonder if during the state of a public health emergency, we might want to leave the method of an expedited appeal process to be a bit more flexible just in the case that the courts become overburdened, and potentially we can go through an administrative tribunal or something as a first stepping stone before we have to deal with this in the courts. I definitely support the idea of an expedited appeal process, but I just wonder if it needs to be through the courts or if we should allow some more flexibility there to handle these cases outside of the courts unless they absolutely need to go there in an extenuating circumstance.

The Chair: Member Ganley, please.

Ms Ganley: Yeah. I just wanted to respond to some of those comments. I think the concern that I have is that the courts, I mean, generally are overburdened, right? It takes a significant amount of time to get a matter before the court, and that is the point of saying that this would have an expedited process. The point is that it's extremely challenging to get something before the courts, and this is essentially giving priority to this on the basis that these are issues of fundamental rights.

3:50

I think that the other concern I would have is: I don't believe and I don't want to sort of go off the cuff here – the courts are the guardian of the Constitution. The purpose of taking it to court is that the court has the power to strike down legislation. I'm not sure that you could empower an administrative – well, I mean, I guess you can give them the power to do it in certain areas. I mean, the point of recourse to the courts would be that ultimately they do have that power, and that power is in fact enshrined in the Constitution, that they have the right to sort of override legislatures in that way, which I suppose they call the constitutional dialogue, giving it a bit more – well, maybe it's meant to be polite, who knows?

But I think I would be concerned – yeah, I think the point of the motion essentially is to allow expedited access specifically to the courts even in instances where the courts have a significant backlog, which, I mean, they have done for probably going on two decades now.

That's all I have to add.

The Chair: Thank you, Member Ganley.

Are there any other members wishing to – I believe Member Reid is on the list.

Mr. Reid: Thank you, Chair, and I want to thank the member for bringing this motion forward. Again, I think to be able to respond – we've spoken a lot about the need for government being able to respond quickly and address the issues with a pandemic, public health emergency. I think it's a great idea to make sure that we have that same ability for Albertans to be able to respond back in kind.

Just maybe a question of clarity for me. My only concern, I think, I would have with it would be with the prescriptiveness of the courts in terms of the ability to be able to set up maybe other means of adjudicating. If one of the members opposite can maybe respond to that in terms of what kind of flexibility you think we would be able to implement so that we could expedite those hearings and continue to not overburden the courts.

Thank you.

The Chair: Thank you, Member Reid.

I see Member Hoffman.

Ms Hoffman: Thanks very much. I'm happy to weigh in on this. My hope is that there does not need to be a significant number of judiciary reviews required. Certainly, I hope that we're not in a position where the government's motive and the overreach is being called into court on a regular basis. However, if the members opposite wanted to propose an amendment, I can see them doing so after "court." They could say something like "or other adjudicative body" or whatever wording Member Reid just used, but I think the reason that we used court was because this would be an extreme circumstance. This would be a situation where a law had been enacted, and the court would be the appropriate body under our understanding of this legislation.

I appreciate that we have a couple of lawyers participating in this committee, but certainly the majority of us aren't. Again, this is a recommendation for the drafters around how to move forward with the advice that we're giving them. I think that the current wording is sufficient, but if other members wanted to propose an amendment, we could certainly consider whether or not it met the test of review.

Thank you.

The Chair: Thank you, hon. member.

I see the hon. Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. I appreciate the opposition willing to entertain an amendment. I don't feel that one is necessary at this point in time. I think if this recommendation was to pass the support of the committee along with Motion 49, where we have the wording of "an expedited appeal process in respect of an order or certificate issued under the act that applies to specifically to that individual", I think with both of these things before the ministry, they would be able to parse through legislation that meets the intent of both of these and that language be debated in the House and Legislature. I think that we could move forward without much undue debate or amendments required.

I think the intent of the opposition is fairly clear, and ours was made clear earlier. I think we can move ahead without that.

Thank you, Mr. Chair.

The Chair: Okay. I would just note that the two are different. I think that is a fair statement.

Are there any members wishing to debate this? I see Member Hoffman.

Ms Hoffman: Lastly, I'll just add that it's my recollection from the presenters we had that this was one of the key areas that they recommended, that there be an opportunity for expeditious judicial review in the courts, so I think that this reflects the fact that we have been listening and that we're acting upon the recommendations that were received.

The Chair: Thank you, Member.

Are there any other members wishing to debate this motion?

On Motion 43 as proposed by the Member Shepherd, all those in favour of Motion 43, please say aye. Any opposed, please say no.

That is carried.

We are moving on now to Motion 50, and I believe Member Turton has the call.

Mr. Turton: The sound of paper moving, it's the sound of progress. Anyways, I move that

the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended for the purpose of clarifying the powers established under the act that are ambiguous or lack sufficient prescription as follows:

(a) if a provision is ambiguous as to who may exercise the power established in that provision, by clearly setting out in that provision who may exercise that power; [and]

(b) if a provision is ambiguous or lacks prescription as to the conditions that must be satisfied before the power established in that provision may be exercised, by clearly setting out those conditions.

I can speak to that as well, Mr. Chair.

The Chair: Should you choose, you have the floor.

Mr. Turton: Awesome. Thank you very much. You know, it was very loud and clear through numerous speakers as well as written submissions that there was a lot of confusion about who was able to pull the final trigger when it came to decisions under the Public Health Act. This motion really, I feel, addresses many of the concerns that many of the presenters had when they came before this committee, including Dr. Hinshaw. It really makes it very easy for the public to know, in terms of which powers are being used, who has the ultimate authority. That's really what, I think, this legislation is all about. It's to make it very easy for the general public to be able to know who's establishing the powers under that Public Health Act. It kind of removes that whole foggy or at least confusion about who is ultimately responsible. I think it's a solid motion that will definitely clarify and clear up a lot of the

confusion that many of the presenters had. I think the act will be strengthened because of it.

Thank you very much.

The Chair: Thank you, Member Turton.

Are there any members wishing to debate this motion? I see Member Hoffman.

Ms Hoffman: Thanks very much, Mr. Chair. I am reluctant to disagree with the last statement. I don't think this does actually strengthen the act because I don't think it actually brings in any new powers, orders. I think it's quite vague, and I think that it would be very open to interpretation. I think our purpose here is to hone things, to clarify them, and to provide greater certainty and understanding, and I am reluctant to support this because I don't feel that it does. I think it does leave things intentionally vague, or maybe that isn't the purpose. Maybe we can clarify the language, but I don't think that this actually strengthens where we're at today.

The Chair: Are there any members wishing to discuss Motion 50? I see Member Dang.

Mr. Dang: Thank you, Mr. Chair. Perhaps just to elaborate on some of my colleague's comments there, I think that it's very clear. The government has already stated who has all the power, and we saw that through Bill 10 and Bill 23. Really, it's the minister's authority during a public health emergency. It's the minister who is able to rewrite or write any law in the minister's determination of a public interest, in the individual minister's determination. The problem is that basically the recommendation from Mr. Turton here doesn't get at the problem at all, right? It doesn't talk about the issues around how the constitutional authority of the Legislature is being stripped away, how the systems of our democracy are being eroded. Really, I'm concerned that basically this recommendation is irrelevant because of Bills 10 and 23, which were brought in under this UCP government. I mean, really, if this is the intent of Mr. Turton, perhaps he should be calling out his own ministers to apologize and admit their mistake and walk back that constitutional power grab.

The Chair: Thank you, Member Dang.

Are there any – I see Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. We are not here to rewrite the Public Health Act. We're here to make recommendations to clarify and make it better. We're not here to re-debate Bill 10 or Bill 24 or any other past legislation that was done through the democratic process in the Legislature. We're just trying to make things better. We actually felt that this was recognizing some of the criticisms of the opposition and allowing for a middle ground in collaboration to seek clarity. If that's not the intent, then the opposition has the ability to vote against any motion, as is the democratic process of this committee.

4:00

But, again, we're trying to provide recommendations that can be actionable without proposing a complete rewrite of the Public Health Act, which is way beyond the mandate of this committee. In my mind, where this – yes, it could be far more prescriptive. We could list and label everywhere we feel that the act may be ambiguous, but as has been pointed out, we're not all lawyers, and there are teams of people able to do that. I think it's a solid recommendation to look for these things specifically, and for myself, I'll be supporting this motion.

Thank you, Mr. Chair.

The Chair: Thank you, Member Neudorf.

I see Member Hoffman.

Ms Hoffman: I just want to clarify that our mandate is actually to review the Public Health Act, the whole act, and I would say that that means it's our job to litigate all the things that happened in the past that led us to the current point in the legislation and to determine where we think the Legislature should move as we go forward. So I do think it is actually our mandate to relitigate some of the decisions that were made around Bill 10, and I think that that's part of why this committee was struck.

I do have concerns still around the erosion of the Westminster institutions and the delegation or potentially even abdication of our responsibilities by delegating it to the minister. For those reasons, I have concerns and feel reluctant to support it in its current wording. I think that we have a responsibility to really sharpen our focus and to propose amendments for drafting to come back to the Legislature, and I think that the fact that we are doing this after Bill 10, with a very clear mandate that we need to review this act, says that there are issues that we need to resolve. I don't think that the motion in its current wording resolves those, so that's why I'm reluctant to support it in its current state.

The Chair: Are there any other members wishing – I see Member Neudorf.

Mr. Neudorf: Again, I can appreciate the member opposite's argument. I don't think any single motion has the power to completely reform and meet the mandate, but this motion, along with all other motions that we've approved together, will accomplish that goal. I think that's the point that I'm trying to make, that, yes, we are here to look at the entire act. We've debated that and we have done – I just said that we weren't here to rewrite it. Again, no single motion can in itself accomplish the entire goal of what we're trying to do here, but this motion, along with all the other motions that we are debating and either passing or not passing together, will be solid recommendations, some more specific and more actionable and some more in general, as this one may in fact be. Again, this is an important piece of that collaborative whole, and I think it's important to recognize that for this individual motion.

Thank you.

The Chair: Thank you, hon. member.

Are there any other members wishing to join debate? I believe that Member Turton has the call.

