



Province of Alberta

The 30th Legislature  
First Session

# Alberta Hansard

Thursday morning, November 28, 2019

Day 49

The Honourable Nathan M. Cooper, Speaker

**Legislative Assembly of Alberta**  
**The 30th Legislature**

First Session

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Walker, Jordan, Sherwood Park (UCP)  
Williams, Dan D.A., Peace River (UCP)  
Wilson, Hon. Rick D., Maskwacis-Wetaskiwin (UCP)  
Yao, Tany, Fort McMurray-Wood Buffalo (UCP)  
Yaseen, Muhammad, Calgary-North (UCP)

**Party standings:**

United Conservative: 63

New Democrat: 24

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Doug Schweitzer	Minister of Justice and Solicitor General
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Smith  
Turton  
Yaseen

## Legislative Assembly of Alberta

9 a.m.

Thursday, November 28, 2019

[The Deputy Speaker in the chair]

### Prayers

**The Deputy Speaker:** Good morning, hon. members.

Let us pray. Lord, the God of righteousness and truth, grant to our Queen and her government, to Members of the Legislative Assembly, and to all in positions of responsibility the guidance of Your spirit. May they never lead the province wrongly through love of power, desire to please, or unworthy ideas but, laying aside all private interests and prejudices, keep in mind their responsibility to seek to improve the condition of all. May Your kingdom come and Your name be hallowed. Amen.

Please be seated.

### Orders of the Day

#### Government Bills and Orders Third Reading

##### Bill 27

#### Trespass Statutes (Protecting Law-abiding Property Owners) Amendment Act, 2019

**The Deputy Speaker:** The hon. Minister of Justice.

**Mr. Schweitzer:** Thank you, Madam Speaker. It's my pleasure today to move third reading of the Trespass Statutes (Protecting Law-abiding Property Owners) Amendment Act, 2019.

I've had the opportunity of travelling across Alberta for the last few months talking to people about rural crime, talking to people about property rights. This bill will give us the strongest property rights possible right now to make sure we send a clear signal that property rights are to be respected in the province of Alberta. It's going to protect our farmers. It's going to protect our homeowners across this province.

It's something that we heard directly from Albertans, that this was something that they were looking for. They wanted to make sure that people that wanted to trespass for their own agenda, for their own, you know, purposes, just have a clear signal that that will not be tolerated in the province of Alberta. There are going to be fines now through this legislation that will send a clear signal that you're not to be picking on law-abiding Albertans on their properties. It's a clear signal to the organizations out there that target the vulnerable in rural Alberta that no longer are they to be targets in the province of Alberta.

It's our absolute privilege to bring forward this legislation. I'm hoping that everybody in the Chamber supports this bill. Again, it's a real honour to be part of the team effort as well. I really want to say thank you to all of my colleagues from across Alberta that worked with us on this bill to help bring forward the ideas of their communities to get this done. I'm hopeful that we'll get support here for this bill. [interjections]

**The Deputy Speaker:** Hon. members, there's a lot of chatter happening this morning. I ask that when we're in Assembly, we just keep the volume down so that all members in this Assembly can be heard when it's their turn to speak.

Right now I will recognize the hon. Member for Edmonton-McClung.

**Mr. Dach:** Thank you, Madam Speaker. Good morning, all. I am pleased to rise this morning to speak to Bill 27, Trespass Statutes (Protecting Law-abiding Property Owners) Amendment Act, 2019. As I've mentioned in this Legislature before, I too have at an earlier time been also a rural property owner and lived on an acreage property outside of Edmonton and have had incidents of concern late at night on my property when I thought somebody was breaking in, so I understand the concerns of rural property owners and of the government to want to make sure those fears are assuaged.

However, I think that this bill perhaps goes a bit too far as far as the proportionality of consequences is concerned. I know that there were some incidents where individuals went onto agricultural properties to express their opposition to certain practices by agricultural producers that they thought were incorrect, and they chose a method of occupying the agricultural property to protest those methods. Madam Speaker, there are laws already in place with respect to trespassing. I'm not sure if the extra penalties that are contemplated by this legislation are in any ways necessary as deterrents. Of course, the government members may disagree, but I think that they really are out of proportion to the trespasses that they are attempting to deter.

I was, in fact, a little shocked at the level of penalties that the legislation contemplates for trespassers. Certainly, there are concerns about individuals who trespass onto rural property and particularly those of agricultural processing operations where biosecurity is important. I visited turkey farms, and inside those buildings biosecurity is something that is of utmost importance. There is a procedure for entering those properties so that there is no contamination, and I followed those procedures when I did visit with some of my colleagues earlier, in the first term of office when we were in government. I'm certainly aware of the need to maintain biosecurity and of the costs that can be incurred if biosecurity is breached on those farms.

However, the legislation before us, Bill 27, has some pretty, pretty hefty penalties involved, and I don't know if they are warranted. I think the trespass act already has penalties in it that really did effectively cause deterrents. You're not going to stop everybody from choosing to protest in this way, but I think that the penalties that were already in place certainly would have allowed judges to exercise and render verdicts that indeed made individuals think twice about perhaps doing it again. However, I also did mention in my previous remarks about the seriousness of contemplating action as a landowner against somebody who may be on your property and apparently up to no good. Of course, the Criminal Code does cover this, and one would be exposed to the sanctions of the Criminal Code no matter what this Legislature decides to do with respect to this trespass statutes act.

I relayed an incident whereby I thought somebody was inside my rural acreage property and was prepared to exercise whatever force was necessary at that point in time, but circumstances may have prevailed where, indeed, if somebody actually had been killed in an incident or an incident where somebody is trespassing on another's rural property, those circumstances are always unique, and to take us down a path towards the stand your ground legislation that we see in the United States is not something that I wish to tread on. I know that Albertans consider trespassing as a very serious issue and that the risk to rural property owners is something that we understand because, of course, the response times are longer. There is a concern about individuals on rural properties being more exposed because of the fact that they don't have the rapid response time, but the UCP seems to be trying by the backdoor to get in some measures that otherwise wouldn't have been possible.

I just wonder, as I did when I thought back to the incident at my own property, you know, if somebody had actually been breaking

into the house, I just wonder in a situation like that, Madam Speaker, if a trespasser is actually shot on someone's property, will there still be a criminal investigation as a result of this legislation? I would think that the Criminal Code would still apply, but this seems to be a law that tries to make things more complex than it really has to be. I'm wondering how people will be educated on the regulations and really the profound changes in this bill, particularly in regard to the duty of care.

There seems to be a prevailing attitude that is promoted by this government that, in fact, shoot first and ask questions later might be supportable, and I don't know if indeed that's exactly the message that the government wishes to convey with this legislation. That's not a situation, I think, that would be a healthy one for Albertans to get into, where you could end up with a lot of wrongful deaths and a lot of injuries to people who were just straying onto property perhaps as hunters. That happens, as the Government House Leader can attest. I know that individuals looking for help after a road accident will sometimes late at night go onto a property and bang on a door, and that could end up potentially in their death or injury if somebody feels threatened by that on a rural property in the middle of the night or during the day.

**9:10**

I'm not sure if indeed the government is planning to really do an education campaign to make it very, very clear what the person's rights and responsibilities are. Even in a very stressful situation where quick decisions have to be made, we expect our police officers, our peace officers, to make those decisions. Certainly, we have not given them the right to shoot first and ask questions later. They must make decisions in a split second that have protocol attached to them. I think the same needs to be expected of citizens when they are looking at exercising deadly force.

