



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Wednesday morning, April 1, 2020

Day 13

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta

The 30th Legislature

Second Session

Cooper, Hon. Nathan M., Olds-Didsbury-Three Hills (UCP), Speaker
Pitt, Angela D., Airdrie-East (UCP), Deputy Speaker and Chair of Committees
Milliken, Nicholas, Calgary-Currie (UCP), Deputy Chair of Committees

Aheer, Hon. Leela Sharon, Chestermere-Strathmore (UCP)
Allard, Tracy L., Grande Prairie (UCP)
Amery, Mickey K., Calgary-Cross (UCP)
Armstrong-Homeniuk, Jackie,
Fort Saskatchewan-Vegreville (UCP)
Barnes, Drew, Cypress-Medicine Hat (UCP)
Bilous, Deron, Edmonton-Beverly-Clareview (NDP),
Official Opposition Deputy House Leader
Carson, Jonathon, Edmonton-West Henday (NDP)
Ceci, Joe, Calgary-Buffalo (NDP)
Copping, Hon. Jason C., Calgary-Varsity (UCP)
Dach, Lorne, Edmonton-McClung (NDP)
Dang, Thomas, Edmonton-South (NDP)
Deol, Jasvir, Edmonton-Meadows (NDP)
Dreeschen, Hon. Devin, Innisfail-Sylvan Lake (UCP)
Eggen, David, Edmonton-North West (NDP),
Official Opposition Whip
Ellis, Mike, Calgary-West (UCP),
Government Whip
Feehan, Richard, Edmonton-Rutherford (NDP)
Fir, Hon. Tanya, Calgary-Peigan (UCP)
Ganley, Kathleen T., Calgary-Mountain View (NDP)
Official Opposition Deputy House Leader
Getson, Shane C., Lac Ste. Anne-Parkland (UCP)
Glasgo, Michaela L., Brooks-Medicine Hat (UCP)
Glubish, Hon. Nate, Strathcona-Sherwood Park (UCP)
Goehring, Nicole, Edmonton-Castle Downs (NDP)
Goodridge, Laila, Fort McMurray-Lac La Biche (UCP)
Gotfried, Richard, Calgary-Fish Creek (UCP)
Gray, Christina, Edmonton-Mill Woods (NDP)
Official Opposition Deputy House Leader
Guthrie, Peter F., Airdrie-Cochrane (UCP)
Hanson, David B., Bonnyville-Cold Lake-St. Paul (UCP)
Hoffman, Sarah, Edmonton-Glenora (NDP)
Horner, Nate S., Drumheller-Stettler (UCP)
Hunter, Hon. Grant R., Taber-Warner (UCP)
Irwin, Janis, Edmonton-Highlands-Norwood (NDP),
Official Opposition Deputy Whip
Issik, Whitney, Calgary-Glenmore (UCP)
Jones, Matt, Calgary-South East (UCP)
Kenney, Hon. Jason, PC, Calgary-Lougheed (UCP),
Premier
LaGrange, Hon. Adriana, Red Deer-North (UCP)
Loewen, Todd, Central Peace-Notley (UCP)
Long, Martin M., West Yellowhead (UCP)
Lovely, Jacqueline, Camrose (UCP)
Loyola, Rod, Edmonton-Ellerslie (NDP)
Luan, Hon. Jason, Calgary-Foothills (UCP)
Madu, Hon. Kaycee, Edmonton-South West (UCP)
McIver, Hon. Ric, Calgary-Hays (UCP),
Deputy Government House Leader
Nally, Hon. Dale, Morinville-St. Albert (UCP)
Neudorf, Nathan T., Lethbridge-East (UCP)
Nicolaidis, Hon. Demetrios, Calgary-Bow (UCP)
Nielsen, Christian E., Edmonton-Decore (NDP)
Nixon, Hon. Jason, Rimbey-Rocky Mountain House-Sundre
(UCP), Government House Leader
Nixon, Jeremy P., Calgary-Klein (UCP)
Notley, Rachel, Edmonton-Strathcona (NDP),
Leader of the Official Opposition
Orr, Ronald, Lacombe-Ponoka (UCP)
Pancholi, Rakhi, Edmonton-Whitemud (NDP)
Panda, Hon. Prasad, Calgary-Edgemont (UCP)
Phillips, Shannon, Lethbridge-West (NDP)
Pon, Hon. Josephine, Calgary-Beddington (UCP)
Rehn, Pat, Lesser Slave Lake (UCP)
Reid, Roger W., Livingstone-Macleod (UCP)
Renaud, Marie F., St. Albert (NDP)
Rosin, Miranda D., Banff-Kananaskis (UCP)
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UCP)
Rutherford, Brad, Leduc-Beaumont (UCP)
Sabir, Irfan, Calgary-McCall (NDP)
Savage, Hon. Sonya, Calgary-North West (UCP),
Deputy Government House Leader
Sawhney, Hon. Rajan, Calgary-North East (UCP)
Schmidt, Marlin, Edmonton-Gold Bar (NDP)
Schow, Joseph R., Cardston-Siksika (UCP),
Deputy Government Whip
Schulz, Hon. Rebecca, Calgary-Shaw (UCP)
Schweitzer, Hon. Doug, Calgary-Elbow (UCP),
Deputy Government House Leader
Shandro, Hon. Tyler, Calgary-Acadia (UCP)
Shepherd, David, Edmonton-City Centre (NDP)
Sigurdson, Lori, Edmonton-Riverview (NDP)
Sigurdson, R.J., Highwood (UCP)
Singh, Peter, Calgary-East (UCP)
Smith, Mark W., Drayton Valley-Devon (UCP)
Stephan, Jason, Red Deer-South (UCP)
Sweet, Heather, Edmonton-Manning (NDP),
Official Opposition House Leader
Toews, Hon. Travis, Grande Prairie-Wapiti (UCP)
Toor, Devinder, Calgary-Falconridge (UCP)
Turton, Searle, Spruce Grove-Stony Plain (UCP)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UCP)
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

Officers and Officials of the Legislative Assembly

Shannon Dean, QC, Clerk	Philip Massolin, Clerk of Committees and Research Services	Amanda LeBlanc, Deputy Editor of <i>Alberta Hansard</i>
Teri Cherkewich, Law Clerk	Nancy Robert, Research Officer	Chris Caughell, Sergeant-at-Arms
Stephanie LeBlanc, Clerk Assistant and Senior Parliamentary Counsel	Janet Schwegel, Director of Parliamentary Programs	Tom Bell, Assistant Sergeant-at-Arms
Trafton Koenig, Parliamentary Counsel		Paul Link, Assistant Sergeant-at-Arms

Executive Council

Jason Kenney	Premier, President of Executive Council, Minister of Intergovernmental Relations
Leela Aheer	Minister of Culture, Multiculturalism and Status of Women
Jason Copping	Minister of Labour and Immigration
Devin Dreeshen	Minister of Agriculture and Forestry
Tanya Fir	Minister of Economic Development, Trade and Tourism
Nate Glubish	Minister of Service Alberta
Grant Hunter	Associate Minister of Red Tape Reduction
Adriana LaGrange	Minister of Education
Jason Luan	Associate Minister of Mental Health and Addictions
Kaycee Madu	Minister of Municipal Affairs
Ric McIver	Minister of Transportation
Dale Nally	Associate Minister of Natural Gas and Electricity
Demetrios Nicolaides	Minister of Advanced Education
Jason Nixon	Minister of Environment and Parks
Prasad Panda	Minister of Infrastructure
Josephine Pon	Minister of Seniors and Housing
Sonya Savage	Minister of Energy
Rajan Sawhney	Minister of Community and Social Services
Rebecca Schulz	Minister of Children's Services
Doug Schweitzer	Minister of Justice and Solicitor General
Tyler Shandro	Minister of Health
Travis Toews	President of Treasury Board and Minister of Finance
Rick Wilson	Minister of Indigenous Relations

Parliamentary Secretaries

Laila Goodridge	Parliamentary Secretary Responsible for Alberta's Francophonie
Jeremy Nixon	Parliamentary Secretary to the Minister of Community and Social Services
Muhammad Yaseen	Parliamentary Secretary of Immigration

STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Orr
Deputy Chair: Mr. Getson

Allard
Eggen
Glasgo
Jones
Loyola
Nielsen
Singh

Standing Committee on Alberta's Economic Future

Chair: Mr. Neudorf
Deputy Chair: Ms Goehring

Allard
Armstrong-Homeniuk
Barnes
Bilous
Dang
Horner
Irwin
Reid
Stephan
Toor

Standing Committee on Families and Communities

Chair: Ms Goodridge
Deputy Chair: Ms Sigurdson

Amery
Carson
Ganley
Glasgo
Guthrie
Neudorf
Nixon, Jeremy
Pancholi
Rutherford
Yao

Standing Committee on Legislative Offices

Chair: Mr. Schow
Deputy Chair: Mr. Sigurdson

Gray
Lovely
Nixon, Jeremy
Rutherford
Schmidt
Shepherd
Sweet
van Dijken
Walker

Special Standing Committee on Members' Services

Chair: Mr. Cooper
Deputy Chair: Mr. Ellis

Dang
Deol
Ganley
Goehring
Goodridge
Long
Neudorf
Walker
Williams

Standing Committee on Private Bills and Private Members' Public Bills

Chair: Mr. Ellis
Deputy Chair: Mr. Schow

Glasgo
Horner
Irwin
Neudorf
Nielsen
Nixon, Jeremy
Pancholi
Sigurdson, L.
Sigurdson, R.J.

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Mr. Smith
Deputy Chair: Mr. Schow

Armstrong-Homeniuk
Carson
Deol
Ganley
Issik
Jones
Lovely
Loyola
Rehn
Reid
Renaud
Turton
Yao

Standing Committee on Public Accounts

Chair: Ms Phillips
Deputy Chair: Mr. Gotfried

Barnes
Dach
Guthrie
Hoffman
Reid
Renaud
Rosin
Rowswell
Stephan
Toor

Standing Committee on Resource Stewardship

Chair: Mr. Hanson
Deputy Chair: Member Ceci

Dach
Feehan
Getson
Loewen
Rehn
Rosin
Sabir
Singh
Smith
Yaseen

Legislative Assembly of Alberta

9 a.m.