Mr. Turton: Awesome. Thank you very much, Mr. Chair, just to be able to close out debate on this motion. I will admit that I'm a little perplexed, at least at some of the comments from the other side. I mean, when I look at section (a), it says, you know, "If a provision is ambiguous as to who may exercise the power." I mean, the whole purpose of this motion was really to clarify in times of fogginess about who is able to exercise power, and then this is really mandating that the authority and the decision-making process are clarified. To have members opposite saying that they don't think providing clarity in the Public Health Act when there is some confusion about which conditions need to be satisfied or who can exercise power – I just am a little perplexed by that.

You know, I do think it strengthens the Public Health Act. I think Albertans will be better off if this is potentially accepted by the Legislature. That's all I'll say to kind of close out debate on this one.

Thank you.

The Chair: Thank you.

I see Member Ganley.

Ms Ganley: I will be very brief and merely point out when the member is saying that he takes issue with our position because this is just a position to clarify that the government's position on Bill 10 was that it was just to clarify, yet here we are.

The Chair: Thank you.

Are there any other hon. members looking to join debate?

I'm not seeing any, and I'm prepared to move to the question on Motion 50 as proposed by Member Turton. All those in favour, please say aye. Any opposed, please say no.

That is carried.

We are now moving to, I believe, Motion 48. Oh, I thought it was Member Shepherd.

Mr. Shepherd: Yes, Mr. Chair, but I believe my colleague Member Ganley would like to move this on my behalf.

The Chair: Member Ganley on behalf of, absolutely.

Ms Ganley: I will move the motion on behalf of Member Shepherd. Do you need me to read it into the record?

The Chair: Yes, please.

Ms Ganley: Okay. I move that

the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended

(a) to recognize the importance of universal public health care services in ameliorating population health outcomes and affirm the importance of universal public health . . . in the protection of public health;

(b) to establish a provision expressly setting out an individual's fundamental right to equal access to health care services;

(c) in order to ensure improved overall population health outcomes through the system of universal public health care services, to prohibit a physician from being compensated for the physician's provision of services from both the public health insurance system and from private coverage.

I think one of the things we heard from presenters before this committee was that the act could do a better job of recognizing certain aspects of public health. Right now one of the major issues – obviously, COVID is a major issue before us right now, but one of the major issues that had been before us even before that emerged was sort of long-term and chronic health conditions. I think that in terms of the outcomes in those sorts of conditions a number of – I think there can be very little debate that public health care is incredibly important in terms of those. It's one of the most important issues when it comes to population health. I think this has been recognized by the World Health Organization. It's been validated in numerous empirical and academic studies. It's been seen in a B.C. Supreme Court decision just recently.

In terms of improving overall population health outcomes, one of the single best things you can do is to ensure that everyone has access to universal, high-quality public health care. I think that the act should affirm the importance of that because I think that this as a determinant of health is clear. Lest the members opposite suggest that I am straying outside the region of discussing health, I would hasten to point out that there are a number of other things that could be added as important determinants of health – for instance, access to adequate public housing, access to adequate social assistance – but we haven't quite gone that far. I think it's incredibly important to recognize that in terms of overall public health outcomes the curve is moved most effectively by universal public health care, and it should be a fundamental right of each individual to equally access that.

Now, with respect to some of the later provisions in this I think one of the potential concerns right now around public health care is a physician's ability to bill both the public and the private systems simultaneously. I think that that is quite problematic, so in order to ensure the integrity of the system, we're recommending that we legislate that physicians can only bill the public system or the private system, not both.

This recommendation to modify the act, I think, aligns with the findings of an incredibly comprehensive and very recent legal judgment as well as, again, a volume of literature that has been produced over time as well as recommendations from the World Health Organization. So I think there are a lot of good reasons to support this.

Thank you.

The Chair: Thank you, Member Ganley.

Are there any members wishing to – I see Member Lovely.

Ms Lovely: Thank you, Mr. Chair. Very glad to have the opportunity to speak to this motion. Our government is committed to ensuring that all Albertans have access to publicly funded universal and reliable health care. The very learned member is aware of the Alberta Health Act and the Alberta Health Care Insurance Act, that already do what this motion proposes. As the health care critic for Her Majesty's Loyal Opposition Mr. Shepherd is, of course, knowledgeable about what health legislation exists, or taxpayers would certainly hope given the member's important role. This motion is inappropriate and duplicitous, in my opinion. The mandate of this committee is to review the Public Health Act, not all acts that govern health care in this province.

4:10

The Chair: Thank you, Member Lovely.

I see Member Shepherd.

Mr. Shepherd: Thank you, and thank you to Member Lovely for those well-read remarks on behalf of the government caucus. I think my colleague Member Ganley has laid this out quite clearly, where this falls within the Public Health Act. The provisions here are fairly simple, certainly nothing – I hope nothing – that would be objectionable to any member of this committee, simply “to recognize the importance of universal public health care . . . in ameliorating population health outcomes and affirm the importance of universal public health care in the protection of public health.”

Now, certainly, by bringing this forward, we aren't suggesting that this government doesn't support that. That would be their own actions, Mr. Chair, through Bill 30 and many other decisions which they are choosing to make. Certainly, though not yet crossing the line, many experts in the field of public health and health policy and health law have expressed grave concerns about how close to that line this government wishes to get and whether they might not at some point decide they are going to cross over it.

That aside, what we are bringing forward here is a simple affirmation and recognition that an essential part of protecting population health, as is the mandate of the Public Health Act and part of its purview – that universal public health care is an essential part of that, and as my colleague Member Ganley noted, endless amounts of evidence show that that goal is best achieved in a universal public health care system. Indeed, in the most recent pandemic in places where provinces or jurisdictions have opted for a greater degree of privatization or use of private delivery, we saw poorer outcomes, more lives endangered, more harm done. This part (a) is simply recognizing that essential place that universal public health care services have in protecting population health.

Now, provision (b), “[establishing] a provision expressly setting out an individual’s fundamental right to equal access to health care services.” Certainly, again, we’ve passed motions today affirming other rights of individuals within the province of Alberta in the midst of a public health emergency and under the Public Health Act, and indeed for the reasons that I’ve just gone through in regard to clause (a), I see no reason not to reaffirm the individual’s fundamental right to equal access to health care services, particularly in the midst of considering population health and considering our response and our ability to protect Albertans in the midst of a public health emergency.

Now, certainly, there have been many arguments that have been brought forward in regard to many of the decisions this current government has made and the impact those will have on equal access to care. Of course, that is not the matter of debate in front of us here today, but needless to say, it is possible for any government to, by its decisions, potentially endanger or impact this very right. I don’t think that this would in any way constrain the ability of a future government or a current government to explore areas of innovation, areas of reducing costs, areas of improving delivery to better benefit Albertans, but it does clearly assert that in doing so, it should absolutely ensure that it does not trample on the individual’s fundamental right to equal access to health care services as part of that work.

Lastly,

- (c) in order to ensure improved overall population health outcomes through the system of universal public health care services, to prohibit a physician from being compensated for the physician’s provision of services from both the public health insurance system and from private coverage.

Again, this is a fundamental principle that has been agreed on by multiple experts, recognizing that situations that would allow a physician to bill both a public system and private coverage are ultimately damaging to universal access, to an individual’s right to equal access. Indeed, as my colleague noted, we’ve just had a prominent decision in the B.C. courts that asserted precisely that and that those who have attempted to circumvent or strike down this provision as it currently exists have brought forward at best incredibly skewed, incredibly poor data, but that has not stopped them from trying to attack this fundamental right.

I have no doubts that there are individuals within the province of Alberta – be they individual citizens, elected officials, health care professionals themselves – that would also seek to challenge this out of their own pursuit of ideology or profit or whatever reasons they may have. I think a clear assertion that this is not something that we wish to see in the province of Alberta, that this is not something that we would allow, indeed, making that prohibition absolutely one hundred per cent crystal clear – I would hope that would be something that every member of this Legislature would support.

I appreciate my colleague for bringing this motion forward on my behalf because, indeed, as the Official Opposition critic for Health I am well aware of the legislation that exists, how it has been endangered, how it is being undermined, how it is being circumvented by the current government, and the danger it could be in under future governments. So regardless of whether government members consider this redundant, on behalf of my constituents and the hundreds and thousands of Albertans who have reached out to me to affirm this very principle, I will be supporting this motion today.

Thank you.

The Chair: Thank you, hon. member.

I see Member Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I think, just touching on what MLA Lovely had said, obviously this motion is covered in the Alberta Health Act and the Alberta Health Care Insurance Act, and I think the idea of putting forward this motion in this committee to simply, you know, grandstand some opinion that he wants to get out is not the purpose of this committee. This exists already. This current government, that he has talked about circumventing, is spending the most amount of money on our public health care system, and I think that should be recognized as well. If we’re going to bring up supporting universal health care, this government is supporting it with, I believe, \$21.1 billion, which is substantial.

It is also committed to reducing wait times to less than four months, and I do believe that under the NDP government wait times went up. Where’s the leadership there? Money went into the system; wait times went up. I think the NDP government at the time should have had a better focus on patients and those outcomes, which I think would have been a benefit to all Albertans.

Thank you.

The Chair: Thank you, hon. member.

Are there any other members? I believe that the member that I had on the list was Member Dang.

Mr. Dang: Thank you, Mr. Chair. I think that what we’ve been discussing here with this motion from my hon. colleague – it is important to remember that we’re talking about having good public health outcomes, right? We’re talking about population health – population health – which is public health, not acute health care. However, what the hon. government members seem to be saying here is that they don’t think that we should pass this because we don’t need to include the idea of universal health care as an outcome of public health, as something that proceeds to help public health.

4:20

Mr. Chair, I think it’s interesting that instead of actually debating the merits of universal health care as an outcome of public health or something that would improve public health outcomes, they stick to talking points and insults. Instead of raising the level of debate here, it seems that members of the government would like to talk about acute care. But indeed what we’re trying to say is that if every single person in this place agrees that universal health care will improve our public health outcomes, will improve the population health of Albertans, then we should enshrine it in this act to say so. We should all be able to accept that this idea of universal health care is something that Albertans support and every single member of this committee should support.