Government's plan under this legislation is also to train wildlife officers and others to use handguns and weaponry and to respond to such calls. Now, I'm hoping that the training that the government plans to do will assist these wildlife officers and others who may be asked to be called to these 911 calls, to keep the response time as low as possible, is going to really embed the protocol required of peace officers before they discharge their weapons in their roles as peace officers. It's a pretty consequential event when a police officer or peace officer discharges their weapon or uses deadly force or exercises any kind of force against another citizen. That's a decision that's guarded by and guided by protocol.

I think citizens need to understand that their rights to do that certainly have some limitations and that the consequences of exercising that kind of force may be dire for them. Ultimately, outside of any legal measures that they may face – just look at what we have today going on in the case of Constable Woodall, who lost his life in my riding four years ago. Today 80 officers who were involved in that case are meeting and attempting to finalize their thoughts and understanding of the whole process, knowing that it's something that's going to be with them for the rest of their lives. This type of issue affects police officers very, very deeply, so individuals who involve themselves in exercising force to protect their own property will have consequences in their own life because it'll be something that will be with them for the rest of their life. I know the incident in my own home is something I won't ever forget, and it involved nobody actually breaking in. Just the thought that somebody was was something that was a big enough concern.

I know that there is concern about biosecurity, as I mentioned, on the agricultural properties. That's something, of course, that no Albertan condones, somebody trespassing onto a farm or agricultural producer's property and causing them disruption as well as cost because of the biosecurity breaches that might take

place, but my contention, Madam Speaker, is that trespass laws in place right now have significant consequences for trespassers. The egregious penalties that are in part of this legislation are, I think, higher than they should be. The penalties and the fines and jail time consequences there are shocking.

I'm concerned also about the additional exemptions for civil liability for injuries to trespassers. It's retroactive to January 2018. I don't know if this government realizes how risky it is to go back and legislate retroactively. It's not something that is done very commonly, and it's ground that government should tread upon with a very large sense of care and attention. I think that Albertans will be watching as to why exactly this retroactivity is being put in place and whether it's something that will end up being a legal issue, a concern for the government. It may be an element of this piece of legislation that the government should think twice about implementing because it's not something that I think is really part of the whole body and the intent of this bill. It's a small element to satisfy a subset of desires in the caucus to reach back into a particular situation, and it's treading on some pretty dangerous legal ground, I think, as a government. Any time you retroactively legislate, you do so at your own peril as a government from a legal standpoint.

Once again, the Criminal Code will apply to individuals, in my view, who are exercising force against trespassers, and those consequences are something that should always be considered, but whether or not this legislation will actually protect an individual landowner from a duty of care to trespassers is a question that I suppose will be learned over time as various incidents come to light and as things pass through the courts.

The act itself widens the definition of what a trespasser is. It adds specific references to people entering on properties on false pretenses.

It increases the penalties for trespassing to \$10,000 for a first offence, \$25,000 for a second, with repeat offenders facing prison for up to six months. Madam Speaker, as I indicated, these are pretty large penalties. Whether or not they're necessary is a matter of debate. I think that these are much higher than warranted for these first or second offences. I think the current penalties in place may have not thwarted recent incidents, but they certainly have in the past been deterrents, and judges have the opportunity to exercise those penalties right now. I think that \$10,000 for the first offence, \$25,000 for a second is more than egregious, and I wonder why the government thought to put them so high. Maximum fines for first and subsequent offences would increase from \$2,000 and \$5,000 to \$10,000 and \$25,000 respectively. One again, I think that the penalties are overly egregious in this legislation, and they are unnecessarily high.

Notwithstanding that, of course, we don't condone trespassing in any way, shape, or form, especially when it concerns people's lives and safety and their property and also, of course, when it is tantamount to a disruption to their operation and one that ends up costing them time and money and interrupts their freedom to operate and enjoy their property.

I also wanted to note that organizations or corporations that aid, counsel, or direct trespassing can be fined up to \$200,000 under this piece of legislation, and that again is a sledgehammer. Once again, one wonders who the government intends to aim it at. Is it something that is put into this legislation in an effort to once again stifle dissent or perhaps an effort to disassociate organizations from certain causes for fear of reprisal, for fear of being fined in case one of the individuals that they represent perhaps does trespass and ends up being prosecuted? Would that capture them with this net and end up with them facing significant fines under this piece of legislation?

9:20

Madam Speaker, while I certainly respect the principle of this legislation, that individual property owners deserve to be able to enjoy their property free from trespassers, I believe that the existing legislation already has adequate deterrents in it and that disproportionality of the response in this legislation is an overreach and that landowners in this province should be cautioned that notwithstanding this legislation of protections it purports to contain, protecting them against liabilities in the event that they injure somebody or even kill somebody while protecting their property, there may be consequences that this legislation doesn't protect them from in the protection of their property. As a result, they may have a false sense of security in exercising what might be called "shoot first and ask questions later" type of response.

I think it's very much incumbent upon the government to very clearly lay out the actual rights and obligations of landowners as a result of this legislation, should it pass. If indeed individuals end up in situations where they have injured or harmed somebody on their property and then face consequences that they didn't expect and then look towards the government and say: "Hey, we had this legislation; how come I'm not protected?" they may have some answering to do to those individuals if indeed they haven't gone forward and made sure that a very serious education effort was made to explain exactly the rights and obligations of landowners as a result of implementation of this piece of legislation.

Those are my concerns. I know that rural property owners have legitimate concerns, agricultural producers as well, about trespassers. But legislation that does prevent or provide sanctions for trespassers should be proportional to the offence, and I think that this legislation goes well beyond that proportionality.

Thank you.

**The Deputy Speaker:** Are there any other members wishing to speak? The hon. Member for Camrose.

**Ms Lovely:** Well, thank you, Madam Speaker. It's a huge honour for me to be able to rise today and speak about Bill 27, Trespass Statutes (Protecting Law-abiding Property Owners) Amendment Act, 2019. This is an act that many of my constituencies have been asking for, and I'm glad to see that the Justice minister has taken these concerns seriously.

Before I start, I just wanted to thank the Minister of Justice and Solicitor General for holding a town hall in Camrose on October 9. My constituents' concern about rural crime: they feel like they were neglected by the previous government. The approach that this government has is very personable, and they felt honoured to be able to have that chance to interact and engage and share what's happening in my community.

I have quite a few towns and municipalities in my constituency, from Tofield to Hardisty, Bashaw to Viking. There are also Ryley, Daysland, Killam, Sedgewick, Lougheed, Forestburg, Rosalind, Heisler, Alliance, and, of course, Camrose, and I could go on. But I think this provides a nice overview of my community. Madam Speaker, I've heard from each of these towns about the impact that the rural crime crisis is having on their communities. People are scared, and I don't think their fear is unfounded. Just a couple of weeks ago an elderly woman and her dog were shot and killed while going on a walk. This week alone, there have been multiple thefts in Forestburg, a town with a population of under 900 people, thefts from vehicles in Lougheed and Killam, towns with respective populations of 256 and 998 people, a break and enter in Daysland, 824 people, and yet another break and enter in Lougheed.

Madam Speaker, these are our small towns, and they're valued by those who live there for the sense of security they provide and

the friendly atmosphere they breed. I think anyone who grew up in a small town, such as myself, can recall fond memories of having real relationships with everyone in their town. They're our friends and our neighbours. In a town like Lougheed, with only 256 people who call the place home, everyone knows everyone. It's a great town with a friendly atmosphere, and I'm proud to represent it.