Wednesday, April 1, 2020

[The Speaker in the chair]

Prayers

The Speaker: Lord, the God of righteousness and truth, grant to our Queen and to 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 or desire to please or unworthy ideas but, laying aside all private interests and prejudice, keep in mind their responsibility to seek to improve the condition of all. Amen.

Please be seated.

Ordres du jour.

Orders of the Day

Government Bills and Orders

Second Reading

Bill 10

Public Health (Emergency Powers) Amendment Act, 2020

Mrs. Savage: Mr. Speaker, before we start, I'd like to request unanimous consent of the Assembly that members may be able to sit, vote, and eat – speak from any chair within the Assembly for today's sitting.

The Speaker: That would be an interesting change. Hon. members, the Deputy Government House Leader has requested unanimous consent for all members to be able to sit, vote, and speak in any seat in the Chamber to allow for social distancing.

[Unanimous consent granted]

The Speaker: The hon. Deputy Government House Leader.

Mrs. Savage: Well, thank you, Mr. Speaker. It's a privilege today to move on behalf of the Minister of Health second reading of Bill 10, the Public Health (Emergency Powers) Amendment Act, 2020.

Mr. Speaker, we are living through extraordinary times. The global COVID-19 pandemic has affected every aspect of life here in Alberta. Our public officials have been clear. We all have a role to play in preventing the spread of this dangerous disease. The vast majority of Albertans understand their roles and are abiding by the public health orders already in place, but these measures are only effective when everybody follows them. Those who choose to put their families, their neighbours, or others at risk must face consequences.

Bill 10 would make changes to the Public Health Act and strengthen our ability to protect the health and safety of Albertans. Through these amendments administrative fines for violating an order of an executive officer or physician will increase from no less than \$100 a day up to \$5,000 a day, and any person who otherwise contravenes the act will be subject to a court-ordered fine of up to \$100,000 for a first offence and up to \$500,000 for a subsequent offence. This is in line with penalties administered under the Safety Codes Act.

To help enforce these rules, additional authority to enforce the Public Health Act is provided to community peace officers as well as police officers. Executive officers, also known as public health inspectors, will continue to be the first responders to complaints or

concerns. The proposed amendments would provide executive officers new tools to facilitate inspections and the issuance of orders; for example, by expressly allowing police officers to attend inspections with the health inspector. The amendments will also allow for electronic means of serving people with legal documents. While recognizing the commercial reality of the 21st century, this is also something particularly important in a time of social distancing. Most of these amendments would be retroactive to the declaration of the public health emergency and would apply to future emergencies. This means that in the future ministers will have the authority to quickly deploy peace officers to supplement law enforcement during an emergency if necessary.

The aggressive public health measures currently in place are necessary to protect the health of Albertans. They are also taking a heavy toll on individuals, families, and businesses. In the coming weeks and months some people may begin to question the need for these measures. The best deterrent to noncompliance is knowledge. Our chief medical officer of health will continue to do an exemplary job of providing clear, accurate information whenever possible to reinforce the need for all of us to stand together even if we must do so from a distance. For those few people for whom a stronger deterrent is needed, the amendments in this bill will provide the impetus for people to follow the requirements as well as the authority to enforce public health orders if they are not being followed.

The health and safety of Albertans is and will always be our top priority. We will continue to take any action deemed necessary to prevent the spread and flatten the curve.

Thank you.

The Speaker: Hon. members, are there others wishing to join the debate this morning? I see the hon. Member for Edmonton-City Centre.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity this morning to rise and speak to Bill 10, the Public Health (Emergency Powers) Amendment Act, 2020. Indeed, as the Minister of Energy has just spoken and talked about, it's incredibly important that we have appropriate rules in place to handle situations that we find ourselves in currently with the COVID-19 pandemic.

I'd like to begin again by just taking one more moment to express my sympathies to the families of all of the Albertans we have lost to COVID-19 so far and also express my thanks to all of the doctors, the nurses, the front-line health care workers, the lab professionals, who are working under some very long hours, stressful conditions to help see us through and keep Albertans healthy and safe.

Now, indeed, I think we all recognize that we have a part to play in this. This is perhaps one of the largest mobilizations we have as a society and as a province to address a public health crisis. This is something that literally requires the participation of every single individual in the province. Of course, the enactment of the public health emergency act is about co-ordinating that and recognizing that at times when we do have to mobilize on this unprecedented scale, then government may need to have powers to do that under the chief medical officer of health. Then, of course, backing her up on her recommendations and her expert opinions, the Minister of Health plays a significant role, and what we see in this act is the bits and pieces that are needed to empower the minister to take those actions and for us to put those things in place.

From what we've seen so far, I think that it's worked quite well. We have the fines currently in place. That was done through an order in council. Those were increased, those incentives, to ensure that people follow the recommendations of the chief medical officer

of health, and indeed she has been able to move forward and put in place those recommendations. We've had the bits around essential and nonessential businesses. So far the government has been able to do everything that it needs to do to back up the chief medical officer of health.

That's what brings me to, I guess, a bit of a concern about this bill, in that ultimately I'm not quite sure why it's considered urgently necessary. Again, one of the recommendations of the chief medical officer of health was that we, as much as possible, stay in our homes, only go out for absolutely urgent business, and currently don't gather in groups of more than 15. We have been granted an exception for that. The government brought in a motion to grant this Assembly an exception to that for urgent emergency business. Mr. Speaker, when we all come here, we are coming from across the province to gather in a group of much more than 15 and to be exposed to many different things here and then going back to our communities. That is a risk and one that we should not take lightly.

Now, we've been clear, of course, as members of the Official Opposition that we are happy to support the government when there is indeed urgent emergency legislation that must be put through for the good of the province to get us through this crisis, this pandemic. But when I look at this bill and in the conversations I had in the bill briefing, I found it very difficult to get any answers to be clear about how this bill is in fact meeting that standard. When we look at this bill, it's a bit unclear, really, ultimately what it does. As I was saying, it seems there are already sufficient powers to do all of the things that are listed in this amendment package. Indeed, when I spoke with officials and with staff from the Minister of Health's office and I asked them about this legislation, I said, "What in this legislation is absolutely necessary now?" Nobody in that conversation was able to give me an answer at that point. They offered to follow up in writing, and they did four hours later, and this is what they wrote:

This legislation is needed to increase transparency, ratify powers originally exercised by ministerial order, and ensure the validity of stricter penalties for violating orders of the Chief Medical Officer of Health so that those higher potential penalties may act as a general deterrent to behaviour that threatens the health of Albertans.

9:10

The argument was that the bill is needed to increase transparency, to ratify powers originally exercised by ministerial order. Again, those are powers that were already exercised, so either they were exercised and they were done correctly and were good, or they were not done correctly and there is a problem. But, again, if they've been done and everything was okay – and as far as I know, that's true; the penalties are in place, and law enforcement can apply them – then I don't see where it was necessary to bring all of us together for the purpose of passing this bill.

Let's take a bit of a closer look at what we have in this piece of legislation specifically. Now, certainly, we don't disagree with the steps that have been taken. You know, there is merit to making sure that there are stronger consequences for those who endanger the health of others through increased fines. Indeed, when I spoke with the officials at the briefing, they made it clear that this was merely bringing Alberta in line with other jurisdictions. Certainly, seeing the severity of the impacts of people choosing not to follow the protocols around social distancing and other aspects with COVID-19, that can cost people their lives, so it seems reasonable to me that there would be significant financial penalties for anyone that would choose not to follow the orders that have been put forward by the chief medical officer of health to help protect the health of Albertans. We have no quibble with that. In fact, we support that

the government took that action and again noting that the government has taken that action. It is in place by ministerial order, so that's already been done.

Now, more broadly looking at the amendments to the legislation, they don't appear to actually give the government any more power than it already has. To be clear, I think that all the necessary powers of the government are already contained in this act or the Emergency Management Act.

Again, as I said, when I asked officials in the briefing to articulate, you know, why this legislation was absolutely necessary or what new powers would exist that did not previously exist, no one was really able to do so. I was told simply that this is about clarity. Again, I asked quite clearly: "Okay. Well, was there something in which there was a lack of clarity that has had an impact on our ability to respond to COVID-19? Is there a circumstance that you ran into and you said, 'Okay. We need to adjust this so that we do not run into this obstacle in the future?'" So far, Mr. Speaker, nobody has been able to name a specific instance or a specific reason or an actual occurrence where the lack of these changes that are put forward in this bill has prevented any of the action required to respond to COVID-19.

Now, I understand that the Government House Leader was asked about this issue yesterday, and in his view, he just simply said that he feels that the bill deserves debate. Well, fair enough. We are here. We are debating. Again, as I said, we have agreed as the Official Opposition to making these exceptions to the recommendation of the chief medical officer based on urgency, not simply because a bill deserves to be debated but that it must urgently be debated in order to affect the response to COVID-19. But we are here, and we will debate it.

As I said, the increased fines are already in full force and effect, and the Premier himself noted that that is in fact the law. It's currently the law. We have the section here to add it in again, but it's already existing by ministerial order. So we have to ask, then: why is it necessary to bring forward these amendments to the Public Health Act to change in legislation what's already in effect through an order? Perhaps that's a question that a member of government will have the opportunity to explain, perhaps the Minister of Health when he rises and speaks to this bill, which I certainly hope he will. He can provide some clarity then on precisely what has changed from March 25, when they issued the ministerial order to put the fines in place.

Now, I would also note, as I was speaking about, that the powers that are given to the government under the Public Health Act and the Emergency Management Act are enormous. This is extremely extensive. The government can do pretty much anything it needs to right now. From modifying an act by ministerial order, the government can confiscate property, and it can order the conscription of citizens. So it is really the view of the Official Opposition, again, that, looking at the provisions of the act that are around this, there are really no new or specific powers being requested through this amendment. There are some slight changes to process, but ultimately there are no new powers. Once this act passes, there's nothing additional that the government can do that it does not already have the power to do. But, certainly, if I am incorrect on that, I would be happy to hear from the government.