It seems indeed that members of this government caucus do not support that; otherwise, they would be speaking in support of this motion. It seems indeed – I wouldn’t presume what the motives of any member would be in this place, Mr. Chair – that if you were to vote against something as simple as this, which is to say that universal health care is a right for every single Albertan and will have the effect that it improves our population’s health, then indeed it would seem that you are opposed to the idea of universal health care and that you are opposed to the idea that this will improve our population’s health and the outcomes for our population.

Frankly, I think it’s disingenuous and, frankly, I think it’s short sighted of government members to be debating so vigorously against this when they say with one side of their mouths, Mr. Chair, that they support universal health care, that they support public health and they support these programs, but on the other hand they refuse to actually vote in support of these programs.

The Chair: Thank you, Member Dang.

Are there any hon. members looking to join debate on this? I believe I'm seeing Member Neudorf.

Mr. Neudorf: Thank you, Mr. Chair. I think there is a lot of debate here, but I feel that this recommendation goes far beyond a recommendation. This is actually policy, partisan policy, actually, by the opposition, that is cleverly designed to lead this committee, ahead of the Legislature, to debate potentially a new bill on universal public health care. That is not what we're here to do. We're not to get ahead of the Legislature. The general election, which has put one party in government and another in opposition by the will of the people of Alberta: that is the place to put forward bills on universal health care that make statements like this. This is not a recommendation. This is policy, and I think it goes far beyond the mandate of this committee. That's why I won't be supporting it. This work has already been done. It's already in the Alberta Health Act. It's already in the Alberta Health Care Insurance Act. I don't want to place this committee above or ahead of the Legislature. I think the Legislature is the place to have that debate, and this is the place to make recommendations within the Public Health Act, and I'll be sticking to that mandate.

Thank you, Mr. Chair.

The Chair: Are there – I see Member Hoffman.

Ms Hoffman: Thanks very much, Mr. Chair. I want to take a moment to touch on a few things that Mr. Rutherford said when he talked about wait times. I'm incredibly proud of the fact that we reduced wait times for hip fracture repair. One that's close to my heart, and I imagine for many people around this table, is that breast cancer surgery wait times went down significantly. I hope that members take an opportunity to look at some of the breakdown rather than throwing blanket attacks, because I know that there are women in this province who are alive today because we worked hard to reduce those wait times, and I'm incredibly proud of that. We did that in a way that was needs based, not room-on-your-credit-card-based as well, and we expanded services along a corridor from Lethbridge. There was an expansion of cancer services there, all the way up to Grande Prairie. I think that there are many items that we made significant progress on, and I think it's important to honour that as well.

I do think that there is more that should be done to continue to increase access for individuals. While volume went up pretty much in every category and the number of surgeries went up in pretty much every category – it's true that the wait-lists went up even more in some categories, again, some categories. I think it's important for us to say as a society: do we believe that we should be working to reduce those wait times for all Albertans, or do we believe that we should be reducing those wait times for those who can afford to pay out of pocket?

I think one of the things that we heard through the submissions – and I'll draw members' attention to the Revised Summary of Written Submissions Public Health Act Review document, that was distributed on September 24 by our hard-working research services, Legislative Assembly Office. On page 15 of that, under Healthcare System Generally, there were a number of people who wrote in to all of us through this committee saying that they objected to privatized health care, that they wanted examples of strengthening public health care. There were over 20 submitters who wrote specifically on that theme, and I think for us to show respect to the folks who took their time to write in these recommendations, it is incumbent upon us to act on that in this committee and bring forward recommendations.

Again, this committee is here to bring forward recommendations for things to be considered by the Assembly at a later time, and I think that stakeholders as well as at least some members of this committee would like a reinforcement of the connection between public health care and population public health to be highlighted in the recommendations of this committee.

One example of something that relates specifically to population public health: in the annual report of Health performance indicator 5(c) is around infant mortality rates for First Nations people compared to non First Nations people, and a lot of people have drawn a very clear connection between access to public health care, access to the kind of maternal care that I think every Albertan should be able to access, and whether one is First Nations or not.

This is an opportunity for us to take a specific metric that we're measuring every year through the annual report and say: these are our values. As a committee we think that we can drive public health, population public health, which is part of the clear connection between this legislation and why we're bringing forward this motion, to the root of how we can improve that public health.

Other people wrote in about other types of chronic illnesses and how that relates back to public health. We know that, particularly when we're not in a pandemic year, a big piece of what public health does is smoking cessation, diabetes education. There are many pieces that relate specifically to population public health, and I would argue that when we deliver those types of programs through Alberta Health Services or Alberta Health, through other means, we have a greater opportunity of impacting public health, population public health, than when we leave smoking cessation for those who have the ability through their insurance provider or through their own credit card.

I think that this is absolutely core to the mandate of this committee. We are here to determine recommendations on how we can improve population public health, and a commitment to saying that universal public health care is foundational to that, I think, makes very sound sense in terms of the legislation and in terms of what we're urging the Legislature to consider.

I do have to say that if members vote against this, I'm concerned about what message that sends not just to the Legislature but to all Albertans about the Legislature's commitment to public health, something that was front and centre in the election. There was a campaign announcement not far from where I live, and it was a big public health guarantee. This is an opportunity to show that the UCP members of this committee are still committed to that platform announcement that was made during the election. As was said, this is about public policy as it relates to population public health, but it is also about the last election and if members of the Assembly stand by the things they ran for in the last election, and I certainly hope that we all do.

With that being said, I am grateful for this being brought forward as well as for the summary from research services to enable us to consider what things the people of Alberta wrote in with recommendations for us to consider, and I would argue that this directly relates to – something that more than 20 submitters asked us to consider.

Thank you.

The Chair: Thank you, Member Hoffman.

Are there any other members wishing to – I see Member Dang.

Mr. Dang: Thank you, Mr. Chair. I would just like to briefly respond to the comments from Mr. Neudorf. I think that at the beginning of his comments he had mentioned that he's concerned that there is a policy debate being made, and I believe his exact

words were “partisan policy.” I’m extremely concerned that members of this government caucus consider the usage of public health care and its outcomes in public health to be a partisan policy. I believe that’s something that we should agree on as in the best interests for all Albertans.

Thank you.

The Chair: Thank you, Member Dang.

Are there any other members wishing to speak to Motion 48?

Seeing none, on Motion 48 as proposed by the hon. Member Ganley on behalf of Member Shepherd, all those in favour of Motion 48, please say aye. Any opposed, please say no.

That is defeated.

4:30

Mr. Shepherd: A recorded vote, please.

The Chair: I believe that we are going to be moving forward with a recorded vote. All those in favour of motion 48, as proposed by Member Ganley on behalf of Member Shepherd, please raise your hands. I will start with Member Ganley.

Ms Ganley: Yes.

Mr. Dang: Yes.

Mr. Shepherd: Yes.

Ms Hoffman: A hard yes.

The Chair: All those opposed, please say no, starting with Member Neudorf.

Mr. Neudorf: No.

Mr. Reid: No.

Ms Lovely: No.

Mr. Turton: No.

Mr. Rutherford: No.

Mr. Rowswell: No.

Ms Rosin: No.

The Chair:

That motion is defeated four to seven.

Moving on now to motion 51, I believe that Member Reid has the floor.

Mr. Reid: Thank you, Chair. It’s my pleasure to bring forward this motion. I move that

the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended to remove the Lieutenant Governor in Council’s power to order the mandatory immunization or re-immunization of individuals, as specifically referenced in section 38(1)(c).

The Chair: If you would like to take the floor, it is yours.

Mr. Reid: I would. Thank you.

I think this is one of the single most important issues that I was contacted on by members of my riding of Livingstone-Macleod and by a number of Albertans, just concern over the reality that in the current Public Health Act this legislation exists, and I share that. Again, after speaking with a number of constituents, health care professionals, and even in discussions with Dr. Hinshaw here at

committee, this is a part of the legislation that we have never used, would likely never use, so I asked the question: why do we need it? We don’t, so I’m happy to move that we recommend that we remove this section from the Public Health Act.

Thank you.

The Chair: Thank you, Member Reid.

I see Member Shepherd.

Mr. Shepherd: Well, thank you, Mr. Chair. Thank you, Mr. Reid, for bringing this forward. You know, in general I’d say that for us in the Official Opposition, we trust that there is going to be a widespread uptick, I think, of vaccination by the public. When a COVID-19 vaccination becomes available, I believe the majority of the public is going to take that up willingly, of course once that vaccine has gone through the appropriate trials. We trust the advice of the chief medical officer of health, Dr. Deena Hinshaw, and her testimony before the committee, so I believe that myself and my colleagues will be supporting this recommendation. We are aware that this power has never been used before in Alberta’s history.

However, it might have been helpful for the committee to have heard some additional testimony from experts on this and some other issues, as we had hoped and as was voted down by members of the government side. It’s unfortunate that members opposite chose to drag their feet at certain points throughout this discussion, that we failed to have the opportunities to meet earlier, sooner, more often, when we could have more fully probed this issue and others. I mean, we are in very challenging times. But we recognize that a lot of Albertans, too many Albertans, have lost their lives as a result of COVID-19, and as we’re considering the recommended changes to the Public Health Act, appropriate measures to protect public health, frankly, we believe that this committee could have done much more.

Ultimately, we as a committee, as has been said by many here today, are here to make recommendations. Decisions on whether or not to modify the act with respect to mandatory vaccination will rest with the government, and that legislation will come before the Legislature. In the meantime I’m happy to hear the thoughts of any other members, and I look forward to the opportunity to vote on this motion.

The Chair: Thank you, hon. member.

Are there any other hon. members looking to discuss motion 51? I see Member Hoffman.

Ms Hoffman: Thank you very much, Mr. Chair. I’m definitely looking forward to hearing more from my colleagues on the other side of the Assembly as well. I agree that this is an item that many people have reached out to us about with opinions that range, I would say. I have heard from a number of folks who work in public health who feel strongly that everyone should be immunized for everything, and of course I’ve heard from many folks who have raised concerns around their own bodily autonomy, for example, and their ability to make decisions for their own health.

Then I’d say that probably where the vast majority land, in terms of folks that I’ve heard from, is that we really do need to push significant public education, public awareness and make sure that we correct any misinformation that is floating around there in the public, particularly as it relates to risks of immunizations. One of the things I hear about often is questions about immunizations and learning disabilities. Of course, we know scientifically that there isn’t a link between autism, for example, and the measles, mumps, and rubella immunization, but clearly we continue to fail as a society when that science gets called into question over and over again.