But when a town as small as Lougheed is hit by both theft from a vehicle on Wednesday and a break and enter on Saturday, it tears at the fabric of the town. While Killam, which holds the local RCMP detachment, is not too far away from Lougheed, the Killam detachment isn't large and serves 11 towns, all undergoing the same crisis. Madam Speaker, people in these towns are legitimately afraid, and the province needs to find new solutions to address our rural crime crisis. It's why I was glad to see the minister stepping up and offering legislation in hopes that it deters criminals from even thinking about trespassing.

If I can, I'd like to address one other issue, that is legislation affecting my riding. The issue of biosecurity for organic farmers is a real issue in my riding. Being accredited as an organic farmer is incredibly difficult. As I think anyone who has ever worked on an organic farm can attest, cross-contamination is very easy to do, but even a small amount of it can lead to organic products no longer being able to be identified as such. This includes cross-contamination that can occur merely as a matter of walking from a nonorganic farm to an organic farm. Despite what the NDP and particularly the Member for Edmonton-Gold Bar might think of our farmers as being rich . . .

**Mr. Schmidt:** Point of order.

**Ms Lovely:** . . . the loss incurred by food not being deemed organic . . .

**The Deputy Speaker:** Hon. member, a point of order has been called.

#### Point of Order Imputing Motives

**Mr. Schmidt:** Under Standing Order 23(h), (i), and (j), the member is clearly using language to impute false motives and incite disorder. I ask that she withdraw the comment and apologize.

**The Deputy Speaker:** Would the government like to respond?

**Mr. Schow:** Madam Speaker, I don't see a point of order here. I believe this is really just a matter of debate. The member is simply repeating something that was said by the member who called this point of order, citing what that member believes. You know, our agriculture members in this House are citing things from their background. I do believe it's a matter of debate. We are speaking about agriculture, speaking about trespassing, protecting our agriculture producers, who are very important to this province and our prosperity. I don't see a point of order here but, rather, just a matter of debate. I encourage that we just proceed.

**The Deputy Speaker:** Hon. members, it's very early to be having these types of conversations. However, I will caution the member to tread lightly in this area moving forward. I don't see a point of order, but there is room for caution.

Please proceed.

#### Debate Continued

**Ms Lovely:** If I might just go back to the trend of thought, our farmers aren't rich, and the loss incurred by food not being deemed

organic can be devastating. I hope that this legislation will help combat this issue as well. It is important that our farmers have as much stability as we can grant them, and protecting them from trespassers is incredibly important. While I hope to see more from our government on protecting biosecurity, I am glad for at least this first step.

Madam Speaker, I am proud to represent the largely rural riding of Camrose. Camrose is made up of a large number of towns, hamlets, and localities. It's important to me that the needs of the constituents are being addressed, and I'm glad to see that this bill is taking a strong step in that direction.

Thank you, Madam Speaker.

**The Deputy Speaker:** Hon. members, Standing Order 29(2)(a) is available. Any members wishing to speak?

Seeing none, any members wishing to speak to the bill? The hon. Member for Lethbridge-West.

**Ms Phillips:** Well, thank you, Madam Speaker. It's a pleasure to speak to Bill 27, Trespass Statutes (Protecting Law-abiding Property Owners) Amendment Act, 2019. I haven't spoken to this bill yet, so I had a look through, and a couple of things stand out as, I think, concerns. I think there's no question that the House shares the goal of public safety, of public order, and shares a goal of reducing the incidence of rural crime. That is why we took the specific public policy responses that we did in our time in government with respect to investments in rural crime and empowering the RCMP with more resources to be able to address the problem.

The ADM for public safety reported to Public Accounts a couple of months ago in some detail the successes of those initial investments in specifically targeted initiatives to work with the RCMP to reduce rural crime. He went into some detail about how those programs are being successful and how those resources were deployed, and it was, I think, a very good presentation to the Public Accounts Committee, who had questions, rightfully so, on both sides of the committee's membership, about the investment of resources in crime prevention.

9:30

There's no question that in seeking a remedy, you have a number of different tools at your disposal as government. You certainly have the public policy remedy, not just through deployment of resources, but also you do have an ability to deploy other kinds of law enforcement professionals in order to address various aspects of keeping public order. For example, you can empower commercial vehicle officers to do more. You can have more integration between RCMP and bylaw officers. There are a number of different things that you can do.

I learned about this when I was the environment minister. I took a pretty law-and-order approach to some of the abuses that we were seeing serially on the landscape of our waterways, in particular, of our public lands, everything from the leaving of garbage and the dumping of garbage, which a lot of landowners know very, very well if they are on the edge of public land, to other disorderly activity, both motorized and nonmotorized. It was that sort of thing that we certainly invested in as well to restore some order on the landscape. It's part of the piece – right? – of people going out to rural areas, where there are fewer law enforcement eyes on the landscape, in order to undertake antisocial activities of various kinds. So there are definitely remedies in policy and in resourcing.

There are some legal tools available at the provincial level as well. There are not as many tools available to a provincial level of government given that the jurisdiction over the Criminal Code is

federal, so whenever we're doing something that is outside of a public policy response – that is to say, more integration or deployment of resources – the province has to ensure that it is actually going to meet its goals. It can be much more difficult to meet those shared goals that I think we have in this Legislature. When it tries to do things that are outside of its jurisdiction, it can become problematic, and what ends up happening is that the goal of more public safety and public order is not reached because the measures that are undertaken by the provincial government can be found to not conform to proportionality. That is the first serious concern that I have here with respect to the level of fines and the level of response.

I remember that when we increased the fines for various kinds of activities on public land, things that none of us like to see, you know, like leaving your garbage and destroying waterways and things like that, it had to go to a committee that sort of oversees administrative penalties. It's a committee in Justice. I wanted those fines to be as high as possible. I wanted them to be just egregiously high, because I do believe that part of the problem in enforcement on public land is that people just sort of went: "Ah, 300 bucks for a ticket. Whatever." We increased those fines considerably. I just kept pushing the committee: "I want more. I want higher." I really firmly believe that there needs to be a punishment and that it needs to pinch – the shoes need to pinch – with these administrative penalties out there. Essentially, we got it to a place where the advice was: "Well, if you go any further than this, then you're going to be starting to interact with this concept of proportionality. What you don't want to risk is that some of this stuff gets thrown out and that you don't actually ultimately achieve your aims, your goals." Again, these were goals that I know that everyone in this House shared.

That's the first thing that I would caution on, what you don't want to do in your zeal to solve a problem using some of the administrative or legal tools at the provincial government's disposal. Ultimately, you don't achieve that goal because it gets caught up in the courts unnecessarily. That is the first piece that I would raise a caution on.

The other piece is around the retroactivity of the legislation. Again, this begins to then interact with our various Charter rights, our legal rights. I believe it's section 11 of the Charter where retroactivity becomes an issue. Again, what you don't want to do is pass a piece of legislation that then ultimately gets struck down by the courts, and you don't achieve your goals because you've gone a bridge too far.

The other piece that I would certainly caution around these exemptions for civil liability for injuries: it is not a good idea ever for a Legislature to pass laws that address only one case or that specifically target one person or group of people. In fact, one of the landmark Supreme Court decisions around the concept of rule of law in this country came when the Supreme Court struck down an action taken by a Quebec Premier, Duplessis, at the time – I think it was 1959-ish – when he revoked a liquor licence for a Jehovah's Witness. He didn't like Jehovah's Witnesses. That's fine. That was his personal opinion. He then abused his office to specifically target this one man's business, and the Supreme Court said: no; you're not allowed to do that.