Again, when I spoke with officials in the briefing and with staff from the minister's office, they were not able to provide any additional powers that the government would have. Again, they said that this was about clarity, and again I was unable to find out exactly what was unclear or in what way that lack of clarity has presented any form of an obstacle for government or the chief medical officer to be able to respond to the COVID-19 pandemic.

I would also note that one of the reasons that was given in the written response that was offered to me – in fact, the very first line was that this legislation is needed to increase transparency. Now, of course, that is an important thing. Absolutely. I one hundred per cent agree. I think that in a time such as this, when we are facing a provincial pandemic, we want to be transparent and communicate with the public as much as possible. Indeed, I think it's one of those rare ages when perhaps we're going back to the golden age of television, when everyone would sit down and watch the same program at the same time, with pretty much the whole of the province sitting down every afternoon to watch Dr. Deena Hinshaw as she provides the update for the province of Alberta. Indeed, I note that the Premier is often there and others because they recognize that that is a prime opportunity to communicate with all of Albertans. We recognize that that's an important part of this.

Indeed, again, this legislation was apparently needed to increase transparency. When I take a look at this lack of legislation and certainly recognize that the government has a responsibility for significant public disclosure – any changes to legislation, for example, we know, have to be brought before this House. Under the Public Health Act, however, during a public health emergency the government has significant power to do almost anything, including, as I noted, modifying laws that govern Albertans. However, under the Public Health Act there is no requirement for immediate public disclosure.

In the amendment package that's brought forward by the government here, there are also no additional transparent public disclosure requirements. My question to the government, then, is that if this was necessary to bring forward in order to increase transparency, there do not appear to be any additional amendments that in any way actually increase transparency around any of the actions that government could take through this act, which, again I would clarify, Mr. Speaker, they already have the power to do. If that was indeed something they wanted to change, I have to wonder why they didn't bring forward some immediate public disclosure requirements for any order that is issued during this public health emergency.

Indeed, as I noted, I think that if we want the compliance of Albertans – and indeed we recognize that as one of the chief reasons for invoking this act – one of the only things that is going to help contain and flatten the curve for COVID-19 and indeed spare us the experiences of what we've seen in some other jurisdictions like Italy or potentially in areas of the U.S. is that we have clear communication with the public. Any ministerial order that is put forward in order to empower government to address this crisis: I can't see any reason why that should not be public, why that should not be clear, that government would not want to communicate with Albertans each step that it is taking to respond to this, indeed, to let them know that their government is taking action, responsible action, and being transparent about the significant powers that it is invoking in doing so.

One of the other areas of this bill is that it allows government to, I guess, direct peace officers. To be clear, what currently exists in the legislation is that it states that the government may at any time request from the employer of those peace officers to have those peace officers deployed to some other duty that the government judges to be necessary to protect public safety during a public health crisis. Now, this is a process that's been in place for some time, and it has worked quite effectively. During the Fort McMurray fire, for example, we were able to work with all of our police services, and indeed we received RCMP support even from outside of province, from the province of B.C. They were more than happy. We sent a simple request to the head of the RCMP there. They said: no problem. The officers came over; they were of great assistance.

Likewise, when there were wildfires in B.C., the same permission was asked of us, and again officers from Alberta were more than happy to go.

9:20

Again, in the briefing I had the opportunity to ask officials and ask staff in the minister's office if there had ever been an occasion where this had actually posed a problem, where that formality, as they refer to it, of going and asking the commander of the K Division to release his officers to do a duty required by the province, had ever presented any form of a barrier, any kind of an issue. They said: no, not that they're aware of.

Now, also within that conversation we were speaking about this. Of course, I admit, Mr. Speaker, that I am not a lawyer, so I was doing my best to understand what was in the legislation. I wasn't aware of all the different aspects, but having had a chance to talk with some colleagues who know a bit more about peace officers and indeed the Peace Officer Act, it was noted – in the conversation we talked about, we asked them: "Have you spoken with the RCMP and gotten their opinion on this bill? Have you spoken with, you know, the chiefs of police in Edmonton and Calgary? Have you spoken with the municipal leaders to see how they feel about this?" It was indicated that indeed there had been conversations with the RCMP at least. But the thing is that under the Peace Officer Act, explicitly the second line of the act says that it does not include police officers. I'm not sure if there was perhaps confusion in the conversation or if there's perhaps confusion about what this bill will ultimately do.

That being the case, if this is amending the Peace Officer Act and the Peace Officer Act only applies to peace officers and this amendment is intended to allow government to not have to go through the formality to ask the employer of peace officers for permission to direct them before they do so – the government of Alberta is essentially the employer of peace officers, so perhaps one of the government members or the Minister of Health, should he have the opportunity to speak to this bill, could clarify that bit of confusion there because it appears – and again I'm happy to be corrected if I'm wrong – that this section of the amendment is basically saying that government does not have to ask its own permission to direct peace officers to a particular area.

Again, I'm doing my best from what I'm able, looking at the pieces of legislation – and indeed I've continued to have this conversation and will continue to have this conversation with some of my colleagues who have a bit more knowledge. But that is one area that would be helpful if the government could provide a bit more clarity so that we can understand.

We will continue to look at this, and we may indeed as an opposition, you know, come forward with some amendments. Again, at first glance and in the brief time we've had to look at the bill, it's hard to find anything to really be concerned about. Again, what it appears is that this bill is largely just empowering government to do things that it already had the power to do before, so it's difficult, I suppose, to object to the bill in that regard. I mean, it's okay. You're already able to do this. You want to be doubly extra sure you're able to do it. Then that's okay.

But it is concerning, then, within the context of what we have spoken of, in that we are exercising an extraordinary exception to the orders of the chief medical officer during a public health emergency and also, you know, debating a bill which has to do with extremely significant powers of the government with a limited number of members in the Chamber. Mr. Speaker, that's another reason why we as the Official Opposition have been very clear that we are happy to support government in moving absolutely urgent legislation to empower it to take immediate and essential action to

address the current pandemic with COVID-19. One of the reasons that we set that standard is because, again, as you can see, we have a limited number of members here in this House today, so on something that affects so many Albertans, something that amends an act that gives sweeping powers to government, we do not have the representation of a large number of Albertans here to participate in that debate.

Again, it is a bit concerning to me that we have not been able to get a clear explanation of precisely what is absolutely necessary in this act that government did not already have the ability to do. I don't raise that to be contentious. I don't raise that to waste time. I just raise that because that is a genuine concern. Indeed, no other Legislature in Canada is sitting at the moment. None. Again, I am not against sitting if we need to do so, but when we do so, it should be for something substantive and important. I look forward to hearing from government members perhaps a bit more about what precisely this bill does that could not be done before.

The Speaker: Hon. members, is there anyone else wishing to speak to second reading? I see the hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Mr. Speaker. I appreciate the opportunity to speak to Bill 10, Public Health (Emergency Powers) Amendment Act, 2020. I would like to begin by expressing my sympathies to all those individuals and families who've already lost their lives here in the province of Alberta. It's a difficult time for everyone, and certainly on behalf of myself and my family and the Official Opposition I just want to reiterate our sympathies and thoughts and prayers to all of those families who have lost people to COVID-19 thus far.

I know that as well I would like to have a special moment to have a shout-out to all of the front-line health care workers, who are working under very difficult circumstances, here in the province of Alberta, across Canada, and indeed throughout the world. We know that we are busy retooling our urgent care and training and trying to cope with very difficult situations in lodges and long-term care facilities, and I know that health care workers are putting in a big effort each and every day, as we speak, to try to ensure the safety and the comfort of all Albertans. I know that on a personal level, certainly, I have both my wife and my eldest daughter working at the Alex right now as we speak, so if they're not watching – I know they're not because they're busy looking after people and trying to reconfigure the Royal Alex hospital. When I see my wife heading off every day to the Alex, I know that she's there to be determined to do the very best she can, but, you know, we're also quite nervous about her own safety and indeed the safety of my eldest daughter as well.

As the hon. member had just mentioned, it's important to recognize that we all have an essential role to play in trying to mitigate the spread of COVID-19. I heard a health official on the radio yesterday, I think, very aptly – you know, it's funny how some things stick in your head: COVID-19 doesn't have legs; it needs to move with the movement of human beings to pass it from person to person. If you think of it on that very basic level – right? – the degree to which you can limit your movement and interaction with other human beings really helps to slow the spread of the coronavirus and thus makes it more able for our health care system to be able to handle the rate of infection, the number of acute cases that are coming to our hospitals across the province.

It's absolutely incumbent upon all of us to be conscious of if and when we choose to interact with other people. I know that, being social creatures, we inherently want to have that human contact, and I think it's a very important part of who we are as human beings.

It's a very important part of our psychology and our mental well-being to have those interactions, but at this point in time, for the sake of literally thousands of lives we need to make a conscious effort to minimize those interactions, because, like I say, COVID-19 does not have legs. It requires you to move around to spread that virus, and the degree to which we can minimize that is perhaps the most important role that we can take as members of our society.

9:30

Certainly, as I said before, I'm very proud of how our emergency health system has rolled out thus far. We have, I think, excellent leadership through Alberta Health Services, the chief medical officer and so forth, and, as I say, the thousands of health care professionals who have risen to the occasion and risen to the challenge of dealing with this health emergency.

I would say as well that the public health emergency powers that we did put in place some weeks ago have been serving our province very well also. I know that these are sweeping powers that can be adjusted to meet the changing demands of this health emergency, and thus far I think we've seen it working quite proficiently. We know, as my hon. colleague mentioned, that the chief medical officer's daily briefings have been very efficient and widely followed by literally thousands of people watching as Deena Hinshaw is live on our media systems. Each step of the way, when we've had to make adjustments for the number of people that can gather, let's say, in a place or what industries and businesses and government services are deemed to be essential, changing that over time to make the changing demands of this health emergency, we've seen the public health emergency powers law hold up quite well, quite frankly.