I think the position that I have landed on is that I think we need to do significant work in terms of public education, significant opportunities. That's one of the reasons why, again, we brought forward the amendment specifically as it related to where students were registered in schools, around the isolation piece if required, but also around the proactive education piece so that public health could use their time in doing the follow-up calls to say: "You know, I've been reviewing the public health records, and I know your child hasn't had the following immunizations. Was that something that you intended, or do you have any questions, or is it something that just fell off your plate?" The number of parents that are struggling with so many different pieces of responsibility, especially right now, I would say, when we're trying to limit interactions with folks outside the home and with the ability for some scheduled immunizations to fall off the radar and awareness of parents, I think is significant.

I think that having public health reach out through education means rather than through prescriptive mandating is the method that I certainly have been advocating for. I think that with fair and appropriate public education, I am confident that we will have huge uptake, not just for the COVID vaccine when one exists but for all types of immunizations. I think that when we have an opportunity to talk about the benefits of immunizations in respectful dialogue, we have an opportunity to really gain in terms of population/public health and preventing the spread of viruses and infections that certainly can be prevented in a very safe way. So I have fallen on the side of education.

I also regularly talk about how, when I ran for office, I did it because I wanted to do things with and for my community. I wanted to work in partnership. I didn't want to impose things on individuals in my community.

One of the other things that we were asked during the last few years was that as some provinces have moved forward with requiring mandatory immunizations for attendance in public schools, that was definitely a question of deep consideration. I know that the intention is to create as safe an environment for everyone to learn in as possible, but I think that the potential downside is that children whose parents don't consent to those immunizations would then be deprived of a quality public education.

Again, I landed on the side of: let's work with parents and guardians and with those who are in a position to be able to authorize the acquiring of an immunization, to answer any questions, to put the evidence and the science forward, and to empower them to make the decisions for themselves and for those who are entrusted to their care. It's a tough position to land on sometimes. Of course, it is the hope that every child receives full, comprehensive immunizations, but again I know that even in the provinces where they did bring in legislation requiring it before individuals would be able to attend public school, they, of course, had to put in exemptions for religious freedoms.

I think that where we're landing in this committee is probably the right place, and I think that at this point in time I would like to see a government strengthen public health care, strengthen public health units through AHS and through Alberta Health, and rather than continuing to erode their funding, give them the tools to be able to do good population/public health education. That, again, is one of the reasons why I will continue to advocate for full universal public health care in our province.

4:40

I think I will support the motion as proposed. I do ask that we couple that individualism with a collective will to support public health care and to expand it in a way that meets the needs of our

society rather than, you know, trying to tiptoe around formulas and erode the provision. We certainly know that in terms of health care priorities, population/public health isn't always on the top of the list of things people are asking for. They're asking for: will you reduce my knee replacement surgery wait time? Of course, that is a priority, but we also need to make sure that that underlying public health, that keeps all of us well and our society functioning, is also a priority.

Thanks for listening to my musings on this, and specifically I want to say that I'm supporting this motion today. I have heard from many folks who probably won't like that, and I've heard from many that will really like that. I think that the piece in between is that we need to make sure that we support a strong public health care system so that we can actually do the education piece. The reason why I'm supporting this is because I believe that education is the way to go, but I think it takes a public investment to make that happen and do it in a safe way. I hope that that is a priority for members of this committee and, in turn, for our Assembly.

Thank you.

The Chair: Thank you, Member Hoffman.

Are there any other members looking to join debate on motion 51?

Seeing none, on motion 51 as proposed by Member Reid, all those in favour, please say aye. Any opposed, please say no. That is carried.

Mr. Rutherford: Can I get a recorded vote, please?

The Chair: A recorded vote has been requested. All those in favour of motion 51 as proposed by Mr. Reid, please raise your hand and make it known. I will begin with Member Hoffman.

Ms Hoffman: Aye.

Mr. Shepherd: Aye.

Mr. Dang: Aye.

Ms Ganley: Aye.

Mr. Neudorf: Aye.

Mr. Reid: Aye.

Ms Lovely: Aye.

Mr. Turton: Aye.

Mr. Rutherford: Aye.

Mr. Rowswell: Aye.

Ms Rosin: Aye.

The Chair:

That is carried unanimously, with 11 to zero.

All right. Moving on now to motion 40. . .

Mr. Dang: Just before we continue, if that's okay . . .

The Chair: Yeah.

Mr. Dang: . . . I would like to maybe test the room here and see. We've made considerable progress today. Over half of the total motions have been completed. I note we did schedule 18 hours of debate. I anticipate that we won't need Thursday here as well. I'm wondering if perhaps we'd like to adjourn and reconvene tomorrow to complete the remainder of the – what is it? – six motions left.

The Chair: Yeah. I guess what we're doing right now is that we're simply just testing the room on the idea of this. The motion hasn't been proposed, so I guess what I'll do is that I will leave it up to any members. I'll open it up for discussion. I see Mr. Turton.

Mr. Turton: Yes. Thank you, Mr. Chair. You know, I also appreciate that we've made some great progress, and that's why I want to continue in this spirit of collaboration. I think we're doing quite well and having some rigorous debate, and I would like to keep going right up until the 6 o'clock timeline that we originally agreed on.

Thank you.

The Chair: All right. I think that that states that we are moving forward to, yeah, motion 40. I believe that Member Ganley has the floor.

Ms Hoffman: Might I put one more idea out?

The Chair: Of course. Yeah. Let's do that.

Ms Hoffman: Thanks. I see that there are three opposition motions left and six government motions left. Maybe we can address a couple of the government ones so that tomorrow isn't just all government, for example, that we keep some balance in other days as well. I don't know if that's the will of the room.

The Chair: Yeah. Looking around the room, I'm not seeing any opposition to the idea. From my understanding and for clarity, I believe that we have 40, 39, and 46 left on the list from opposition members. I'm seeing nods on that. Okay.

Mr. Neudorf: I think we should just carry on with what we've got going back and forth, and whatever is left at the end is what's left at the end. I'd like to continue that through. It's been working well all day, and I'd like to continue that.

Thank you, Mr. Chair.

The Chair: Fair comment.
Any other views?

Ms Hoffman: I think that if we want to have balance on other days, too, we either need to create some balance now, or we're going to see a day where it's only government business, and I don't totally feel that that's balanced or fair. I wouldn't mind at least doing a couple of the government ones now, 54 and 55. If we're here for an hour, let's get some progress, would be my opinion.

The Chair: I see Member Reid.

Mr. Reid: Yeah. I thought the member requested the listing of our motions so she could do her homework. We presented that for you so that you could do what you need to do to prepare for tomorrow. I see a bit of a conflict.

The Chair: I see Member Hoffman.

Ms Hoffman: Happy to respond. Yeah. By my homework – what I wanted to do, because we did go through and we made these substantial binders, was to go through a number of things. I've got on my list: 54, government motion 55, and where they are in my binder. I've been able to do that during the couple of breaks that we've had. It would certainly, I think, be useful for us to – I've adapted, and I've been nimble. I think I've done the homework in mapping out where we're at. This is my proposal, that we do government motions, the ones that were labelled as 54 and 55, next.

I'd like to move that we consider amending the agenda to reflect that, then.

The Chair: I think that we've got views on all sides on this. I think that we discussed this at the outset with regard to some members – I'm not naming names – stating that they would prefer to actually do everything sequentially, which probably, according to my logic, would have resulted in sort of the first day being the motions from your caucus. Maybe the second day, the way time has gone forward on this – I think it's been discussed quite a bit. I think that ultimately we as a committee decided to put together a list of who wanted to go with what motions when, that kind of logic. I think that if we're comfortable with moving forward with the previous logic of the committee, I'm willing to rule in that favour. What I would say is that probably the next motion, according to my list, that would be put forward would be Member Ganley's, motion 40.

Member Ganley.

Ms Ganley: Thank you very much, Mr. Chair. I'll begin by reading the motion. I would like to move that

the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended to

- (a) expressly set out an individual's right to access and be provided abortion services, and
- (b) expressly include abortion services as a service that
 - (i) a regional health authority must provide under section 10 of the act, and
 - (ii) the minister must provide under section 12 of the act.

The Chair: If you'd like to take the floor to continue, please.

Ms Ganley: Thank you very much, Mr. Chair. Happy to do so. Thank you very much for the privilege to bring forward this recommendation for consideration to the committee, and thank you to the members opposite for agreeing to consider the Public Health Act in its entirety.

As we heard in testimony before this committee, the Public Health Act is really about population and public health. That is its function. We have been encouraged to consider public health much more broadly. That recommendation came from a couple of different stakeholders, but to summarize it, essentially what they were saying is that, you know, it focuses sort of on acute disease, but we should be focusing on population health as a whole. I'd hasten to point out, when I'm saying this, that this is not, I think, an issue specific to one side or the other, but it is an issue which has evolved over time. A comparatively small amount of the budget goes towards public health versus something like acute care.

You know, in considering it broadly, I think we know that access to abortion services is a key issue for population and public health. For more than a generation abortions have been legal in this country. However, access is a separate and distinct issue. It has always been my belief that to say that someone has a right imposes an obligation on other people around them. That is what differentiates a right from a liberty. The issue that arises is this issue of access, and access is a provincial issue because the province is the constitutional provider of medical services. We are proposing that the Public Health Act be amended to expressly set out an individual's right to access and to be provided abortion services and to codify this in sections 10 and 12 of the act.

4:50

Let me address at the outset two obvious issues that arise. First, the committee has been strongly encouraged to modify the act to consider population and public health much more broadly. I was

hoping to be moving this motion after we had all collectively accepted the importance of universal public health to our health outcomes. I am sad that that is not the case.

We heard from the representative for Alberta Health Services, who stated in their presentation to this committee that we should broaden the scope of the act to reflect current and future challenges. We also heard from the Ministry of Health, who, likewise, encouraged us to think more broadly and bring the act forward into the 21st century. The Ministry of Health noted, “Public health is a combination of programs, services, and policies that protect and promote the health of all Albertans.” We’ve heard from the ministry that public health needs to consider, for example, labour market participation.