I mean, of course, there were whole other laws in Quebec at that time that were struck down, that essentially made our religious freedom laws, so the Jehovah's Witnesses could live without persecution, as they were being in Quebec at that time. We all enjoy many of these religious freedom protections that even preceded the Charter, and we also enjoy protections from people passing laws directly to target one person or one group of people, which is an abuse of power, because of those decisions at that time. That is sort



of the basis of a lot of our interpretation of our liberties in this country.

When you are passing a law in this retroactive sense to speak to one case or a set of a cases, you are then treading on very difficult legal terrain, and certainly this argument has been made. The Roncarelli decision is cited whenever governments attempt this, and I think that that might be a Supreme Court decision that the government may want to go back and reference and think about a little bit more deeply as they go forward with making new laws.

I think what we are looking at here is a piece of legislation that is designed to solve a problem, and certainly around the biosecurity and some of those trespassing issues for large livestock or other farming operations I agree that there should be a legal response. There are maybe some public policy responses, but I think that in those cases there should be some legal response, so I certainly have no quarrel with that part of this bill. What I worry about, though, is that ultimately the goal will not be achieved.

9:40

Another piece that I do worry about is that given that there are many complicated aspects, it sort of complicates and muddies trespassing law. The other idea that the government has, on the public policy response side of responding to rural crime, is a plan to train wildlife officers and others to respond to 911 calls. When we have trespassing rules that then become a little bit more legally unclear and you have people who are law enforcement but are not trained in the first instance in these kinds of issues, you may in fact be moving into areas that are quite difficult for wildlife officers and others to respond to. I know that I have spoken to many wildlife officers in the last couple of months around this plan to train them to respond to 911 calls and so on, and they're really nervous about it. Really nervous about it. This even complicates that set of issues more, and I think I would want to see a lot more training for those fish and wildlife officers if this is indeed going to be the case, because I know that many of them have expressed to me a number of concerns around this.

I think that ultimately what we're looking at here with this piece of legislation is a legal response when a public policy response is actually what is called for with respect to resourcing, with respect to ensuring that rural crime is addressed in a way that is substantive, that is reflected in data and evidence once those investments are made, and is certainly using the tools that we have out on the landscape already with some of this integration between RCMP and bylaw and other law enforcement officials. Investing in those things, I believe, will actually get us to our shared goal of safer communities, particularly in rural Alberta.

I will conclude my comments on that, Madam Speaker. I am worried about retroactivity. I'm worried about proportionality. These are real legal issues in drafting legislation, and they will, if used in a way that is somewhat careless or intemperate, lead to legislation being struck down and will lead, if challenged, to the government not addressing our shared goals of safer communities, and that's ultimately, I think, the most worrying thing about this. We need to address rural crime. We need to address issues of serious trespassing. We need to address some of the insecurity that both just ordinary homeowners and landowners feel but then also operators of large facilities like hog barns and, you know, large poultry operations of various kinds. I want to see us do that, but I want to see us do it in a way that is thoughtful, that will endure, and that will actually solve the problem that we have all collectively identified.

**The Deputy Speaker:** Standing Order 29(2)(a) is available. I see the Member for Drayton Valley-Devon.

**Mr. Smith:** Thank you, Madam Speaker. You know, I know that it's a difficult thing in opposition, having sat in opposition for four years, and sometimes your job is even more difficult when a piece of legislation is brought forward that actually deals with an issue, an issue that needs to be addressed by the society, and actually does so in a reasonable, balanced, and responsible fashion. How do you do your job as the opposition when you're faced with a bill like the one that we have before us today, Bill 27, the Trespass Statutes (Protecting Law-abiding Property Owners) Amendment Act, 2019? This is an eminently reasonable piece of legislation.

Having been with the Minister of Justice as he's toured over the province, as he's talked to the people in my constituency and to the people in the constituencies across this province – he's gathered the concerns and gathered the information from the people of Alberta, from the farmers, from the people that are facing problems with rural crime, and then come back with an eminently reasonable and effective and responsive piece of legislation, one that will actually meet the needs of Albertans. It must be a very hard day today to be in the opposition, when you're faced with a piece of legislation that is responsible and as reasonable as this one is here today. So I understand why they're having difficulty.

I want to thank the Member for Edmonton-McClung for standing up and speaking to this issue. However, I guess one of the tough things that you have to do when you're in opposition is that you have to try and be the opposition but not oppose for the sake of opposing, actually come up with reasonable suggestions for how you could make the bill better or come up with a rationale for why the piece of legislation misses the mark. I'm having a hard time hearing those kinds of arguments from the opposition today.

You know, I think it was perhaps a poor choice of words when the argument was brought up that this piece of legislation is encouraging people to – I believe it was: shoot first and ask questions later. I believe that's an irresponsible reading of this piece of legislation. When you actually read the legislation, you can see that that's not in there at all.

We can go to section 2(2) under the Occupiers' Liability Act.

(2) Where a trespasser is not a criminal trespasser, an occupier is not liable to the trespasser for damages for death of or injury to the trespasser unless the death or injury results from the occupier's wilful or reckless conduct.

(3) Where a trespasser is a criminal trespasser, no action lies against the occupier for damages for death of or injury to the trespasser unless the death or injury is caused by conduct of the occupier that

- (a) is wilful and grossly disproportionate in the circumstances, and
- (b) results in the occupier being convicted of an offence under the Criminal Code . . .

It's really hard, I understand, to be the opposition when a piece of legislation so clearly outlines the conduct that is expected out of people that are property owners in this province. This is not a blank cheque to do anything, and to suggest so, I believe, is stretching things beyond what we would consider to be a reasonable limit in this Legislature.

You know, it seems to me that the Member for Edmonton-McClung spent an awful lot of time talking about the trespasser's rights, forgetting entirely that this is about law-abiding citizens and the use of their property and their capacity to defend and protect their property. We should be far less concerned with the person that is actually breaking the law than with the people in this province that are trying to enjoy their property and to do so peacefully.

I understand and I was actually very appreciative of many of the arguments that the Member for Lethbridge-West brought forward in the House this morning, but I was a little bit mystified when she

starts talking about civil liability and she says that this legislation targets one group of people. You're darn right it targets one group of people. They're called criminals. They're called people that break the law. To use a suggestion that this law targets some business, some person that's doing a law-abiding act or performing a service of business to the people of this province, and to equate that with a criminal act, I think, stretches the arguments.

I would just say that I'm glad that the opposition is performing their job today. I'm glad that the opposition is trying to come up with reasons for making this bill better.

**The Deputy Speaker:** Are there any other members wishing to speak? The hon. Member for Lac Ste. Anne-Parkland.

**Mr. Getson:** Yes. Thank you, Madam Speaker. I'll keep it brief, and I'll keep it on keel. You know, part of the issue with us in rural Alberta in dealing with this is that there are a lot of heated feelings because, quite frankly, we've been under siege for a number of years. Let me give you an example of how it used to be in rural Alberta.

Growing up, we were west of the city, probably about an hour, an hour and a half, right around there, out towards Chip Lake. We were heading to the city. We'd go to the city about once a month for a big shopping trip, those types of things, growing up. I was about 12 years old at the time, and it was the wintertime. I had to run back to the house and do something before we went on this family trip, and I went and locked the door.