I guess, Mr. Speaker, what I would like to think about here this morning is that when we see this amendment to the emergency powers act, to what degree do we need to change the existing law, and is it indeed essential, and is it indeed something that needs to be done now? Of course, for us to be here in this Chamber now, it was a requirement that we made an exception for gathering people. I think the law around gathering people is fewer than 15 people, I believe, right? Of course, there are more than that here in this room now because this legislative body has been deemed an essential service. Now, I don't dispute that. I mean, I think that we have an important role to play to provide leadership for the people of Alberta and to ensure that there are sufficient legislation and monies to make sure that people are as safe as they can be, especially during this very difficult time.

But I would also say that if we are using the definition of an essential service to apply to us having an exceptional gathering of more than 15 people in this room right now, for example, then I would say that we need to apply the definition of what is essential to each of the bills that we are in fact debating in this same place, that has been deemed essential. The application of that word, "essential," needs to be placed onto every bill that we work through as well.

Now, I was in here yesterday afternoon, and we had Bill 11, and there were some obvious changes – here it is right here – to the tenancies statutes amendment act to deal with evictions for people in the province and for rental situations. Indeed, it's a very timely thing for us to debate that on an emergency level, an essential level, because here we are at April 1, where literally, you know, probably there are thousands of people that would have faced imminent eviction because of their inability to make ends meet, to pay their rent during this extraordinary time with a very difficult economic circumstance. I would be fair to say that that was indeed an essential service that we provided to Albertans in that situation through the passage of Bill 11, in all three stages, yesterday. Fair play.

Here we are today, then, going back to a different bill, Bill 10, and we must carefully make that same application of the essentiality of this bill to see if that does meet the test. As my hon. colleague from Edmonton-City Centre pointed out here, we find that a little bit more difficult with Bill 10. I mean, all of the elements of Bill 10 are, I think, self-evident and not disagreeable, but to what degree do they already exist in existing legislation that we passed not so long ago?

You know, again I'm leaving that as an open question because certainly we're here to try to help, not just for the edification of all of us in this Chamber but for everyone in Alberta, understand exactly, every step of the way, what emergency powers are in place now and why it is that we need to move this amendment. What needs to be changed, as such? We know that, for example, changing the amount of fines or the level of fines in the act is well within the power of the government with the existing legislation that we have in place, right? You can move those things – those are part of the adjustments that you can make along the way – using the existing emergency powers amendment act. Indeed, I mean, the new proposals for fines and penalties are difficult, but I think that we can agree that they're probably necessary, right?

Of course, there are two ways of approaching this pandemic, and we use both of them at the same time. One is to provide education and encouragement and ways by which people can self-isolate and to make sure that people are educated and supported every step of the way – right? – by not evicting them from their apartment or making sure that they have sufficient money to buy food, making a clear definition of what an essential service is so that people know when they should go to work or when they shouldn't and so forth. Those are all important educative elements to help with the role we have as a member of the public here.

But you also do need penalties as well for people who might choose to not adhere to those rules. Again, it's not easy to put in some harsh penalties, but sometimes, you know, that's the way that people will respond in the correct manner, with correct behaviours during this time. That's all well and good, but, I mean, the point is – and maybe I'm missing something here – to what degree does Bill 10 change fundamentally the law in order to make those changes to the penalties? I think that that is a fair question, and I think that I would appreciate the Minister of Health providing an answer here when he chooses to speak on this issue.

Another area that we again have questions around – right? – is the direction of police resources here in the province of Alberta. Again, it's very important to co-ordinate scarce resources in any way, any form that we have, be they health care workers or sanitary workers and so forth. But, again, it's a question that I have in trying to understand this bill: what is changing in regard to the existing way by which police resources are deployed in the province of Alberta with this legislation? Again, this is something that we definitely need to have cleared up because, you know, in that part of the bill it talks about peace officers and so forth, but that's only, well, a not insignificant portion of the police resources that we have available to us here in the province of Alberta. It certainly doesn't include at least two of the very important parts of our police forces' capacity in the province, which is the RCMP and municipal police forces as well. Again, a very fair question that I think deserves an answer not just for us but for all of those police officers.

9:40

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone would like to provide a brief question or comment. The hon. Member for Edmonton-Rutherford under Standing Order 29(2)(a).

Mr. Feehan: Thank you, Mr. Speaker. I appreciate that. I was just listening to the previous speaker and had a couple of thoughts that I think maybe he could spend a few more minutes clarifying for the House so that we have a deeper understanding of what the issue is at hand here and we're not getting confused in terms of what the message is.

One of the things that I know he was saying was that we need to bring a test to this bill as to whether or not it is indeed critical that we pass this bill at this particular time. I wanted the speaker just to come back to us to talk about that for a moment because there is a difference between the agreement that we all have that the powers themselves are critical versus the issue of whether or not this bill itself is critical; that is, the powers that the government is introducing in this bill don't appear to be new but are very important at a time of crisis. Of course, we are glad that the government has the ability to act to protect the health and well-being of all citizens in this province, but that does not make this bill critical even though the powers themselves are critical, if indeed all of those powers presently exist. I just wondered if the previous speaker might take a moment to talk about the difference between his support for the actual activities of the bill versus whether or not the bill itself needs to be here in the House.

Thank you very much, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you. I appreciate that distinction because, as I said, like, just during my speech in second reading in regard to Bill 10, certainly I don't see any element in this amendment that is not, I think, self-evident, nor do I see anything in particular that – you know, I guess there are a couple of areas that we are looking to maybe make an amendment. That's entirely possible. We're busy working on that, because we're all moving on an emergency footing ourselves in regard to having each bill scrutinized properly. Again, that distinction must be made – and I will make it emphatically and clearly – that while most elements of this bill are not only agreeable but, I think, necessary, to what degree does that make it different from the existing powers that the government has to deal with a public health emergency?

You know, the reason we make that distinction is that, number one, as I said before, we apply the definition of essential to this Chamber now, because we're meeting in this Chamber through an essential service exception for having more than 15 people in one room, in one place. So we need to make sure we apply that definition to every single thing that we do in here, because if we're not, then it is a risk, right? It's a calculated risk, but it's a risk nonetheless. I know that everybody in this room knows that full well, right? You can feel the discussions I've had with members and the guards and the support staff and whatnot. Everyone can feel the tension that's associated with us meeting like this. I don't doubt the premise of the Legislature being an essential service in general, but then every single bill that we come in to do has to meet that definition, because if it's not, then we are undermining the essential definition that this Chamber has been given and unnecessarily, then, undermining the health potentially of each of us who are here.

I'm glad to be, you know, here to debate these things. I know that my responsibility lies with being a constructive critic of each bill that comes forward into this House. So I guess we need to take a long second look at that, right? And I would venture to say as well that we need to make sure that we set a precedent and a standard by how we move forward in this Legislature during a public health emergency. If we sort of let slide something that's not essential, then another nonessential thing might just pop up. It's a trend that I don't want to be a part of either.

The Speaker: Hon. members, we are at second reading. Is there anyone else who wishes to join the debate? The hon. Member for Edmonton-Rutherford has risen.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate the opportunity to speak to Bill 10, the Public Health (Emergency Powers) Amendment Act, 2020. I am very happy to be in this House, to be given an opportunity to help this government and, of course, the province of Alberta in addressing one of the worst crises that we have had to face in our history. I know there have been others. But I appreciate the fact that right now the issues inherent in the COVID-19 crisis are extremely critical to the well-being of the province of Alberta and its citizens, and as such it is really important that the government of the province of Alberta be seen to be taking the right steps in the right direction to provide support and direction to the citizens of the province of Alberta in a timely and transparent way. As such, the opposition is quite happy to be here today to support the work that is necessary to ensure that global well-being here in this province.

Of course, as many people on both sides of the House have done over the last while, I'd like to take some time to acknowledge the serious impact that COVID-19 has had on Albertans, particularly those who have been directly affected by COVID-19, who have acquired the disease and, most specifically, those who have died and all of their families. This is a terrible tragedy. We acknowledge the pain and the grief that you must be experiencing at this time. All of the province of Alberta has their heart with you. We wish at this time that no more people are affected in this terrible way by this horrendous disease.

I also would like to take a few moments to acknowledge the many people who continue to work during the time of this crisis. Clearly, of course, the front-line workers: the nurses and the doctors, the cleaning staff at hospitals, the orderlies and ushers, the people that make sure that that hospital is open 24 hours a day and that the service is running as it should. While we do acknowledge particularly the medical professionals, I also understand that none of these things could happen without the unit clerks, without the support staff, without the people who clean each room between patients to ensure that the infection is not spread. We'd like to thank them all for that kind of incredibly dedicated service.

I was very distraught to hear on the radio this morning that, in fact, health workers are one of the highest groups in terms of being affected by COVID-19. You know, as a result, they are putting themselves on the line for our well-being.

9:50

I also want to take a few moments to go beyond health workers and hospital workers, although obviously I think they're extremely important, and thank all the other people whose jobs are very important at this time to ensure that we continue to run well as a province. That would include, of course, quite a wide range of people. I know even my own child as a computer technician has been doing a lot of work repairing people's computers so that they can stay at home and work from afar. People like that are often not mentioned in terms of our thanks. I'm sure that every member of the House would agree that we are thanking all those people who are working in the oil field, making sure we still have energy for our homes, who are still out there, you know, building alternative energy systems, who are still out there ensuring our roads are safe, who are still out there ensuring that we have all the resources we need to continue to run the economy of this province. Thank you to all of you workers. Whatever that task is that you are engaged in, you are engaging in it on behalf of all of us to ensure that our province runs well.

I'd like to now take some time to move on and address the question of Bill 10 and speak to the importance of public health emergency powers and the measures inherent in this act. We know that the intention of this act is to provide the government with tools to be able to address a crisis of this nature in a way that is speedy and also is strong enough to boldly attack the problems as they arise so that they do not grow. As such, along with all the opposition members in this House I would like to say that I support the government having the ability to take direct action, to do so without delay when necessary, and to make sure that that action is directed toward the common good and the benefit of all Albertans.