Finally, we heard from the public, and let me reference the Legislative Assembly of Alberta’s summary of issues and proposals, the document that we spoke of earlier, which urged the committee to expand the focus of the Public Health Act. We got recommendations from the public to consider medical services, physical fitness, healthy diets, environmental factors, and so on, all of which are determinants of public health. My point is that the act as it currently is written is very narrow, and the committee has been encouraged to broaden the focus of that act.

The second point I’d like to address is whether access to abortion services is a matter of population and public health. For the benefit of the members opposite and the members of the public, I think that there’s unanimity on this point. There are thousands of academic articles that discuss and empirically quantify the relationship between abortion services and population health outcomes. Indeed, this issue is a common topic in journals like the *American Journal of Public Health*, the *Journal of Public Health Policy*, the *Annual Review of Public Health*, and the journal of sexual and reproductive health, to cite just a few examples, and it is well established, in fact, that when women lack access to safe abortion services, they have a higher incidence of mortality. To put it bluntly, they die. Indeed, complications from unsafe abortion services are among the leading causes of maternal death and a critical issue for population and public health.

To summarize, we’ve been encouraged to think about the Public Health Act more broadly. That includes considering determinants of health, and without question, access to abortion services is a key issue of population health, which is the main focus of this act. The issue before the committee is whether we want to entrench the right to access abortion services in Alberta. Right now access to these services is geographically limited, which is an obvious problem, but the larger issue at hand is that the right to access these services and that they be provided to Albertans is not codified in legislation where it belongs, in the Public Health Act. In the view of the Official Opposition we should entrench the right to access abortion services in the legislation. Women in this province have been waiting for far too long for this type of right, and we should respect the rights of women in this province. This is a critically important issue for women and for broader public health, so I would ask the government caucus to join us in recommending the right to abortion services in legislation.

Just before I close, I think it’s worth addressing some objections which may come up. Now, certainly, I was personally surprised to hear just a short while ago that the government caucus members consider support of public health care as a public determinant of health, which I think is almost universally supported by science, to be a partisan issue, so I expect that given that it was raised in that context, it will be raised in this context as well.

I would hasten to point out that this has become an issue lately. It’s certainly a moving issue in the country immediately to the south

of us, which, honestly, whether directly on law, certainly impacts and moves opinion here in Canada. The fact that this debate has recently been reopened and is likely to be very publicly reopened before the Supreme Court in that country, I think is a huge concern. That is a reason why, despite the fact that the right was recognized by Canadian courts recently, I think now is an opportune moment to move forward with putting this into legislation, because I think women hearing the debate coming from the south could rightfully be concerned. I think that we have an opportunity to address those concerns, so we ought to do so. That addresses the timing issue.

With respect to partisanship, I suspect that it will still be raised. But I think that that is not a live issue, and I say that because this issue came forward before from a government caucus member who specifically raised this issue for debate in a committee by way of a private member’s bill. There are members of the government caucus on the record in favour of the issue, so I would be surprised if the government members attempt to take the position that this is a partisan issue because that would suggest that they oppose, which I do not understand that they all do.

I think that this is an opportune moment. I think that we have the act open right now in a very broad way. Normally when a government makes changes to an act, that’s intended to address a specific issue. The nice thing about a committee like this is that it’s meant to go through the act in its entirety, to make recommendations in their entirety. I think that as a result, we have an opportunity that has not presented itself previously, and we ought to take it.

With that, I will say thank you very much.

The Chair: Thank you.

Are there any other members looking to speak? I see Member Lovely.

Ms Lovely: Yes, Mr. Chair. I’m very happy to actually have this opportunity to speak to this motion because this is something that my constituents have expressed to me they are very, very passionate about. In fact, just a few months ago I had a very large petition that was given to me – and this was gathered over the course of two days; there were over 500 signatures – where my constituents expressed to me that they do not support abortion in any way. So I don’t feel that this motion has any place in the Public Health Act. This is not the place for it. In fact, the NDP, when they formed government, had the opportunity, and they did not take it. In fact, they amended the Public Health Act three times while they were in power, and for the record I’ll just read that, with Member Shepherd’s permission: Bill 28, 2016; Bill 34, 2017; and Bill 19, 2018. “Why didn’t they enshrine this into the act while they were in power?” is a very good question. But I just wanted to share with the entire committee that this is something that my constituents have expressed to me continuously.

Those are my thoughts.

The Chair: I see Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair, and thank you, Ms Lovely, for your thoughts and bringing forward the thoughts of your constituents. I did want to take a moment to speak to this motion as the Official Opposition critic for Health. I appreciate my colleague Ms Ganley bringing this forward. I think, as she has stated, that this is an issue of significant importance. Indeed, this is an issue where we did in fact work to protect access to abortion services, to protect women accessing those services without harassment, for them to be able to access these services without others shaming them loudly, publicly.

5:00

Now, this government has chosen to move with Bill 1. Indeed, it chose to make some rather sweeping changes to where protests can take place, how they can take place. Yet many members of this government, when they were, in fact, in the Official Opposition in the Legislature, including ministers, walked out of the Legislature rather than have that debate, rather than be on the record, rather than stand up for women having safe access in their most vulnerable of moments, them having that protection.

If we want to talk about what issues we are or are not willing, to quote a government member earlier, to grandstand on, I think it's important to look at what this government and its members have been willing to stand up for and are not willing to stand up for. This is clearly within the purview of the Public Health Act. This is clearly within the purview of what we are here to look at today. As my colleague noted, the population public health is much more than influenza and pandemics.

We have reason, I think, to look at wanting to clearly iterate the rights of all women in Alberta to have equal access, to have reasonable access, to not be impaired in accessing this fundamental health service, which they have the right to access, as we made clear when we were in government, without harassment, without shame. Women in the province have good reason, I think, to question whether that might be universally true that they would have that support from all members of government currently. We have seen legislation brought forward by at least one member of the government caucus that would have particularly impacted access to abortion and other reproductive services in an attempt to – yourself, Mr. Chair, and perhaps another chair would be familiar with the language – do something indirectly that they knew could not possibly get the public's support in doing directly.

Now, I am very thankful that in the face of significant public outcry the vast majority of government members that were part of the committee that was considering whether that bill should indeed be entertained on the floor of the Legislature voted against it. So that certainly is at least one indication that they are aware of what a significant issue this is for women in the province of Alberta and how important it is that we protect this fundamental right. But what we have here today is an opportunity to affirm that again.

Indeed, this government has gone out of its way to give additional affirmation on issues that they feel are important to their constituents or at times perhaps just simply useful to them politically, whether that's making double extra sure that everybody knows what the limits are on protesting or what they feel those limits should be. Certainly, they're apparently looking at having to make sure people are extra certain and sure about the rules that already exist for the protection of statues and other public monuments. They felt it very important to have extensive debate on federal gun rights.

I don't think it's unreasonable to have this discussion here on an issue that is fundamentally even more important than many if not all of those things to women in the province of Alberta. Their ability to access incredibly important public health services: indeed, that goes to the very question of autonomy over their own body and their own health. Indeed, we're seeing this on a national basis. We are seeing protestors that were just recently camped in tents at the Parliament in Ottawa expressing their concerns about lack of access in one of our provinces here in Canada that has long not outlawed access to abortion services but certainly used many mechanisms within its existing system to limit that access, to make it difficult for women in that province to be able to access what is recognized as being a fundamental right for them as an ensured health service.

We know it is possible for governments to make use of systems where there is not perhaps quite so overt a statement to try to circumvent or use other delays or drags or tactics to prevent women from having this important and key access. Indeed, I would say that to some extent this government is happy to highlight particular health issues when it feels it suits its purpose. Now, to be clear, all health access is important, and indeed it's incredibly important that we work to reduce wait times and reduce the pain and suffering that many individuals may be experiencing from joint pain or other things that they may be experiencing. Certainly, I support pursuing that within the public health care system and public delivery, but this government has been quite happy to cherry-pick very particular things that they feel are advantageous to them perhaps in the health care system to provide excuse for undermining others or at least a distraction.

In this case we have the opportunity, I think, to take a simple step in an appropriate place within the act, and indeed we are taking the opportunity as it has been presented in front of us. The government chose to have the review of this act, so we have indeed taken the opportunity to listen to many and to take steps that we feel are in line with the recommendations that were brought forward by many stakeholders.

Regardless of what opportunities might have been previously available when the act was opened for other purposes, as my colleague Member Hoffman helpfully outlined, and however the government may want to disingenuously attempt to frame that, I think it's reasonable to take the opportunity we have in front of us to highlight an important issue and one that certainly does fall within the purview of the Public Health Act and this review that we are conducting here as members.

It is a question of access, and access is a fundamental part, as was noted in the motion that I brought earlier about the importance of affirming universality of public health care as a core part of population health, one that was rejected by government members. But in this case it's important that we continue to recognize the important right that belongs to women in the province of Alberta and the work that indeed continues to need to be done, that I know my colleague Member Hoffman was indeed considering during her time as Minister of Health, having many things that needed to be addressed at that time. Indeed, as I noted, she took some important steps, and certainly we made some important moves with legislation to protect the access of women without harassment, but there is still more work that has yet to be done.

5:10

We need to ensure that we are absolutely one hundred per cent clear to the women of Alberta that we support their access to abortion and reproductive services, that that is a fundamental right that should be above question, above interference of the government, that it is indeed a service that must be provided by all regional health authorities in all areas of the province of Alberta.

I believe there are probably some other members who wish to make some remarks on this, Mr. Chair, so at this time I'll rest my case, as it were, and take an opportunity to hear from some of the other members. Thank you.

The Chair: Thank you, Member Shepherd.

I believe that Member Rosin has the call.

Ms Rosin: Thank you, Chair. I'm not going to speak super long to this motion, actually, but I do want to provide some comment. Again, I don't necessarily want to get into the ideological abortion debate today – this is not the place – but I do just want to comment on another comment that was made that seemed to draw a line

between access to abortion and access to women's participation in the labour force. I would just hope that it is not insinuated that women cannot participate in the labour force unless they do not have kids. That kind of language sickens me a little bit, so I just wanted to hope that that was not the intent of what was said earlier.