Well, we got about – oh, shoot – 15 minutes down the road, and my father had asked me a question, and it came to pass that he said, "Let me get this right; you locked the door?" And I said, "Yeah, I locked the door on the way out." Then he said: "What in the heck are you doing? What happens if somebody breaks down on the side of the road out there? What happens if somebody hits the ditch and then they have to walk? The only place they're going to have that's warm is our house." He turned around, and we went back and unlocked that door. That was how it used to be. When somebody came up your driveway, you kind of waved at him. You didn't know if they were a friend or a stranger or otherwise, but that was the case.

9:50

Well, roll the clock forward. I bought a little hobby farm. It's about 40 acres. I'm on the road working construction and down on the east coast. I come back, and I'm spending some time with my wife in the sunroom at night, and there are these headlights parked out on the side of the road. I'm going: "Who's that? What's going on?" She says: "I don't know. They've been coming out here, and then other cars meet them on the side of the road in the night and everything else." Now, we're not that far. We're not an hour and a half away from town anymore. We're about 45 minutes away from town. The interesting part with that is that you've got main highways intersecting and you've got little crossroads, and quite frankly it's pretty tough to chase that many rabbits with one dog. That's what's happening. There are drug deals and drop-off points taking place.

She called me one time. I was a little bit concerned about it. There was a minivan that was stolen, obviously, and burnt on the side of the road of our place. This is not the same as when I was growing up, when we were 12 years old and being concerned about locking the doors.

Yesterday, no less, there was a gentleman that called me from my constituency. He's frustrated as all get-out. There is one person in that community that has been in and out of our legal system, back and forth, nonstop. They know who the person is, they know which

drug house he's living in, but obviously we're not going after him because he's in the drug house and there's a bigger play from the police that want to get him. This one guy had \$148,000 of his equipment stolen. He knows where it's at. They can't go touch it. They caught the guy for selling about \$5,000 worth of stuff, and that was it. It's a petty crime, and he's out doing it again.

These are folks that are so darned frustrated. When we had our town hall – and I didn't see anyone from Edmonton-McClung, Edmonton-Gold Bar, anybody else that came out to see our area, and we're just in Calahoo, again, only 45 minutes away – 200 people showed up. We asked a question, Minister: you know, how many people have been affected by rural crime? I'm very much audience participation: a show of hands. Over 75 per cent of the people in that room put up their hands. That was powerful to me, 75 per cent of the room. Then I started going down the rabbit hole, Madam Speaker. Who's been hit more than once? Only a few hands dropped off. More than twice, three times? By the time I got to four times, there was still 30 per cent of that room that had their hands up.

People are concerned. They can't get insurance anymore. They can't call in the claims on the insurance. The criminals show up in the back of the yard, out in the shop, with what looks like a firearm. Maybe it's a broomstick handle; maybe it isn't. But coming back to the Member for Drumheller-Stettler, you're sitting there with your wife and kids. You've got the shop lights on. You're trying to do things. These people aren't going. They're discharging firearms first. And you're going to have us held hostage because we're worried about a trespass law? These people don't care about the \$50 trespass law. Good fences make good neighbours, and guaranteed, Madam Speaker, we have fences all over the place.

It's not a problem of some kids lollygagging across – I don't know – Edmonton-McClung, trick-or-treating one night, who happen to go across someone's lawn. This is completely different. When I pick up that phone to call the RCMP, guaranteed they're not there for an hour. I have one hour of a home invasion, to put it in context for the members opposite. One hour. I don't know what those people are thinking. You've got either the crowd that falls within the Kumbaya days – everything is good, and they've got this entitlement that they can just walk onto people's land – or the more concerning part: you've got the drug crowd. You've got the crowd that is trying to feed a \$10,000-a-week habit.

I'll put it in context. The first time that I came across that was out in Vancouver. I'm along the Burrard Inlet. We're installing fibre optics along the Burrard Inlet in Vancouver. I was interviewing security companies. I had worked all across Canada with the company I was with as a project manager. This was the first time I've heard – and this is going back a number of years now, 20 years ago – of a security company insisting they have attack dogs with them.

To me, that was a pretty big liability, so I'm going: "Okay. What gives? What's with the attack dogs?" The guy that I was interviewing for that contract puts it in context for me. He says: "Just imagine. Just put yourself in a circumstance where you have five minutes to live, and the only thing that's going to fix it is medicine. If you get something, you need it. You need that medicine, or you're going to die, and you've got five minutes. What would hold you back?" I mean, arguably, for anybody put that question: "Well, not much. There are five minutes. That's it." He says: "That's what the heroin addicts are like. We're not being held up with knives. We're not being held up with guns. We're being held up with needles." That was 20 years ago. Working along there, being around that culture, I got to see it. There is a problem out there.

At our town hall meeting – and here’s a strong, strong message to support that. This is now. One of the participants from the audience stood up and wanted to tell their story. He is a constable. He didn’t say where he was from, but I’ll say it here. He was EPS. He is from the city of Edmonton. He lives in my area. He stands up and says: there is not a crime issue; there is a drug issue. All of the bad guys in Edmonton know there’s lots of coverage. But you know where the bad guys in Edmonton go to make it easy? Well, they just take that nice 10-minute drive or 15- or 20-minute drive. They go out to the country. So that’s what we’re getting. We’re getting all of your bad guys. You’ve got all the police. You’ve got all the coverage. We’re getting your bad guys.

**Member Irwin:** There are no bad guys in my riding.

**Mr. Getson:** Well, you might have the best riding in town, then, if you haven’t any crime, because they’re all probably coming out to my neck of the woods. It proves my point. If there’s no crime in that member’s area, then guaranteed this is substantive. This is the Edmonton Police Service that is saying that. There is a drug issue.

There’s another name I’m going to mention. I haven’t talked about this before, and it really kind of struck me. I’m driving home – this is going back about five years ago – and I hear a name from my past. It was a person that I had played basketball with. It’s a person that I had worked together with. You know, we had gone to the same parties and events. We chased after the same girls in high school, all that type of stuff. We were buddies, doing that through thick and thin, a lot of those reactions. Here comes the gentleman’s name: Travis Vader, a hard-working young farm boy, all that kind of stuff, who fell into an element and went completely down a different path. So the wolves that are amongst us didn’t necessarily start out on that path, but they’re starting to be driven to this.

Rural crime is an issue. These trespass laws: fantastic. We’ve heard overwhelming support for that. If the folks from the NDP would like to come out to our areas and hear some more of these messages directly, they will understand it. It’s not that we’re all a bunch of gun-toting, hillbilly rednecks out there. Well, not all of us. I would say that I kind of fall within that ilk. I kind of take that with a badge of honour. But there’s part of it.

So when people, members opposite are wondering what it would be like to do that: yeah; what would you do to protect your family? What would you do to protect your property? What would you do? Again, understanding that, if I put it in the same context, you have someone coming into your home, you have someone occupying your back garage, you go out in the middle of the night, and you try to ask them to leave. No one, none of your neighbours can get to you. No one’s going to get to you within an hour, and this isn’t the first time. It’s the fourth or the fifth or the sixth time, and you know who it is. They’re walking through it, and that’s probably part of the biggest concern of all of this.

Again, Minister, I appreciate and applaud your efforts. When you had mentioned that you were not just going to throw the book at the perpetrators on those types of trespass crimes, that you were going to thicken it, that really resonated with the folks in rural Alberta. The drug issues that we have: there’s a bigger, deep-seated issue that falls to it. These folks are not in their right mind. You have to put yourself, honestly, back in this concept. You are either one of three types of people: you’re either the wolf being the predator that’s preying on people, you’re the sheep that does nothing about it, or you’re the sheepdog that stands up and protects it.