Having said that, I'm glad to see that the government is concerned about their ability to be responsive to the needs of Albertans, but as some of the other speakers have indicated, the question for me is why this act was drawn together in the first place, when there is not a single item in the act that identifies a tool that is not presently available to the government and, indeed, almost all of the tools mentioned in this act have already in fact been employed by the government.

I know there can't be any confusion or doubt in the government's mind that they have the right to do these things because they have done these things and they've used ministerial orders to ensure that those things are done. We just want some clarity here at this point, then. If ministerial orders are being used appropriately in the time of a crisis to achieve the public good, the common good of all of us, why do we need an act to identify that we have the ability to do what we already are doing? Clearly, those powers are laid out.

It does raise, of course, the question as to whether or not the government is concerned that they have used powers that are inappropriate to them. Is the government concerned that without this act they in fact have engaged in either inappropriate or illegal activities? I'm not suggesting they have because I don't see any evidence of that. What I'm trying to understand is why the government feels the need to put in an act to tell them that they have the powers that they already have. It makes me wonder whether or not they are concerned that in fact some of the ministerial orders have been outside of the jurisdiction of the ministers that have signed those orders. If that's a concern for them, I certainly would like them to stand up and address that and address which of the ministerial orders that they have issued over the last number of weeks they feel have been outside of due process and the rights of the ministers to have signed. And which aspects do we need to bring back into the law if they have been outside of the law? If that is an issue, I absolutely assure you that the opposition side of the House would like to support the government in bringing the ministers back into the law if they, indeed, have been outside of the law. We can be very supportive on that. We just need the government to identify where it is that they feel the ministers have been acting inappropriately such that they need to introduce this kind of legislation.

If they come back and say, "No, our ministers have not acted outside of the law," then the question is: why do we have this new act at all, then, if they have indeed been within their jurisdiction, if they have indeed appropriately taken the steps necessary to identify the need for their actions and have followed the procedures that have been laid out in other acts to enable their powers to protect the citizens of Alberta? Then it would make this law redundant. We're really stuck in this quagmire here. Either we've been outside of the law and need to bring it back in, or we have not been outside of the law and this act is unnecessary.

Given that this question is yet to be answered, and I hope that one of the ministers perhaps on the other side of the House will be able to stand up and identify whether or not they have been inappropriate in their use of ministerial orders, but if not – and I'm not assuming

they have, by the way. I'm much more likely to believe that this act is redundant, not that there has been any inappropriate behaviour by the ministers. But it does beg the question of why the government is wanting to introduce an act at this particular time that provides no new powers, that doesn't really provide any clarity because the other acts themselves are, in fact, clear with the powers that are available to the government.

So if it doesn't provide transparency and it doesn't provide new powers, then unfortunately I have to go to the place of: what is the motivation for the government bringing this act in? It seems to me that we need to be concerned about why we are here in the first place. Has this act been brought in as a way of bringing the House back in to debate this act on emergency powers, not because the act itself is necessary but because it brings this House back together so that the government can introduce other pieces of legislation which are not urgent? If that's the intention here, if the intention here is for the government to reconvene the House not for the act that we ostensibly are talking about but because it allows them to slide in pieces of legislation that are not emergency pieces of legislation, then I think it's a misuse of the declaration of this act as an emergency piece of legislation at this time.

For example, we have on the Order Paper a discussion of Bill 12, the Liabilities Management Statutes Amendment Act, 2020. I would have to ask: is there an emergency with regard to the liabilities amendment statutes act? Is there some reason why we should bring the House back together again to have a discussion of that particular bill at this time, that it cannot wait until we are back under normal circumstances? If the government has actually introduced Bill 10 in order to provide a cover for slipping in Bill 12, then I have a problem with Bill 10, because it doesn't do anything in and of itself. It becomes merely the Trojan Horse in which they slide in Bill 12. If that's what the intention of having us come back into the House is, then I'm very concerned about the intentions here.

10:00

I can see that some of the members opposite, you know, find it ridiculous. But I noticed that they are not objecting to the fact that we have a nonemergency bill on the Order Paper for today, yet we are back here ostensibly because we are supposed to be debating emergency legislation. It seems to me that there is some alternative motive that is inherent in this, which can be easily dispelled. It can be dispelled by members opposite if they simply would stand up and tell us which new powers are introduced in this bill or which behaviours by the ministers, which ministerial orders have been outside of the law previously, both of which would explain why we're back here today. Otherwise we're left to be concerned that there is a problem with the intent of reconvening the House.

I'd like to go on to speak to some of the particular issues around Bill 10 that I'd like the government to further address. I'd like to speak, for example, to section 10(1), which is the amendment to the Peace Officer Act, which identifies the ability of the minister to involve the police officers without any . . .

The Speaker: Hon. members, Standing Order 29(2)(a) is available. Is there anyone wishing to speak to 29(2)(a)? The hon. Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Mr. Speaker. I'm quite disappointed that my colleague from Edmonton-Rutherford was cut off mid-thought there by the overly restrictive rules of the Legislature. I'd like to ask him if he would like the remaining five minutes to complete that thought and enlighten the Legislature about his opinion of this bill.

The Speaker: Those pesky standing orders getting in the way of hon. members.

Hon. Member for Edmonton-Rutherford, if you'd like to continue.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate the opportunity to address some of the specific sections of Bill 10 now. I was just beginning to address section 10(1), the Peace Officer Act amendment section, just to identify that that section says that the Minister is not required to obtain the consent of peace officers and the peace officers' employers before making an order under subsection (1) declaring the peace officers to have jurisdiction in any part of Alberta to which the declaration of a state of emergency or a state of public health emergency relates.

I just want to point out that this specifically says here that these are peace officers; they are not, as my colleague has previously identified, police officers. This does not reach into the jurisdiction of other forces in the province such as the RCMP or the city of Calgary or the city of Edmonton police forces because the Peace Officer Act specifically identifies that this does not refer to police officers. All that this act then does is allow the provincial government to employ the power to have peace officers given status throughout the province of Alberta under the declaration of the state of emergency.

Now, it is my understanding, however, that all peace officers currently are already employed by the province of Alberta. If I'm wrong on that, I certainly would welcome the ministers to help me understand some of the complexities and intricacies of the law and help me understand whether or not indeed the province of Alberta is the employer of peace officers, because if they are the employer of peace officers, then clearly there is no one besides themselves to consult and the point of that section of the legislation is meaningless. You are not trying to intrude on the jurisdiction of some other government body or some other entity, so why do you need legislation to allow you to do that when, in fact, that's not even a question at hand? Why don't you just simply write as part of your own declaration of the duties of the peace officer the ability of the province, their employer, to indicate the geography of their authority? I'd just like to, you know, again ask some members of the government side of the House to please take some time during this debate to just help us understand.

What you have on this side of the House is not people objecting to the legislation. We intend to support this legislation, I think. We'll watch to see what kind of amendments are made, and we'll certainly be engaged in the debate with you. It's always pleasant to be back in the House when we get a chance to support the work of the government. It's not something that I often find myself in the position of doing, but I'm happy to do that. What we simply want and simply ask is for the members on the government side of the House to speak to us about their understanding of the impact of the legislation and why it is important that we have an emergency session of the House in order to introduce pieces of legislation that apparently have no effect on the governance of the province of Alberta. If they could help us understand that, I think that would be very helpful.

The very last thing I wanted to comment on I will save for my next opportunity to speak. Thank you.

The Speaker: Oh, those pesky rules again.

It appears that the hon. Member for Calgary-Buffalo is rising to speak to second reading. Is that correct?

Member Ceci: Correct.

The Speaker: The call is yours.

Member Ceci: Thank you very much, Mr. Speaker, and thank you to all members of the House for being here and following, of course, except for the number of people in the same room, physical distancing, a positive message to send to Albertans at this time.

I think I want to begin my few short comments with regard to Bill 10, the Public Health (Emergency Powers) Amendment Act, 2020, by reflecting on some of the words that were uttered by the Leader of the Opposition yesterday when she was in the House. I was not here. We've kind of taken some shifts, and it looks like the other side is taking shifts as well. I haven't checked the actual electronic record of *Hansard*, but I can tell you that I'm aware of some of the words of the Leader of the Opposition. She started out by saying – and I'm paraphrasing a little bit here – that she didn't think that Bill 10 was necessary at this time, the legislation to enforce the health orders and to levy fines. She said that it was not necessary. The Leader of the Opposition said, I believe, and I agree that these orders are enforceable through regulation already. She said that we do as an opposition think there is merit in making sure there are consequences for those who endanger the health of others, but we're not sure why we're debating this as legislation when it's already enforced. There's just no need for a bill when the government workers, government officials, can already levy fines without it.

[Mr. Yao in the chair]

This was mentioned by the critic for Health just a few minutes ago. In the briefings that he attended with officials from the government, he said those officials struggled to explain why this bill was necessary. The Leader of the Opposition said: I understand Minister Nixon was asked about this bill earlier yesterday and simply said that it deserved debate. Well, we will debate it, the Leader of the Opposition said, and we may even amend it to ensure that there's a sunset clause and a robust public reporting of every order. Yes, she believes the legislation is not necessary, especially when there is a risk to being in this House for staff, for us, for the people who are supporting us.

And there is a risk, of course, when we come together and don't properly social distance. There is a risk. As I was leaving home yesterday, my own wife was saying, you know: be cautious; be careful. You know, we were self-isolating together for over a week, only going out for emergency groceries and provisions and things like that. We were taking the steps that Dr. Hinshaw was recommending to all Albertans to flatten the curve, and that's a helpful thing to do for this province to get past this.

10:10

As I was saying, the Leader of the Opposition and the critic were saying that it's not really necessary. The things that are being done already are being done, and we don't need to come together. In fact, it's somewhat opaque and vague to understand why we're debating these emergency powers when the actions are already being taken by government officials to help us address this pandemic.