That being said, we're here today to talk about motion 40. I just want to say that I will not be supporting this motion because I don't think that the Public Health Act is the right place for it. Not only that, we've not received a single submission that I have seen, whether it be through public submissions, to my e-mail, on my Facebook, anywhere around abortion services, so I'm actually not quite sure where this motion has arisen from as this is the first that I think any of us on this committee is actually hearing of the topic in relation to the Public Health Act.

Also, I think that if we are going to suddenly recommend legislating access to a specific service when there is not a single other service legislated anywhere in the act, it doesn't necessarily make sense. I mean, for me to even consider supporting this motion, I think we would need to add in amendments that say "access to cancer treatment," "access to dialysis," "access to tuberculosis treatment," confirm access to casting if I break my elbow like I did a couple of weeks ago, maybe even access to hearing aids if I happen to have hearing loss. I mean, there is not a single medical procedure that is mentioned in this act specifically and legislated, so I think for us to suddenly open up a debate of injecting one specific service into the act without considering every other medical procedure and treatment that may be out there for every other medical disease or infection doesn't necessarily make sense.

For those reasons, I don't think that this amendment fits into the Public Health Act, nor do I think that it makes sense to put access to one single service in there without opening conversation on ensuring that access to every other treatment or service for every other health issue someone can face in our province is included in the act.

I just don't think this amendment makes sense at this time, and I will be voting against it.

The Chair: Thank you, Member Rosin.

Are there any other members looking to join debate on motion 40? I believe I see Member Dang.

Mr. Dang: Thank you, Mr. Chair. I'd like to thank my colleague Ms Ganley for moving this motion today. I think that I'm going to take the opportunity to perhaps respond to some of the comments made by members opposite and then go into some of my own points here.

I want to start with addressing the idea that because the Public Health Act does not identify particular services or other programs that would be described in it, we shouldn't be looking at that. I think that's fundamentally a flawed assumption. I think we had actually spoken at length here today about whether we recognize universal public health care as something that provides public health outcomes, and the government members successfully voted that down. Indeed, when we tried to talk about the things like access to casting services when you break your elbow, the members of the government caucus voted that down. When we tried to talk about those types of programs, the government caucus voted all that down.

Mr. Chair, I think that when we're talking about public health outcomes and how we provide them, we heard or at least this committee heard, in my review, that the Public Health Act is about population and public health, population health. Really, what we want to be looking at is how we can expand that to include different

services that are key issues in public health, in population health. Really, Mr. Chair, it's shocking, when we're looking at services that have been the law of this land for more than 30 years, in this case the legal right to abortion, that there would be members of this place that are continuing to oppose it. Indeed, members of this committee, which were hand-picked by this government to be members of this committee, continue to oppose the legal right, which has been enshrined in our laws.

I mean, it's interesting because when we talk about public health outcomes, right now we're talking about a service that affects half of all Albertans – right? – something that half of all Albertans may need to access at one point in their lives, Mr. Chair. We're talking about something that absolutely the research shows has a strong positive correlation with population health. A strong positive correlation with public health. When we look at that and we see that this is something that has been researched quite thoroughly and that this is something that has literally thousands of academic articles, instead of seeing the support of members opposite, instead of seeing the government actually say that, yes, we support improving health outcomes, we support the access to the abortion service because that is something that is not only completely legal here in Canada; it's something that we believe, just the ability to – and I think this is a line that the government likes to use all the time: access to a waiting list is not access to health care. That's what the government likes to say all the time.

Yet in the same stroke here the government members are talking about how: well, we don't think they should have access to this at all. It's not even access to a waiting list. They don't think they should have access to these services at all. I believe that's what the Member for Camrose was saying just earlier here.

I think that it's quite dangerous when members of the government caucus here are openly talking about defying the law of the land here in Alberta and in Canada, Mr. Chair, and this isn't the first time this has come here to this Assembly. Of course, just a few months ago this was brought up in bill . . .

Ms Rosin: Point of order. I'm sorry.

The Chair: A point of order has been raised.

Ms Rosin: I think it would be a gross misrepresentation to say that the government caucus is trying to defy federal laws of Canada or to insinuate that we are trying to do such.

The Chair: Is there a standing order? I think there's a . . .

Ms Rosin: Yeah. There is one that is about misrepresentation or insinuating false motives.

The Chair: Or imputing false motives is I think where we're going on this one.

Ms Rosin: Sorry; I should have had that.

The Chair: That's okay.

Opportunity to defend? I see Member Ganley.

Ms Ganley: Yeah. I think that again we're talking about a clear disagreement here as to the facts. It was certainly my intention in putting forward the motion and having put forward the previous motion to try to suggest improvements to the Public Health Act. I think the response by the government members has suggested – and I believe that one of them said explicitly that they believe this is a partisan issue, suggesting that they are not supportive of these rights. So I think the member's characterization was simply one that was based on that. Now, clearly, there's a dispute as to the facts.

You know, one member of your caucus said one thing, you're saying a different thing, and that's fine. People are free to disagree, but I don't think that that makes this a point of order. I think it makes it a dispute as to the facts.

The Chair: At this stage I do not find a point of order. I think it's a debate on the facts.

The member can please continue.

Mr. Dang: Thank you, Mr. Chair. I think, certainly, as I was saying, that this is something that's come to this place before. Members of the government caucus and then, I believe, some members that are in this room today have voted, for example, when we came to Bill 207, something that the government caucus and the majority had rejected but individuals had supported, trying to restrict access to abortions, right?

Mr. Chair, I think time and time again we have to look at the research, we have to look at what the goal of this committee is to do and look at the recommendations that were made by people like the chief medical officer and others in the department. What is the intent of this committee? We're intending to try and in some cases look at public health in a more general manner, look at what the outcomes for public health are in a more general manner.

Mr. Chair, we know – and I think my colleague Ms Ganley, from Calgary-Mountain View, had stated earlier that when we don't have safe access to abortion services, women have a higher incidence of mortality. Like, to be very blunt, there are negative health outcomes that include increasing the death rate for women in this province if members of this government will vote this down, right? To be very clear, this is the issue we are talking about. We are talking about whether we should have entrenched access to these legal services in this act, and that's something that I think members of the public and members of this committee should be debating.

5:20

It's something that I think – very clearly, we've seen that the interest of this committee is to more broadly expand and define what falls under population health, what falls under public health, to have those conversations and to have those types of discussions and to ensure that we have the types of services that we think are important for Albertans. It appears, Mr. Chair, that if we vote this down – and I wouldn't presume what any other member would feel – it is not a priority of the UCP government, of the UCP government caucus at least in this case, to enshrine and to ensure that these rights, the legal access to abortion services, are going to be available for women. I think that's something that's very dangerous. I think it's very dangerous because we know that women in this province have been waiting far too long for this type of right to be codified in provincial legislation.

We know it's something that – when we look at the services that are provided, these are things that the government has said must be provided to Albertans. However, again, in opposition to what the UCP caucus uses time and time again: access to a waiting list is not access to health care. That's their own line, Mr. Chair. That's the government caucus's own talking point. Instead of saying that we want to have these services available, we want to give women actual access to these services, they're not even suggesting that we should allow them on the waiting list. That's how outrageous this is. That's how hypocritical members of the government caucus are when they speak against this.

It's something that's shocking because really what I wish we'd hear, that we didn't hear, is testimony on the issue of abortion services among others, but when the opposition tried to have that expert witness come before the committee, the UCP caucus were

the ones that voted that down, Mr. Chair. Really, it's shocking that because the government decided to shut down debate and shut down the ability of more experts to come speak to this committee, to have more areas of public health examined by this committee, to have the types of systems brought in and actually discussed with this committee, instead of doing that, now the government caucus is saying: well, because we shut down debate and we didn't hear about this, then we should not talk about it. That's the type of hypocrisy that we're hearing from the government caucus here.

And, really, it's shocking because it is basically the perspective of members who are voting against this that we shouldn't be having this as a discussion in population health, and I think that's ludicrous. I think that, certainly, we should be talking about this as a population health issue. We should be talking about access to legal abortion services as a public health issue, that this is something, when we talk about over half of Albertans – more than 50 per cent of Albertans are women; I believe it's over half of Albertans who may need to access these services at one time in their lives, Mr. Chair – that is absolutely a population health, a public health issue. And instead of actually recognizing that these are legal rights, we have members of the government caucus coming up and saying that they don't believe this access should be allowed at all, and that is what's so outrageous.

Ms Rosin: Point of order.

The Chair: Thank you, hon. member.

A point of order has been raised.

Ms Rosin: Again 23(i), imputing false or unavowed motives. No one on this side of the government caucus is saying that access to abortion services shouldn't be allowed in this province. We are simply saying that we do not support this motion 40 being put into the act, the Public Health Act to be specific. But saying that not putting this into the Public Health Act is the same as saying that we should ban abortion services in the province would be a large, gross misrepresentation. I would say that that is definitely imputing false motives of our caucus.

The Chair: Member Ganley to respond.

Ms Ganley: Yes, thank you, Mr. Chair. Again I would say that this is a dispute as to the facts. I do not have the benefit of – I don't know if they do Blues for committees – whatever the equivalent of the Blues is, but I think that fairly clearly, after my having made an argument that this was not a partisan issue or that I did not believe it was a partisan issue, Member Lovely specifically said that it was a partisan issue, suggesting that she was on the opposite side of the issue, and then proceeded to expound on the fact that her constituents and presumably herself are against these services. Whether or not there are good grounds is irrelevant because I think, again, that it's a dispute as to the facts, and I think there are statements on the record that could support that dispute.

The Chair: At this stage I am not inclined to find a point of order.

If the hon. member could please continue.

Mr. Dang: Thank you, Mr. Chair. I want to touch again on my review of the consultation that was done by this committee. Really, when we look at the consultation that was done by this committee, they heard from Alberta Health Services. They heard from the Ministry of Health. They heard from the public, and they heard from people like the chief medical officer of health. This committee talked again and again about how this review was intended to bring this act into the 21st century. It's intended to bring this act into the present.