In rural Alberta all of us have some dogs, and some of us are those sheepdogs, and that’s, I think, why a lot of us are drawn to

this. We’re here to help protect and speak for the people that we represent, we’re here to help to protect our families, and we’re here to help give a voice. Hopefully, it resonates and people understand that it’s real. It’s real. This is the first step of making it right and making people feel like they’re not the victims anymore so they’re not so frustrated.

Obviously, I’m very much in support of it, Minister. Thank you for it. Keep up the great work. The folks in my area are behind you, too.

Thank you.

**The Deputy Speaker:** Hon. members, Standing Order 29(2)(a) is available. Any members?

**Mr. Schweitzer:** Question. Question. Question.

**The Deputy Speaker:** Hon. minister, I am the Speaker of this House, and I will call the question when I am ready to call the question.

Are there any more speakers to the bill?

Seeing none, I shall call the question.

[Motion carried; Bill 27 read a third time]

## 10:00 Government Bills and Orders Second Reading

### Bill 29 Municipal Government (Machinery and Equipment Tax Incentives) Amendment Act, 2019

**The Deputy Speaker:** The hon. Minister of Municipal Affairs.

**Mr. Madu:** Thank you, Madam Speaker. I am pleased to rise and move second reading of Bill 29, the Municipal Government (Machinery and Equipment Tax Incentives) Amendment Act, 2019.

This legislation would empower municipalities to attract investment, create jobs, and help them realize their full economic potential. Municipalities deserve the freedom, the opportunity, and the flexibility to make the choices that fit their unique local economic circumstances whilst at the same time helping with our province’s provincial priorities. This legislation that we are proposing is concise. In short, we are proposing to expand the powers of municipal councils to create proper incentive programs for a machinery and equipment assessment class. Municipalities know what is best for their residents. We are simply getting out of their way and letting them do it.

If passed, Madam Speaker, Bill 29 would allow municipalities to provide property tax incentives for up to 15 years for machinery and equipment. This would give Alberta a competitive advantage over jurisdictions across Canada and the United States. Other jurisdictions have programs like this in place. Saskatchewan and British Columbia as well as Texas and Arizona are some of the examples. If passed, we’ll be helping municipalities provide one of the longest tax incentive timelines in North America.

Some individuals and groups may disagree with the proposed legislation, arguing, I would say, Madam Speaker, in error, that it may lead to increased competition between municipalities. Increased competition is exactly what we are looking for, but we can’t keep thinking that competition is between each other. Alberta as a whole has become uncompetitive with other jurisdictions. This isn’t a zero-sum game. We need to bring the Alberta advantage back to grow the power that we all share. We need to get investment back from neighbouring provinces, foreign countries, and particularly the United States.

We want to help grow our economy, not just manage it. If passed, Madam Speaker, I believe this legislation will bolster investment and economic development across our great province, particularly as we continue to restore our province as a destination of choice for investors.

With that, Madam Speaker, I move second reading.

**The Deputy Speaker:** Are there any members wishing to speak? The hon. Member for Lethbridge-West.

**Ms Phillips:** Sure. Thank you, Madam Speaker. I'm pleased to rise to speak to Bill 29, Municipal Government (Machinery and Equipment Tax Incentives) Amendment Act, 2019. I'll keep my comments relatively brief at this stage of the debate on this bill as we begin to have a look at it and provide just a few opening comments.

The first piece that I would flag is consistency, Madam Speaker. It would appear that the government ought to make up its mind if it is in favour of what they call boutique tax credits or not. We have an inconsistency here between other statements of the government and the province with respect to how fiscal policy is deployed in the province and this bill. This is, in fact, exactly that type of fiscal instrument. It is a specific type of tax break. The existence of this bill makes a number of their other arguments inconsistent or at least raises questions about their actual commitment to that line of argumentation.

I think that, as the minister indicated, there is a bit of a misalignment with other stated goals of this Legislature and of municipalities in particular for regions to be able to thoughtfully plan development over a long horizon period of time in a way that is both individually beneficial but also does not undercut one another or otherwise lead to friction between municipalities. There's certainly the risk of that with this particular measure that is proposed in this bill. I think that as we go through debate, perhaps we will begin to see some of those arguments being made by various municipalities as well. It's quite possible at this point.

I think the third piece that we have to ask is: what is going to be achieved through this bill? Certainly, we have a bill before this House, Bill 21, Ensuring Fiscal Sustainability Act. That's obviously a goal shared by everyone on all sides of this House, but fiscal sustainability applies for municipalities as well, and what we're seeing right now is a great deal of fiscal instability for a number of municipalities, not just with respect to the future of MSI in the next fiscal year, not just with some of the other reductions that have been made, whether it's in flood mitigation, other forms of infrastructure, the capital plan more broadly, road maintenance, and so on. These are all reductions that municipalities will have to grapple with sometimes co-operatively and sometimes individually as municipalities.

There are also a number of consequences of some of the actions that have already been taken by this government with respect to revenues for municipalities. I'm thinking here particularly of the reduction for shallow gas operators then leading to sometimes other operators just simply not paying whatever has been assessed to them by the municipalities in which they are operating, to the point where we are now looking at, it has been reported, about \$81 million worth of unpaid property taxes from oil and gas companies. That's according to the Rural Municipalities of Alberta.

There have been specific remedies for this proposed by rural municipalities that, to the best of my knowledge anyway, my most recent knowledge, have not been addressed by this government or by this minister specifically. That could be the case. Some of these specific asks that have come from the rural municipalities could have been addressed in this legislation because some of them are

actual legislative tools that need to be deployed. Others are through directives with the Alberta Energy Regulator. Rural municipalities have asked through improved legislated tax recovery options. That could have been in this bill as well, but we do not see it. We don't see action from this minister on that topic.

Members of the RMA have recently endorsed a resolution calling for greater oversight and accountability from the oil and gas industry and the Alberta Energy Regulator. They have certainly asked for broadened tax recovery powers. They've asked for an early detection system that can identify if oil and gas operators are struggling before it gets to the point where there is no money to pay these taxes. That could have been addressed by the minister. Certainly, the RMA is the largest group, the umbrella group for rural municipalities, the largest by their sheer individual numbers given the number of smaller municipalities that we have in this province. That could have been included in this bill so that we could accomplish the, I think, shared goal with the rural municipalities of achieving strong, effective local government, which is their stated goal.

There are a number of issues with this piece of legislation. We will have a little more time in the coming day or two to review it, Madam Speaker, at which point we can provide more detailed analysis and propose amendments or otherwise query the intent of certain pieces of the act. Certainly, on the face of it, we have problems here with consistency, with alignment with other stated goals. We have problems, as it is, with resourcing in municipalities, and certainly this bill is silent on the actual pressing needs that municipalities have asked for, in particular the rurals.

Thank you.

**The Deputy Speaker:** Hon. members, are there any other members wishing to speak?

Seeing none, I shall call the question.