[The Speaker in the chair]

I was reading the *Globe and Mail* earlier today. If there's any province that seems to have a best-in-class approach to this, the *Globe and Mail* editorial was suggesting that B.C. is that province. The headline of the editorial is How Dr. Bonnie Henry and B.C. Are Getting It Right by Laying All Their Cards on the Table, all of their cards, Mr. Speaker. That specific editorial goes on to talk about, not unlike what Dr. Hinshaw is doing, the importance of laying out all of the cards with regard to what the pandemic is doing in that province and their approaches to addressing it. They have a low, medium, and high scenario of potential infections, and the

Minister of Health in that case said: "This is what we do if we have a low scenario. These are the resources we have. This is what we do if we have a medium, and this is what we do if we have a high scenario." What I took from that editorial was that the government was clearly saying what they have as resources, why they need to take the actions they're taking, and it seems in stark contrast to the actions of this government with regard to this bill and the questions we have that aren't being addressed by this government.

As I was saying, when I left home yesterday – of course, you know, our loved ones are concerned about our presence here – my own wife was saying: "Be really cautious. Don't go to the gym in your apartment. Don't go to the sauna in your apartment. Stay in the apartment." For the most part, I've been doing that except for a run in the valley this morning, Mr. Speaker, with significant distance out around me because nobody else was out there. I'm taking the actions needed, but many people are forced to be in tight confines with each other. Of course, those people are doctors and nurses and front-line health care workers, who we know are putting in long hours to make sure that we get through this pandemic, to help keep us all safe. I want to express my appreciation to all of those people for the role they're playing to help Albertans get through this, to treat the Albertans who need that assistance, who are sick, who are impacted, and to make sure that we come out of this pandemic stronger as a province.

We are debating legislation, we are arguing on this side, that doesn't need to be debated at this time. It's somewhat obtuse and dense and vague when the actions that this government is currently taking seem to address all of the necessary provisions in this bill. I do note that there are increases to fines from, you know, somewhat insubstantial amounts to really significant amounts, and of course that's as it should be when the risks are so high for us as a population. But does it need to be something that we debate today, to bring us all back in this Legislature? That's what I would question, Mr. Speaker.

As I said, the Leader of the Opposition doesn't believe we've got the merits of what was negotiated between the House leader of the government and our House leader, you know, that we have emergency legislation needing to be debated. That's not what we believe is taking place at this point in time.

I do want to, of course, talk about other provisions in the bill that's before us, and I do want to focus on what's important as a government during these kinds of challenges, and that's public disclosure. Very, very little of Bill 10 speaks to the rapidness of public disclosure around actions being taken by the government under this bill, and that's what the whole *Globe* editorial was focused on. It was lauding B.C. and Ontario after some misfires in Ontario, but it was saying: B.C., you're getting it right because you're talking to your citizens on a regular basis about the impact of the decisions that you need to make as a government on their lives. In that way you're able to bring people together with greater understanding, greater appreciation about the actions government is taking and why it's necessary to undertake the things they're doing.

The amendment of emergency powers in this Public Health Act, I can appreciate why some of it is taking place. I think that it clarifies some things for ministers, but the changes that it does clarify I would see as not necessarily that important. I'll just give you an example.

Changing things from "may authorize" to "may make an order authorizing", like, I'm just not sure why it's so difficult to work with the current Public Health Act as it's written with that kind of a change. Maybe there was a reason, but it's not transparent here to me what that reason is, and members of the government haven't stood up and argued for that. That's what we're saying on this side,

that there needs to be greater transparency and clarity, and if there was, I think all of us would find, you know, the desire to put our shoulders to the wheel and to work with each other around these sorts of things. But, Mr. Speaker, it's ultimately unclear why we need to do these things. I think the words here seem virtually the same to me, and the powers seem already sufficient to do all the things that are listed in this amendment package.

The critic for this area, of course, had meetings with the officials who are briefing him, and he asked them repeatedly, from listening to him this morning: now, is it absolutely necessary that we come into the House for these actions to change these things now? As I said, he got some vague responses. He said that four hours later – and I'm no more clear with the response that was given to him four hours later than what he tried to share with us earlier this morning – this is what he received back.

This legislation is needed to increase transparency . . .

I would argue that it's not all that more transparent to me.

. . . ratify powers originally exercised by ministerial order . . .

Those powers, as I said, and the amendment seem to be similar in tone with the original way it's written.

. . . and ensure the validity of stricter penalties for violating orders of the Chief Medical Officer of Health.

10:20

I do recognize where the amounts are significantly higher in this amendment, from things like changing from \$100 to \$5,000 for each day. So, yes, those are more powerful in weight and, hopefully, will generate more people to recognize that not following the rules of the medical officer of health can be significantly costly.

Mr. Speaker, B.C. seems to have got it right. They're getting recognition. Ontario is now doing a lot more. I would argue that we need our ministers to stand up in this House and be clear about what problems they were finding with the previous act, why they're amended to be before us today, and what we can ensure will happen better down the road as a result of these amendments. I don't want to necessarily say that, you know, we shouldn't be in this House for emergency reasons. We should be here. Albertans need us to be here and to show leadership and to work together, but we need to be here for substantive reasons. As others have said before me, Bill 12 is on the Order Paper as well, the Liabilities Management Statutes Amendment Act, 2020. I'm not sure why orphan wells are – and perhaps we'll be debating that a lot more in detail and find out from the Minister of Energy – on the Order Paper before us.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. I see the Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Mr. Speaker, and thank you to the hon. Member for Calgary-Buffalo for his reflections on Bill 10. I certainly share his concern, genuine concern about providing clarity as to what is missing in the existing public emergency act that would necessitate an amendment to that same act.

You know, when I think back on some of the comments that I've heard from the daily briefings by the chief medical officer and often accompanied by the Premier or other ministers; for example, someone asked about the increased fines enshrined in the legislation that exists already, about their force and their effect, and I think that the Premier said quite emphatically that this is not a law, and the fines and obeying the orders of the chief medical officer, of course, are legally binding and emphatically true as well. Then he said that this was, and I quote, an absolute legal requirement. So, you know, again it just raises the question, Mr. Speaker, about exactly what else is required.

Again, I think we've made it abundantly clear, and the hon. Member for Calgary-Buffalo, I think, just underlined the same idea

that we've been bringing forward here for a number of speakers so far, which is that we certainly support the full scope of power that is enshrined in the medical emergency act and, you know, the concept and the ideas that are in Bill 10.

But, again, there's a very important distinction – and this is something that I cannot emphasize more clearly – and that is that we need to apply the definition of what is essential to each of the things that we choose to do in this special Assembly as we speak here this morning because if the legislation doesn't meet the test of what is essential to help with the efforts of the medical emergency which we're now facing, then we shouldn't be doing it. Again, it's a calculated risk to bring together this very important legislative body, and it should not be taken with anything short of the greatest gravity, considering all of the other very difficult things that we are facing here in our society today, not just the medical emergency but the economic trouble that we're facing and making sure that we are supporting those efforts in every possible way but in a constructive and emphatic and essential way as well.

I'm just curious to know, with the time remaining, if the hon. member can, you know, perhaps give us a perspective from his constituency in Calgary, right? To what degree do the constituents of Calgary-Buffalo require perhaps a buttressing or a change in the emergency health act, or what is top of mind for looking after those constituents to which you are responsible?

The Speaker: The hon. Member for Calgary-Buffalo has approximately 25 seconds remaining.

Member Ceci: I'm more than happy, Edmonton-North West, to respond. You know, I've been in virtual communication with many of my constituents, of course, and the things they're wanting aren't involved in the Emergency Management Act. They're renters in downtown Calgary. They need support from this government, and that's what they're concerned about.

The Speaker: Hon. members, is there anyone else wishing to join in the debate? The hon. Member for Edmonton-Manning has the call.

Ms Sweet: Thank you, Mr. Speaker, for allowing me to rise and to speak to Bill 10, the Public Health (Emergency Powers) Amendment Act, 2020. I do have a few questions in regard to the act.

I appreciate that the government is using the language around the pandemic to indicate why this needs to be legislated, and I know we've heard from many of our colleagues in regard to the concerns that we have around this. I still am fundamentally confused, and I would really like to encourage somebody from the government, anybody from the government to stand up and provide a rationale to Albertans as to why this has to be put in legislation. We know that the government has the capacity and, in fact, has utilized this capacity already during the current emergency powers that are under the Public Health Act as it is to be able to do the work that the government needs to do to ensure that Albertans are safe.

Now, the reason that I know that – and the part that I'm really confused about is specifically when we're talking about peace officer programs and looking at the government wanting to remove the piece around having to notify the employer, around changing the notification to the employer around peace officers. Now, the reason that I find this odd is that there was actually a request sent out on March 30, before the bill was even sent out – or the bill was maybe introduced; it might have been, but, I mean, we haven't passed it, so it's not in place yet – actually asking for community peace officers to help work out on the highways, to, you know, help in enforcing what needs to be done in regard to traffic enforcement.

Part of the memo also indicated that peace officers typically would be required to work within their jurisdiction, wherever that would be within the parameters of where they were hired and working, however, with an agreement from the Solicitor General's office. Obviously, you know, Justice and Solicitor General, being the employer of many of these peace officers, asked and put out a memo saying that any of those individuals that would like to look for exemption and request exemption to be able to work in other jurisdictions to support the work that is happening within the pandemic can do so following the process within the emergency response act. In fact, they were given the link that they could actually click on to request those exemptions.

10:30

There's a memo that I'm more than willing to table this afternoon, Mr. Speaker, from the director asking peace officers whether or not they would be willing to put their name forward to be exempted so they can help. I can tell you I have many good friends, again, coming from being a labour activist within AUPE, that I'm connected with within other locals that represent peace officers, the sheriffs, that represent the correctional officers in our remand centres. I can tell you that they're more than willing to help. Like, there is no question. They've done it before, and in fact during the Calgary flood many of the peace officers that were working outside of Calgary put their names forward to help and support within Calgary to provide the additional services that needed to happen.