Mr. Chair, when we look at what that means and we look at how to promote the health of all Albertans – the intent of public health, the intent of population health – it’s really clear that in every single one of those aspects we talked about having to expand the scope of what the public health act encompasses. Those scopes included things like physical fitness, healthy diets, environmental factors, and so on, and medical services. This is a medical service that is legal in Canada, and this is a medical service that we think is certainly something that would have gross, far-reaching public health outcomes. If it’s something that members opposite do not believe will have public health outcomes, then perhaps they should say that here in this place. Perhaps they should rise in this place and talk about why there are no public health outcomes, population health outcomes, associated with abortion services.

We know that these are services that should be enshrined in legislation. These are services that should be codified, and I believe it’s in section 10 and section 12 of the act here, Mr. Chair. We want to ensure that regional health authorities and the minister should provide and must provide these services to Albertans because it’s a legal service that every single Albertan has a right to access.

I think there’s a lot of opportunity for us to debate this, and I guess I’d said earlier that we have up to 18 hours to debate this review in the next few days here. Mr. Chair, I’m happy to hear from some of my colleagues at this time, but again, just to summarize, I think that when we’re talking about population health, when we’re talking about public health, it is absolutely egregious that members of the government would say that this is not involved in population health.

Thank you.

The Chair: Thank you.

Are there any hon. members looking to join debate on this motion? I see Member Hoffman.

Ms Hoffman: Thank you very much, Mr. Chair and to my colleagues for anticipating that we would need the full time today. I didn’t think we would, to be honest. I thought that this would be a matter that we’d be able to agree on quite quickly and move forward, but that certainly doesn’t seem to be the case. I’m just going to try to refocus us all because I know there are a number of members of the government caucus who haven’t spoken yet. I just want to begin my remarks by re-reading what it is that we’re being asked to consider by my colleague Ms Ganley, that “the Select Special Public Health Act Review Committee recommend that the Public Health Act be amended to (a) expressly set out an individual’s right to access and be provided abortion services . . .”

Mr. Neudorf: Point of order.

The Chair: A point of order has been called.

Mr. Neudorf: I’m sorry. Standing Order 23(c), needless repetition. It’s right up on the screen. We’ve read it in. It’s still there. I don’t think re-reading it again is the point of this debate. I’d love to hear new information, but re-reading what we’re looking at is needlessly repeating what we already know.

Thank you, Mr. Chair.

The Chair: Are there any members looking to – I see Member Ganley.

Ms Ganley: Well, I don’t believe this actually is a point of order. It’s fairly usual to be allowed to sort of refocus one’s comments by reading again, whether it’s the legislation or the motion, but I’m

sure, having said that, that the member would be willing to move on.

The Chair: I think that we have an agreement on that. If the member could please continue.

Ms Hoffman: Yeah. Part of why I was reading it was because I think that a couple of the comments have strayed from the focus of the actual motion, and I wanted to refocus on the right to access and be provided abortion services, which is part (a), and I’ll speak to part (b) separately, I guess.

The right to access and be provided these services is something that – there are only two stand-alone clinics in the province. One happens to be in my riding, and the other happens to be in Member Ganley’s riding. This is an issue where regularly I’ve heard from folks, particularly outside of Edmonton and Calgary, about access being limited, about the requirement to – for a procedure as opposed to medication. I’d be happy to touch on the medication piece as well. It’s something that has been for quite some time quite limited.

5:30

Now, Member Lovely asked why we didn’t expand this when we were in government. We did. We expanded it through the provision of Mifegymiso, RU486, on the public formulary so that there is no woman who requires that prescription who would be asked to pay for it out of pocket or through insurance. This is something that is publicly available.

Now, that is, again, only for a very small segment of the population. That’s women who are early term, very early term, and able to access a pharmacy and able to get a prescription from a prescribing pharmacist or a doctor. Actually, I don’t think that pharmacists can prescribe it. I think it needs to be – I’m trying to recharge that part of my brain – a doctor or a nurse practitioner, and it needs to be distributed by a pharmacist, I believe. If I’m wrong on that, I’d be happy to be corrected by one of my colleagues. That is one area that we did work to start expanding. It also was the same time that Canada Health moved it forward as one of the medications that was available in Canada. I’m proud that we did that for a few reasons.

When I visited Kensington clinic, as was mentioned, in Member Ganley’s riding or Woman’s Health Options in my own riding, one of the things I did was that I stopped and I read. There’s a reflection book in the waiting room at Options, for sure, and I think at Kensington, but I’ll tell you a story about the one at Options because I flipped through it. It’s basically an area where women who are waiting to see a doctor have an opportunity to sit, have a cup of tea, and relax. They’ve usually already gone for counselling services, but sometimes they’ll go to that space before the counselling services and then again before seeing a doctor.

Some of the comments stood out. One was by a woman who talked about being new to Canada, relatively new to Canada, and how grateful she was for the fact that she was able to access this service safely from medical professionals in a licensed, health-compliant environment. She talked about how scary it was when she realized that she was pregnant and that she would need to access this service, how she was thinking about how different it would have been if she had needed this a few years earlier, when she wasn’t in a place that offered reproductive health in the sense that we offer it here in Canada and specifically at the clinic that she was at here in Edmonton. There was another woman who talked about how challenging it was for her to receive a health diagnosis that led her to make the determination that she wouldn’t be able to proceed with her pregnancy because of her own health limitations.

I can’t help but think – I know that the flags are at half-mast outside today, and I was trying to think: is that because of Ruth

Bader Ginsberg? I'm not sure if it is or if there's somebody else that we're honouring today outside this building with the flags at half-mast, but I did think about her as I walking by those flags today. I was thinking about how many women continue to have to fight for their right to bodily autonomy and reproductive health rights globally and about the progress that we've made here locally.

There have only been two speakers, and it's true that only one speaker spoke about wanting to presumably move backwards on this file in terms of things that they've heard from their constituents overwhelmingly. I don't even know about the word "overwhelmingly." I'll enjoy rereading the Blues later tonight, I'm sure, to clarify and sharpen my mind on those remarks. I was shocked because it was often women in rural Alberta who reached out to me before, in my previous role, and said: "We need more access. Access to a health service that isn't available for me to have a day trip to be able to get it, for me to be able to go a shorter period of commute to be able to get it is no access at all."

I grew up in a small community in northern Alberta. I'm reminded of women I know there who were in unsafe situations, needing to access this health service, who were concerned about how they would be able to do that when it would take at least a day to be able to go to the doctor's appointment and be able to access this service.

That brings us to point (b) in this motion, which is around including

abortion services as a service that

(i) a regional health authority must provide under section 10.

In Alberta there is one health authority right now, and that's Alberta Health Services, so I don't know why members opposite would have an issue with that and that "the Minister may provide under section 12," again keeping language consistent with the language within the act.

I can't help but think about the women in rural Alberta who've reached out repeatedly to say that access for Edmonton and Calgary isn't access for all Alberta women and all people who need abortions. Certainly, this is an issue that we have made significant progress on as a society, I would say, and in the time I've been alive, but I think, simply from the comments that we've heard already today, there is much more that needs to be done.

I also want to say that this has come up a number of times, including, I know, when I was at the RMA last year, and especially given that many government members here represent rural ridings, they were probably at RMA as well during the bear-pit, I think they call it. I recall a councillor from northwestern Alberta talking about how simply accessing birth control – and it was in light of Bill 207, which was being considered by the Legislature at the time. Arguments were being made that there was more than sufficient access to things that were deemed as being conscience rights matters by members of the government caucus. I remember this councillor saying to me: you know, my daughter had to go three towns over to get a doctor to prescribe birth control. That's not access to health provision, and it wasn't because there wasn't a doctor in their town. It's because the doctor in their town chose not to, and this young woman had to seek out other options in other communities to be able to access something to prevent her from getting pregnant.

This goes back to: women's health is public health. We certainly did move a motion prior to this around enshrining universal public health care, and I appreciate what Member Rosin said about: well, why would we enshrine this one service when we haven't enshrined other services? Certainly, we welcome other amendments, either to this or other motions, as we proceed in the days ahead around enshrining the services of health care to all Albertans. That's one of the things we tried to do with our motion around universal public

health care, to enshrine it for public health care in general and for population/public health to ensure the safety and well-being of all citizens when it comes to accessing medically necessary services. And abortion has been deemed a medically necessary service in our country. It has. That's why it's covered under the Canada Health Act, and that's why it's covered publicly in terms of people not having to pay out of pocket.

I again want to reinforce what was said by some prior speakers around the piece: when this isn't done safely and when it isn't done legally, we know that the consequences for women are dire. We have seen this domestically and internationally. I think that for us to say that we respect an individual's right to access this medical service, that we include under this the right to access it through a health authority and that the minister may provide it under section 12 of the act, it is a very clear alignment of why we're proposing this and, I think, especially in light of Bill 207 essentially dying on the Order Paper. The Assembly didn't have an opportunity to reinforce what the Premier promised when he left the Legislature refusing to vote on a bubble zone, simply a zone of protection so that women and the folks who work with them couldn't be harassed on their way in or out of the doctor's office and places where they were getting medical procedures. When the Premier, then Leader of the Official Opposition, failed to vote on that, it was stated that "we're not going to engage on these matters; we are not going to dignify this with debate; the matter is decided, essentially," and that this wasn't something for consideration.

But women are telling us that they want their rights enshrined. I know that at least one member of the government caucus here in this meeting today has said that that isn't the opinion of hundreds of folks who have signed petitions in her riding and, again, presumably her opinion, having offered her remarks in relation to this.

5:40

It's very different from the remarks that Ms Rosin gave when Ms Rosin argued about the same logic around whether or not it should be included based on the decisions that were made around removing the public health piece, the same parallel argument, which I can understand. It was a very different argument, and it was an argument that these services don't deserve to be enshrined or that they don't deserve to be provided, period. That, to me, is deeply concerning and troubling. I think that we have an opportunity to bring forward a recommendation as this committee to government to draft legislation that flows from the values and the opinions that we hold as members of the committee.

I think we've clearly outlined where this relates to the legislation and how it relates to population and public health, and I think it's important for us to think about those women who are struggling to access services, particularly in rural Alberta because that is one of the loudest voices. You won't often hear from it super publicly. It's unlikely that somebody will collect signatures on a petition in the same kind of public way that you'll hear from folks who are advocating for the restriction of these services or the elimination of them altogether.