[Motion carried; Bill 29 read a second time]

10:10

## Government Motions

### Statutes Repeal

42. Mr. Schweitzer moved on behalf of Mr. Jason Nixon: Be it resolved that pursuant to section 3 of the Statutes Repeal Act, SA 2013 cS-19.3, the Legislative Assembly resolves that the following statutes, appearing on the list of statutes to be repealed which was tabled in the Assembly by the Minister of Justice and Solicitor General on June 11, 2019, Sessional Paper 64/2019, not be repealed:
1. Black Creek Heritage Rangeland Trails Act (2004 cB-2.5);
  2. Forest Reserves Amendment Act, 2004 (2004 c9) s8;
  3. Health Professions Act (RSA 2000 cH-7) ss 155(1)(c), 156(n), (u), Sched. 1;
  4. Health Professions Amendment Act, 2008 (2008 c34) ss12, 13, 15;
  5. Pooled Registered Pension Plans Act (2013 cP-18.5);
  6. Tobacco Reduction Amendment Act, 2013 (2013 c24) ss3(c) to (e), 4(a), 6, 7, 8(a), 19(b), (c), (d) "(e.4)", (f) "(g.2)", 20, 22;
  7. Wilderness Areas, Ecological Reserves and Natural Areas Amendment Act (RSA 2000 c34 (Supp)) s8 "8.1(3)".

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

**Mr. Schweitzer:** Thank you, Madam Speaker. This motion is necessary in order to grant a one-year extension in the statutes listed in the motion as our government reviews the need for those statutes.

**The Deputy Speaker:** I did not think there were that many words on that page.

Are there any members wishing to speak to Government Motion 42?

Seeing none, I will call the question.

[Government Motion 42 carried]

## Government Bills and Orders

### Third Reading

(continued)

#### Bill 28

#### Opioid Damages and Health Care Costs Recovery Act

**The Deputy Speaker:** The hon. Minister of Justice and Solicitor General and keeper of the Great Seal.

**Mr. Schweitzer:** Thank you, Madam Speaker. We are making great progress this morning. I'm as excited to hear about this speech as anybody else is in this House because I'm really learning about it as we go, just as everybody else here.

Madam Speaker, it's a privilege to rise and move on behalf of the Minister of Health third reading of Bill 28, Opioid Damages and Health Care Costs Recovery Act.

I was pleased to see that Bill 28 passed second reading with the unanimous consent of this House. Alberta continues to see lasting effects from the overprescription of opioids. With an average of two Albertans who fatally overdose every day, the situation is far from resolved. This is largely in part because of the overprescription of highly addictive opioid medications. The opioid manufacturers' aggressive marketing efforts led to this overprescription. These efforts include spending hundreds of millions of dollars to educate doctors on the use of opioids for treating chronic pain over the long term and stating that the risk of addiction was less than 1 per cent. We pray for the families who have lost loved ones as a result of these actions, and we are working to strengthen a system of care that gives families avenues to access support and heal.

Madam Speaker, Alberta taxpayers have been on the hook for the health care costs that have been incurred as a result of opioid manufacturers' and wholesalers' unlawful actions. Bill 28 is the first step in our efforts to recover those costs. In 2014 the total cost of substance use to the Alberta economy was \$5.5 billion. Of that, approximately \$52 million was spent in that year on health care costs related to opioid use. This is according to the Canadian Centre on Substance Use and Addiction. We estimate that since then, opioid-related health care costs have increased significantly with the subsequent growth of the opioid epidemic.

Bill 28 enables Alberta to participate in British Columbia's proposed national class action against opioid manufacturers and wholesalers. This legislation will allow Alberta to recover health care costs and other damages caused by the defendants' unlawful actions, including their aggressive marketing efforts. This legislation would allow the use of statistical and population-based evidence to establish causation and quantify health care costs and other damages caused or contributed by an opioid-related wrong. Bill 28 will allow Alberta to recover costs on an aggregate basis rather than on an individual insured person basis regardless of when the damages occurred. If the directors and officers of the corporate defendants are implicated in opioid-related wrongs, this legislation

would make them jointly and separately liable with their corporations.

Our priority is to reinvest any damages awarded back into our health care system. Madam Speaker, we are committed to holding opioid manufacturers and wholesalers to account for the opioid damages and health care costs that they have contributed to.

Thank you, Madam Speaker, and again thank you to every member in the House for their good work on this bill.

**The Deputy Speaker:** Are there any members wishing to speak to the bill? The hon. Member for Edmonton-Manning.

**Ms Sweet:** Well, thank you, Madam Speaker. It's a pleasure to rise and speak to Bill 28. Again, I just wanted to reiterate that we are in support of this bill. This was something that was in the NDP platform during the election and something that we obviously support when it comes to trying to recover some of the costs that are associated with the opiate crisis and making sure that those individuals who are part of the creation of opiates and the distribution of opiates are doing so in an ethical and responsible manner.

In saying that, obviously, there was an amendment that was put forward yesterday on my behalf that, you know, I really wish had been passed. I appreciate the minister standing this morning and saying that the money that is reclaimed and received by the government will go towards health care costs and reimbursing the government for the expenses that come out of supporting individuals with addictions, specifically opiates. The amendment yesterday, however, spoke to ensuring that Albertans had some ability to have consultation around where that money went and to ensure that the minister was willing to put a financial bill forward in the future that required that money to go into health and specifically some of it to mental health and addictions supports. I feel that that's important.

As all members of this House understand and probably already know, any money that comes into the government, whether it be from court action or taxes, revenue of any kind, always goes into general revenue first, and once it's in general revenue, it is then decided where that money goes. The fact that there isn't a mechanism in place, that this bill doesn't speak to the fact that it's actually going to be allocated to Health, that it's actually going to be allocated to mental health and addictions, for me, is a concern. It's very easy to have a settlement come in and it go into general revenue and somehow not make it to where it needs to be.

We know that mental health and addictions is something that, when we look at the overall Health budget, is a small, small percentage of the overall Health budget. It would be nice to see that, with something that is as specific to addictions as the opiate crisis and the fact that we have lost Albertans because of the opiate crisis, a portion of any money that is returned to the government would go to mental health and addictions, because we recognize that this is the reason that we are getting involved in this action. I recognize – and again I will acknowledge that I've had conversations with the associate minister's office – that obviously not a hundred per cent of that money can go directly to treatment programs and/or specific mental health and addictions pieces because there are additional costs around emergency services and health services outside of just treatment and the spectrum of care. But in saying that, it would have been nice to see the government take the initiative and actually commit to the allocation and not allow it to go into general revenue.

10:20

Although we will support the bill, I will be open and transparent that as this action continues and if any money is reclaimed and

returned to the government, I will be watching to make sure that some of it is actually going towards mental health and addictions treatment and that it doesn't somehow make it into general revenue and stay there. I believe that although the government has made commitments around funding for different things for mental health and addictions, we can always do better. It's obviously something that I am very passionate about, and I think that any opportunities for us to evaluate how we provide services within health care that strengthen services around mental health and addictions is important. I'll just keep auditing every once in a while and seeing, if any money comes back, where it goes.

Again, we will be supporting the bill, and I look forward to seeing what the outcome of the actions across the country are. I believe that in looking at what's happened in the United States, there is definitely potential for some form of recovery. I think that that will only benefit Albertans if used appropriately.

Thank you.

**The Deputy Speaker:** Well, I think our schoolchildren came on a great day to see this Assembly working together and pushing forward legislation, so welcome to the Alberta Legislative Assembly.

At this time I will ask if there are any other members wishing to speak. I see the hon. Member for Edmonton-City Centre.

**Mr. Shepherd:** Well, thank you, Madam Speaker. It's a pleasure to have the opportunity to speak this morning to Bill 28. You know, over the last couple of days, as we've been debating a few bills, I've certainly been quite critical of the government for moving forward with a number of things which they did not mention in their elections platform, but this morning I rise to commend them for doing precisely that, for moving forward on a piece which was not included in their elections platform. In doing so, I will also thank them for incorporating a piece that was in ours. This was something that we had brought forward and committed to.