The jurisdiction exists already. In fact, like I said, as of yesterday, the employer, as we would say it, the Minister of Justice and Solicitor General, already put out the request asking for peace officers to put their names forward and to voluntarily exempt themselves from working within their jurisdiction and be willing to go somewhere else and provide the support needed in whatever capacity it is. In fact, on top of that there are actual requirements that many peace officers must have to ensure that they're able to do that. There is actually emergency training that is offered through Justice and the Solicitor General to ensure that if we have peace officers being redeployed, they actually participated in the training required to be able to do this work.

We have training that's being provided by the ministry itself. It's actually 40 hours of emergency vehicle operations, and it's based on police curriculum. It's actually written into the peace officers' manual that this must be done before any member can put their name forward to be exempt from the current components within working within their jurisdiction. So there's a process. There's a process because it keeps our peace officers safe. It ensures that they are trained appropriately and that if they are working outside of their jurisdictions, they're making sure that they're doing it and they're keeping Albertans safe and that they're doing it in a way that meets the training requirements so that when they're engaging with Albertans, they're doing it with the training that they need and that both the officer that is engaging in the work and the Albertan they may be working with in the moment are being treated with respect and equality.

We see this legislation, and I really need someone from the government at some point to stand up and explain to me why it's being legislated. I need to understand and I think Albertans have a right to understand why, with a policy that already exists, that is now being utilized as of yesterday, doing this work that is very clearly in this piece of legislation is required. What is the government not explaining to the opposition, to Albertans that I'm missing?

We look at section 13 being amended, saying:

Where a state of emergency has been declared under section 18(1) of the Emergency Management Act or a state of public health emergency has been declared under section 52.1(1) of the Public Health Act, the Minister is not required to obtain the consent of peace officers and the peace officers' employers before making an order.

So are we saying or is the government saying that by changing the consent of peace officers and the peace officers' employer before making an order under subsection (1) to declare that peace officers have jurisdiction in any part of Alberta, that instead of them voluntarily putting their name forward under this motion and ensuring they have the training required to engage with Albertans and to do the work safely, the government is going to decide that that policy no longer needs to exist and they will just redeploy our peace officers? Will our peace officers no longer be required to have that 40 hours of training so that when they're engaging with Albertans, they don't have the safety and the skill base that this current policy requires? I have a concern with that, and the reason I have a concern with that is not because I don't believe that our peace officers have the capacity to do the work but because there's a reason why 40 hours of emergency vehicle operations training is required. It's about safety. It's about safety for Albertans who are being engaged. It's about safety of our peace officers to ensure that if they are engaging in highway enforcement, they are keeping themselves safe. We know that it's extremely risky and dangerous to be pulling over a vehicle on highway 2 at 110 kilometres an hour and trying to get out of your vehicle to engage with a driver or on a two-lane highway, for that matter, going up to Fort McMurray, where it's super tight, and you have an officer pulling over a vehicle.

Again, I know that many of my friends who work in this area are more than willing to help the government, help Albertans, go out and ensure that they're providing supports and services during this pandemic. That's not the question. The question is: why would the government remove, one, the ability for people to volunteer? I don't think we would have a shortage of volunteers in the peace officers' world, profession. If anything, they're always more than willing to help out. If they weren't, they wouldn't be peace officers. So I think that that's a strange thing to have in. The volunteer piece – I mean, if anything, actually, I would encourage the government to tell us if they have gaps where peace officers haven't actually put their names forward to help. Or do they have a waiting list of members that are willing to put their names forward, who are just waiting to be redeployed somewhere else in the province? I feel like it's the latter of the two.

I don't think, knowing the peace officers that I know, that they're refusing to go out and help. If anything, the only thing I could see that they'd be concerned with would be wanting to have PPEs and making sure that they're safe and that when they are engaging with Albertans, they have access to the health care pieces that will keep them safe physically, ensuring that when they are being redeployed, they have PPEs and they have the access to those supports. That would be the only thing, I think, that anybody that I would know that's currently a peace officer would be concerned with.

[The Deputy Speaker in the chair]

What I do know that they would be concerned with, though, is not having training to do the work that they're being asked to do. Again, I'm going to go back to this memo that really indicates: as long as you've got the training and you're willing to be redeployed, please put your name forward. It's right here. The government is already doing it. The only reason I could see under section 13 around why they would want to remove the consent of a peace officer and a peace officer's employer is to remove the agreements

around required training or any other agreements that had been made through their section 24 and section 5.5, that require that the employer – i.e., the Ministry of Justice and Solicitor General – must provide these peace officers with the training and the supports that they need. Is that what this piece is about? Is this about the government not wanting to have to abide by some of the regulations that they've already created within their policies and their sections?

I mean, it would be great to have a minister stand up and explain that. I think that Albertans have a right to know. I think Albertans have a right to know about why we're in the House talking about a piece of legislation where very clearly the policy has already been implemented and sent out to our peace officers. Again, at some point the government needs to stand up and explain to Albertans why we're here. Why is this different than any other emergency response that has happened in this province? Again I will say that individuals that I know, peace officers, were redeployed during the floods. There wasn't legislation required to do that. They were willing. They went. They did what needed to be done. The Fort McMurray fire: same thing. Peace officers more than willing to step up and help out.

10:40

What does the government see that is different from those two major scenarios in Alberta about peace officers and responding to supporting Albertans and doing the work that they're very proud to do today? Why is this in here? What's changed between Fort McMurray, the floods in Calgary and what we're dealing with today that would require this government to not even have to obtain consent from the very people that they're asking to do the work? I don't understand it, and I don't understand why the government won't stand up and explain this to me when it obviously can just happen. I mean, we see this. We see this in this memo. Again, if anybody would like to comment, that'd be great. Standing Order 29(2)(a) is going to soon be available, I believe.

The other piece that I would also like to focus on is, again – and I think this is something the government still needs to clarify – how we got from the fine amount to the fine amounts that we are at now. I'm not saying that individuals that have been diagnosed with COVID-19 who are going out into the community and putting other people at risk should not be held accountable for those actions at all. I'm not saying that. What I am wondering is how we went from \$100 to \$100,000 and \$500,000. Where did the numbers come from? How did the government decide that \$100,000 seemed like a good number? Why not, you know, from \$100 to \$1,000 or \$100 to – I don't know – \$10,000? Now, like I said, we're at \$100,000? How many zeros did the government decide made sense, and why so many zeros? There's no clarity. Again, we're in second reading, and we haven't heard at all from the government side to provide rationale as to why some of these decisions were made.

The Deputy Speaker: Standing Order 29(2)(a) is available. The hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Madam Speaker, and thanks to the hon. Member for Edmonton-Manning for perhaps a bit more granular information that sheds some light on this part of the bill. Again, it certainly begs the question. I'm very interested to see that memo that does suggest if – perhaps the hon. member can provide some more clarity to me that the Ministry of Justice is in fact doing those things that this amendment would suggest.

Again, you know, I think it's worth making the distinction here so that everyone understands. Certainly, the need for strong emergency powers to deal with a public health emergency, I think, is self-evident and is never more important at this juncture in our

history. However, it's also just as important to use this Legislature to make sure that it's clear that what laws we are making or what amendments we're making or what have you are something that's absolutely necessary given the circumstances in which we are functioning here now. It's not just this Public Health (Emergency Powers) Amendment Act, Bill 10, that's at stake here but, rather, setting a precedent as well to ensure that each piece of legislation that reaches this House while we're sitting is clearly defined as being essential to the emergency that we're dealing with here now, both economic and medical.

I'm just curious if the hon. member can help us to underline that point again and, I guess, give us some insight as to how her constituents in Edmonton-Manning are being supported by the emergency powers that we have in place here currently and what we can offer them and in turn the entire province to ensure that the highest degree of safety is afforded to all citizens and residents and people that are in Alberta at this time.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Manning.

Ms Sweet: Well, thank you, Madam Speaker. Yeah. I mean, this bulletin is pretty clear. It's basically authorizing employers of the community peace officers level 1 program to provide exemption, basically expansion of the community peace officers level 1 authority of primary highways.

Currently, section 24.15 of the Peace Officer Program . . . limits Community Peace Officers' authority to enforce the Traffic Safety Act . . .

In accordance with direction from the Minister of Justice and Solicitor General, the Director of Law Enforcement has directed the Peace Officer Program to implement . . . changes:

- Authorized employers of Community Peace Officers Level 1 (CPO 1) may request an exemption of section 24.15 of the Manual in order to authorize their CPO 1s to conduct traffic enforcement . . .

All authorized employers must submit the following in order to request an exemption from section 24.15 of the Manual . . .

They need a formal letter, there's a link, things like that. Then, of course,

in addition, due to increased speeds being monitored, only those CPO 1s that have successfully completed a 40 hour Emergency Vehicle Operations Course (based on a police curriculum) in accordance with section 24.13 of the Manual will be granted this exemption.

Therefore, those CPO 1s who do not have section 24.13 [of the] Emergency Response on their appointments will not be granted this authority.

Those authorized employers whose CPO 1s do not have section 24.13 on their appointments, but completed the Emergency Vehicle Operations Course must submit their CPO 1s certificate, along with the . . . submissions, in order to receive this exemption.

There are obviously policies in place, which is why it's important that those are followed, which I think is a great question, hon. member, because when I look at the legislation, that would be my question, that these required pieces of certificates . . .

The Deputy Speaker: Are there any other members wishing to speak? The hon. Member for Edmonton-Riverview.

Ms Sigurdson: Thank you, Madam Speaker. It's my pleasure to rise today and speak to Bill 10, Public Health (Emergency Powers) Amendment Act, 2020. I'd just like to start, first of all, by bringing condolences to all the families who have lost loved ones in our province due to COVID-19. Certainly, it's a very difficult time for

our whole province, our country, the planet. You know, people are going through some pretty difficult times.

I certainly want to acknowledge also the health care workers on the front lines putting themselves really in harm's way to make sure that Albertans are cared for. I really want to acknowledge the important work that they're doing. They are, you know, I'm sure doing very long hours, sometimes I've heard double shifts, because of it.