This is something that is very personal, that many people have dedicated their life's work to. Again, in reflecting on the progress that we've made and from the fact that there are so many limitations that still exist for women here in Alberta and certainly globally when it comes to their rights over their own bodies, it is something that we have an opportunity to set the record straight on, in that we respect women to make choices, just like we respect folks to make choices about not getting immunized, right? We literally had that debate, that the government can't force an immunization on somebody, that you should have the right to bodily autonomy when

it comes to your ability to make a decision about whether or not you'll be immunized. It's the same logic that applies to this motion here today, that we are considering at this time, which is around: do we support women having the right to have their own bodily autonomy when it comes to reproductive health? I do, and I believe that the majority of Albertans agree with us on this.

That is why I'm continuing to bring this forward and to support my colleague. Actually, Member Ganley brought this forward. That's why I'm continuing to support her and so many others in the work that they're doing to ensure that this is a protected service in the province of Alberta. We've made much progress, but there is still so much more to be done.

With that, I look forward to hearing from some other MLAs as we consider this motion, which we've numbered motion 40. Thank you.

The Chair: Thank you, Member Hoffman.

Are there any members looking to join debate on motion 40? I believe Member Ganley would like the call.

Ms Ganley: Yes. Thank you, Mr. Chair. I wouldn't mind just responding. I wanted to make sure that my colleagues on all sides had a chance to respond here, and I wouldn't mind just responding to a couple of different things that we heard.

I think the first one was with respect to Member Lovely indicating that her constituents don't support abortion, and I just want to make it clear that there is a distinction here. We're not talking about everyone needing to be in favour of what choices women make for themselves. Women can quite rightfully choose either way. You don't have to be in favour of that for yourself. What we're talking about is enshrining the right for a woman to be allowed to choose for herself. I think that that's a really important distinction to recognize, because we are not suggesting that any choice is better; simply that the woman in question is the person who ought to hold the pen on making that particular decision.

I think that that right to bodily autonomy really does create determinants of health. I think that there's a lot of suggestion that that is, in fact, the case. I also wanted to – you know, I almost hesitate to address it, and perhaps I'll leave that one be.

But I think it's also worth addressing that, you know, it was pointed out that no other specific service is outlined here or defended. Well, I think there's reason for that. So I'll begin by saying – and I want to be clear, Mr. Chair – that I don't intend to relitigate this issue because the vote of the committee was clear, but if the suggestion is that I didn't bring forward anything to protect anything else, that's not true. We, in fact, brought forward a motion to protect universal access to public health, which would obviously protect all medically necessary services. I think the reason that this and, in a subsequent motion, another have been singled out is because, unfortunately – and, again, I believe that this is being driven out of the U.S., so it's not being driven necessarily out of Canada – there is some question as to what should rightfully fall under medically necessary services. I don't believe that question should exist, but whether I want it to or not, it does, and it is being debated publicly.

In fact, we saw a phenomenal jurist live out the last days of her life continuing to be on the Supreme Court in order to defend that right and in order to defend a woman's right to choose what happens to her body, which I think is amazing. But I think it's clearly a live debate south of the border, and I think that that debate is spilling over into Canada. I mean, I think it's clear. I think it's clearly outlined in the Charter, and I think the Supreme Court here in Canada did an incredible job of outlining the fact that this is a right. But, again, I think that for something to properly be called a right,

it must impose an obligation. Particularly in rural Alberta we see a situation where the exercise of that right is more difficult because people have to travel, and not everyone has a car. There are lots of people who are without access to reliable transport, so that sort of erodes that particular right, which I think is highly problematic.

I mean, the reasoning behind this is that there is some measure of live debate, and I think to say that it hasn't spilled into Alberta is incorrect, particularly in light of a member of this government caucus here in this province having brought forward a private member's bill to question exactly that.

I think that, you know, this is a special case. This is not the only special case. I, in fact, believe quite firmly that Albertans should have access to universal publicly funded, publicly accessible, publicly delivered health care. I don't think there's any question about that. I think the reason that a distinction was drawn is because we have seen that challenge coming forward.

It's also been suggested that this is not the right place, and I'm not really sure how that can be said because if the Public Health Act is not a place in which we ought to discuss the determinants of public health, I can't imagine another place where we ought to discuss the determinants of public health. That is the purpose of the Public Health Act. Specifically, we're dealing right now with the entire act. It's a review of the whole act, in its entirety. Certainly, what some of the experts have said about the act is that it's a little too narrowly focused specifically on infectious disease when, in fact, we know and all of the subsequent evidence has indicated to us that just communicable diseases are not necessarily the biggest determinants of public health. Those experts are suggesting that we should in fact broaden the focus of this particular act to ensure that we're catching all of that. I can hardly think of a more appropriate place. I don't understand why the members would suggest that this isn't the appropriate time or place for consideration of that.

5:50

Again, I think that within, you know, not only the submissions but the summary of issues proposal there have been a couple of other things noted. I think it's also worth noting a couple of little procedural situations with respect to this. The members are suggesting: why would you bring this up if people didn't write in? Well, I think it's worth commenting on the process because I think that's relevant. The opposition asked for meetings going back for months, and there were no sort of increased meetings as a result of that. We asked for more experts to come and speak to the committee; that request was also voted down. We wanted to explore how emergency powers and structures worked within different departments; that was also denied.

Now to suggest that we didn't have testimony when, you know, we came forward with a whole bunch of stakeholders that we wanted to invite and we were told, "No; we're just going to invite these four for now. These four are all that we need right now, and then once those four are done, we can have discussions about further individuals being invited," and then once those four were done, not only was a motion brought forward to prevent any further discussion of individuals being invited, let alone the inviting of the individuals, but, in fact, it was to shut down the reappearance of the chief medical officer of health, which had already been voted in favour of by this committee unanimously – I think to suggest that no one testified on that when members of the government so drastically limited who had the ability to testify is circular reasoning, I suppose, at best.

I think that covers most of the issues that I wanted to cover. I think, again, that the science on this is clear, that it is a determinant of public health, which is why I would argue that it belongs in the Public Health Act. I think other than that, I have addressed the

majority of the issues I was hoping to address. With that, I will finish up.

Thanks.

The Chair: Thank you.

Are there any other members looking to join debate on motion 40? I see Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the thoughts that have been brought forward by my colleagues on this issue and indeed the comments that we have had contributed by the government members on this issue as well. As has been noted, I do recognize that indeed some of us do have constituents who are not in support of abortion services or other reproductive services that women may wish to access, but I think it's important that we note that, regardless of what individuals themselves may believe, it has been clearly decided that access to abortion services and other reproductive services is a fundamental right.

It is one of those significant rights that are not up for public debate, that even if there were to be a majority – and I certainly do not believe that in any way there is – that oppose such access, that majority should have the right to strip that right from women. Really, that to me is something that's irrelevant to this discussion. It is a fundamental right, a right as decided by the courts, and indeed remains an insured health service in the province of Alberta, and as such, is one that I think it is incumbent on all of us to continue to defend. Indeed, we are having many discussions as a society right now about fundamental rights and things that should not in any way be considered as being up for debate. We are talking about many things that protect the rights of a person: to be free of discrimination, harassment, and indeed to have equal and equitable access to insured health services.

I think this is a very important question. I really appreciate all of the thoughts that have been brought forward by my colleagues as to why indeed we believe that we should be moving forward a recommendation under the Public Health Act to expressly set out the individual's right to access and be provided these services and that they be included in the Public Health Act, expressly clear that it is something that must be provided by a regional health authority.

Now, we have just been through a global pandemic, and we saw that Alberta Health Services indeed had to give careful thought to how it provided what are insured health services, and what were considered fundamental and what were considered essential. That was an important question. We indeed did see many important surgeries delayed. I heard from many individuals in the community, both constituents and, of course, as the Official Opposition Health critic I heard from folks across Alberta, who expressed concerns about the impact of that decision on them and their personal health.

As we are looking at the Public Health Act, which indeed does look at what steps need to be taken or may need to be considered by the Minister of Health and by others in the powers that are afforded to them in making those determinations, I think it's

important that we consider that this is an insured health service that could be considered essential in some respects even in the midst of a public health emergency, recognizing that unlike, say, a joint replacement or other surgeries which would have a profound impact on someone's quality of life but can still be reasonably delayed, the advent of a pregnancy or the progression of that pregnancy is something that is, for lack of a better term, time-limited. An action needs to be able to be taken quickly and perhaps in some cases urgently even in the event that it's not simply an elective decision by a woman but indeed a health emergency that would require that it take place.

I think, in that context, this is an appropriate consideration. This is one that is indeed worthy of discussion as we have been proceeding with today. It is worthy of us considering this recommendation, that this be clearly enshrined and stated within the Public Health Act. Indeed, it is a conversation I think that we are continuing to hear from. Much as Ms Lovely referenced hearing from her constituents on this issue, I can assure you, Mr. Chair, that I have heard from many women on the other side of this issue, and indeed as we were debating Bill 207, I was inundated with e-mails from constituents, from women across Alberta, who were shaken to their core that a member of government would bring forward a bill that would in any way begin to jeopardize or begin to potentially erode their access to this fundamental right, this essential health care service, something that is, I think, profoundly important to many women.

As has been noted, there was some debate about whether this is something that impacts women's participation in the labour force. Let's be clear, Mr. Chair, that the evidence clearly shows . . .

The Chair: Hon. member, I do hesitate to interrupt.

I just want to take a bit of a poll with regard to if it is the will of this committee at this stage to extend today's meeting. As you know, there would have to be unanimous consent in order to do that. I just want to set it out there and ask the committee if there's anyone out there who does not want to extend past 6 o'clock. If the committee is in alignment to extend past, then we could just . . .

Ms Hoffman: I'm not.

The Chair: Okay.

Then with that, and seeing the time . . .

Ms Lovely: You have to have unanimous consent, you said, right?

The Chair: Yeah. We do not have unanimous consent.

Seeing the time, then, we are adjourned until tomorrow. I believe as it's scheduled, it would be tomorrow, September 30, from noon, and it's scheduled until 6 as well. I will see you all tomorrow. Thank you very much.

[The committee adjourned at 6 p.m.]