Now, of course, we had the benefit of having been in government and having had the opportunity to work with folks within the Ministry of Health and the many excellent public servants there, who had provided us with some advice and some insight. Indeed, we had learned a great deal about the challenges that government has faced as a result of the opioid crisis and the sources where that came from. I'm sure that informed part of why we decided to include that in our elections platform, that if we had the opportunity to form government, we would move forward with such a lawsuit. I am pleased that in this case the UCP government is choosing to take that advice as well.

Now, we know that this is something that has been looked at by a number of different jurisdictions, and very appropriately so. I recognize that this is a serious health issue. Around the world, certainly in the U.S. and in Canada, we are seeing that there are very serious impacts on population health. Indeed, here in the province of Alberta 733 people died of opioid overdoses, including fentanyl. We've seen that opioid-related deaths and injuries are a critical public health issue across Canada, with one Canadian dying every two hours due to opioid use.

We know where this epidemic traces back to, Madam Speaker. We know this goes back to the late '90s. We've seen revelations now, there have been documentaries, there's evidence that has come forward, there's been investigative journalism which shows that companies manufacturing these opioids were in fact engaging in dishonest practices, falsely assuring and falsely telling people in the medical community that these products were not addictive, and aggressively pushing doctors to prescribe these to their patients.

We know that opioids have a place and have a use. Indeed, I have received e-mails in my role as critic for Health for the Official Opposition from people within the chronic pain community who have been very clear about the value that opioids hold for some of them. We recognize it is an important part of treatment. For some, that is the only relief they have from chronic pain, and if managed correctly, it can be a beneficial thing. But what we also recognize is that there was this disingenuous campaign by these pharmaceutical companies to boost their profits, again, the sort of short-term thinking which we see sometimes in which one looks only at the bottom line and not at the larger effects of the decisions you're making and prioritizing only the personal good, and indeed that's what we saw these companies doing.

We have seen jurisdictions stepping forward, much as we saw with tobacco companies, where folks have stepped forward and sued tobacco companies for, again, a dishonest and disingenuous practice in the past, trying to hide the harm that their products were creating even though they were well aware of the fact that that harm existed and of the costs, then, to the health care system. Of course, we faced a similar thing with opioids, and now we're seeing similar cases go forward. In Oklahoma the courts recently ordered Johnson & Johnson to pay about \$572 million for engaging in false and misleading marketing of their drugs and opioids in general. We see similar court cases proceeding now in the province of British Columbia. They're suing dozens of opioid manufacturers and even distributors. They're moving forward with that, and I think it makes sense that we here in Alberta would move on that front as well.

This is an opportunity for us to acknowledge the health costs that we have, and as my colleague from Edmonton-Manning noted, a good use of those funds, whatever we may be able to receive from these lawsuits, would be to fold that back into the health care system. As she said, I'm pleased to hear that that is in part the intent of this government. I'm pleased that my colleague will be keeping track of that to see how that is done. Certainly, while we are in agreement with this government on the need to move forward with this and that this is a good course of action to try to recoup some of those costs and get dollars that we can invest back into the system to address the issue of opioid use, we have had some disagreement across the aisle as to how those funds are best invested.

Now, to be clear, I think we all agree on the goal and the outcome that we want to see. We want to see a mitigation of the public harm, and indeed we've heard from members in this Assembly, in debate on Bill 27 earlier, about the effects it has when people are addicted and the problematic behaviour that comes from that, then, and how that is spread out. We recognize that while opioid use exists across the province, indeed there are problems with addiction across rural communities as well as urban communities that drives – we do see people even that are using, as was noted, in urban areas that are going out to rural areas. The effects ripple out. It's a broad-spectrum issue.

We also recognize the health care costs and the other things that are involved, but we recognize that there has to be a suite of services to address this issue. I have been troubled at times to hear some of the types of language that have been used by the Premier and other members of his government in regard to those who are substance users or in regard to how services are provided in the community. It's been unfortunate that at times I've seen that used, in my view, as a political wedge, in a very politically divisive way, when this is something on which we all want to move forward and achieve a greater good. To try to cast aspersions on areas such as harm reduction or to suggest that those are more problematic is, to me, concerning.

I can tell you that here in my constituency of Edmonton-City Centre the harm reduction practices such as the supervised

consumption sites have led to, according to the data and according to reports from the police and others, a reduction around the sites where this is occurring, where those supports are being provided.

**10:30**

Now, indeed, I agree with this government that we should also be investing in recovery opportunities for those individuals who wish to pursue that and for whom that works. Indeed, we should encourage as many as possible to seek assistance, but we recognize that there are a range of ways that people are going to find that recovery. For some, that's going to be through an opioid antagonist program or an opioid replacement program. Indeed, that has been proven in many cases to be one of the most effective ways to get individuals back on their feet, stabilized, and in a position where they are not, in fact, then dependent on a habit that is going to force them to go out and try to find that \$10,000 a week but instead are provided with a prescription, which they go and receive in a clean, sterile clinic from medical professionals who offer them follow-up and other life supports and allow those individuals to stabilize, to reacquire housing, to go back to reunite with loved ones and family, to get back into the workforce, and find stability. At some point some of those individuals may indeed be able to in fact leave that prescription behind, even, to work with medical professionals to wean themselves off that. Some may require it for longer.

I'm not myself a medical professional, but I've had the chance to speak with many who offer those programs here, and I can certainly speak to their passion and their commitment and the incredible value they see in the many stories they've told me of lives that have been changed. I think it's important that as we move forward with this, that as we look at that investment of how many dollars come in from this lawsuit, they're invested in the full range of services.

Indeed, I would encourage this government, as they take this positive step, I think – inasmuch as one can say, I guess, that proceeding with a lawsuit is a positive step – to use this in a way that's going to benefit and address the core issues that drive so many of the problems that we discuss here in this House and to perhaps

set aside some of the political rhetoric and attempt to take advantage from, I think, understandably, the very real concerns that people bring forward about the chaotic effect that the promulgation, the proliferation of opioids throughout our system has on so many communities, recognize that at root these are social issues and even behind the fact that people become addicted to opioids, recognize that that is often driven by mental health issues, issues of poverty, issues of personal trauma and that this is not a question of moral failing but indeed a number of other elements on which, unfortunately, these particular pharmaceutical companies chose to prey and profit.

I'm thankful that we've reached a place now where there's a much better understanding of how this came about. It's a form of thinking I hope we can apply to many, many other areas, where we understand that perhaps pushing profit above community good can indeed create many unintended consequences, can provide incentives for businesses or others to behave in ways that, while it may do themselves some good in the short term, in fact does great harm to our community and causes great cost in the long term. Perhaps that's something we can consider as we also move on and continue to debate this government's budget.

That said, I appreciate that the minister has taken on this fight, that he's bringing forward the legislation to enable the province to recover these costs, and I will be supporting Bill 28.

**The Deputy Speaker:** Are there any members wishing to speak under Standing Order 29(2)(a)?

Seeing none, any other members wishing to speak?

Seeing none, I shall call the question.

[Motion carried; Bill 28 read a third time]

**Mr. Schweitzer:** Madam Speaker, we've made a lot of progress here in an hour and 35 minutes this morning. I move that we adjourn the House until 1:30 p.m.

[Motion carried; the Assembly adjourned at 10:35 a.m.]









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