Besides that, this is certainly an area that I have quite a bit of passion about, seniors and Seniors and Housing. I know our lodge program – like, we have over 100 lodges across this province. You know, for people in small, tiny communities the lodges are often like hubs of community activity, and with COVID-19 they must completely change their way of operations and make sure that seniors are safe in those localities, so I just really want to acknowledge the tremendous work that so many people are doing in the seniors' housing sector for sure.

Like many of my colleagues who have spoken already about Bill 10, you know, we are asking that rather large question of: is this legislation necessary? As has been mentioned already, we know that certainly regulations are in place currently for the aspect of the fine area. That can be done already, so it's questionable whether we even should be addressing Bill 10 because the powers are already in place. Of course, because of the unique circumstances of our situation now, it is, I guess, troubling – I see it as troubling – that this government would choose to call the House back to look at this legislation when they already have the powers in place.

10:50

Each of us are connected to our communities. We come from all over Alberta, 87 MLAs from each corner of our province. Certainly, I know, I'm not alone. I know all the MLAs are experiencing demands from their constituents. You know, they're afraid. They're trying to navigate provincial programs. Certainly, the casework in my constituency office has increased dramatically, and I'd like to focus on that, to be frank. I'd like to be able to support my constituents and to be able to help them through this difficult time, and certainly, along with my staff, we're doing the best we can in that regard. So when I see that we're back in the House to look at this piece of legislation that's really unnecessary, I'm not clear from the government why we are here. There are tremendous responsibilities certainly in my constituency, and I'm sure that's true of many others.

And, you know, these aren't, like, simple questions. These are questions of families' well-being and challenges with having access to programs that the Alberta government is implementing or has already in place, but because of the magnitude of the demands due to COVID-19, it is much harder – it's much harder – for constituents. Maybe they'd never even reached out to their MLA before, but now they're doing that. They're doing that, and I want to be there for them. When I'm called back to the Assembly to look at this piece of legislation when already the powers exist for the fines, the powers to follow what the chief medical officer orders, I'm confused and perhaps a little bit angry.

Besides some of that – and I think I'm going to go into a bit more detail about that – you know, I do have my own family system that is going through some difficult challenges right now. I'm sure many MLAs have that situation, too. I'm a single mom with three boys. They're big now, but certainly this is impacting them. It's impacting – one is in university. That's closed now, so how does he manage his ability to finish his courses? My son has some learning disabilities, so he's not getting any support for that. The structure of the university system would help him go to class. He would be able to talk to his instructors, get support from other students. He

has none of that now, so he's kind of a little bit at a loss. He's having some struggles, and his, you know, sleeping patterns are erratic. He's having trouble completing what he needs to still. He's here at U of A, and it's a pass-fail system, which concerns him, too, because, of course, he wants to get full credit for the hard academic work he's doing, but he's struggling. I can see his anxiety is increasing tremendously, and I'd like to be able to be more supportive of him.

So it's frustrating to me to have to come into the Assembly and talk about a piece of legislation that actually isn't needed. I'm completely committed to standing up and doing what's necessary so that we can make sure Albertans have the resources they need, but when I see this, it's disturbing to me. You know, sometimes there are things that we can't see, but they're impacting, certainly, the way we are existing. I mean, it just feels kind of almost – I don't know – not silly, but I think it's kind of like the water we swim in. Sometimes we don't know how people are being impacted by stuff.

To top it off, some of this, my middle son had an accident yesterday in my vehicle. It was a single-vehicle accident. He was driving to work. It was snowy, icy, and that created more stress, you know, for my family. The thing is: the regular troubles of life continue. They don't disappear because COVID-19 is here. That just sort of adds to it. I wonder what contributed to that. Sure, it was snowy and icy and he wasn't as aware as he needed to be at 6:30 in the morning when he's driving to work, but, I mean, that just compounds things. Thankfully, he's okay. I mean, he has some scratches and cuts and bruises but nothing serious. I'm very grateful for that.

Then just a simple thing – and, I mean, I think Albertans have shown how creative they are by this – when someone has a birthday. It was my mom's 83rd birthday yesterday. She lives in a lodge with my dad, who's 90. I'm the designated visitor, so I'm the only one who can go and visit. I get my temperature taken, and I do this full assessment before I get to go in. You know, I try to create a party with just me and mom and dad instead of the whole family system. We did Zoom in people from across Alberta. But just everything's harder. Everything's harder.

There are many challenges that we're all facing, you know, good and bad, I guess. I guess I'm really asking the government why this Bill 10 is needed. I think we've heard various things from the government. One of the things that the House leader did say when he was asked exactly this question was: well, it deserves debate. Well, many things deserve debate, but we're in extraordinary times, so I really question, even from the few examples that I've just given, why we're being called in. I know that every one of us, every one of the MLAs here, and certainly the staff included have different challenges and demands on their time from their own communities.

Really, should we even be gathering together in this time? I mean, the chief medical officer did say: gatherings of no more than 15. We're way more than 15 in this room. I know that the government did bring in orders for exemption for the Legislative Assembly, and certainly if there was something that was crucial that we needed to do to make sure that Albertans have the resources that they needed, that we had to move that legislation, I would happily be here. But with this particular bill I certainly don't see that.

Certainly, I mean, this bill does look at increasing the fines for people who aren't really respecting the rules in place, and, I mean, that's extremely dangerous. Of course we want to stand in support of that. We don't want Albertans to be, you know, thinking that they're – I don't know – so resilient that they would never get something like this. Of course that's not true. We all are vulnerable, and each one of us has limitations. That's kind of the state of affairs for being a human being. We certainly think that there is merit to making sure that there are stronger consequences for those who

endanger the health of others. Those increased fines, for example, are very important.

We need to make people really know the serious consequences of not self-isolating, not being in quarantine, you know, travelling all around meeting all sorts of people and not taking precautions in terms of washing our hands, doing that kind of thing. We need to make sure that Albertans know how important this is. But we're not sure why we're debating this legislation when these increased measures and higher fines are already, in fact, in force. There's no need for this bill, and the government has already increased the fine levy amounts without it.

All necessary powers for the government are already enshrined in legislation in this act or in the Emergency Management Act, so it's confusing to me. I certainly am, you know, interested in hearing from the government side why they see this as so crucial because it's not clear, not clear certainly to myself or to my colleagues on this side of the House. But here we are. We are certainly willing to speak to this. We're sharing our concerns about it, and we are debating it as the government has demanded. We certainly will fully embrace and work to make sure this legislation is the best it can be, so we will be offering some amendments to look at that.

11:00

So, I mean, we're playing along, if we want to use that kind of language. Perhaps we don't. But we are willing to do this. We just really want to bring it to the government's attention that we need to know: how come? We still haven't quite heard that, or we've heard that it deserves to be debated. But, you know, a more fulsome explanation would be appreciated.

We know that when there was a briefing to some caucus members and staff, we asked this of staff, and they said that, well, they'd get back to us in – I don't know – four hours or something. When they got back, you know, really, they didn't include anything much more. So it continues to be sort of a mystery regarding this.

Certainly, our MLA for Edmonton-City Centre, who is our Health critic, you know, asked publicly why this legislation is absolutely necessary now, and officials and political staff couldn't immediately answer – and this is the piece I was just talking about – and offered to follow up in writing. They did this later. It says:

This legislation is needed to increase transparency, ratify powers originally exercised by ministerial order, and ensure the validity of stricter penalties for violating orders of the Chief Medical Officer of Health so that those higher potential penalties may act as a general deterrent to behaviour that threatens the health of Albertans.

Well, I mean, those penalties are already in place, and they're already effectively doing that. So this legislation feels a bit like a waste of time, for sure.

As I said previously, certainly, we know that there are many Albertans in need right now. I know that, having talked with, you know, folks across the province regarding different issues they're facing in their communities, having increased fines that can be levied against people not supporting the safety measures in place, then ...

The Deputy Speaker: Standing Order 29(2)(a) is available. I see the hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Madam Speaker and to the member for sharing, clearly, what are some very personal things that she and, I'm sure, families all across our province are dealing with at this time. I was reflecting on the fact that my grandmother not long ago was still alive and living in long-term care and how hard it would have been for my mom and I to not be able to visit her at the same time. That was something we did regularly. It was

really special. I appreciate that it must have been difficult going to visit her mother on her own yesterday, so I want to first of all commend her for continuing that. Obviously, if she does get to the point where she is unable to do that, I want her to know that that's nothing against her. She needs to keep herself and her mom and her dad safe.

I really appreciate that she is grappling with these things, like many Alberta families are at this time. I was wondering if she could maybe elaborate a little more on some of the things that people can do remotely to support those they love who live in facilities that they are unable to visit at this time.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Riverview.

Ms Sigurdson: Well, thank you very much. I appreciate the question. It is very true that – you know, people across Alberta are going to social media, Twitter, Facebook. There was just a public cry for PPE, personal protective equipment, for a seniors' lodge in Slave Lake. They're asking: do people have those thermometers that go on your forehead? Do people have face masks? Do people have cleaning supplies? Also, that's another need for this community.

I've heard from many lodge providers across the province that maybe they have a week's worth left of these PPEs or cleaning equipment, so there is this public cry for that. Certainly, that's what we need to be focusing on because without those preventative measures – fines are important, which were already able to be in place, but this is the thing that we should be focusing on.

I mean, when you're working in a lodge situation – like, the average age of people in lodges is about 89. It's not a population – sometimes people think: "Oh, you're 65. You're a senior. You can live in a lodge." That's true. You can. That is, you know, the bottom age, 65, that you can live in a lodge. But many seniors at 65 still live in their own homes in their communities all across Alberta and are doing well living independently. It's usually when there is some kind of significant life transition. Maybe one of the spouses dies, and then the other spouse doesn't want to be by themselves in that house, or they feel overwhelmed by the demands of, you know, taking care of the yard and vehicles and all those things that perhaps the other spouse took care of. Oftentimes it is gendered. It is usually women who outlive their husbands. Wives outlive their husbands for – I don't know what the gap is now. Maybe it's down to five years. It used to be seven, I remember, but that's probably old information.

A lot of people do move into lodges then, and as I said, it's 89. These people are vulnerable. They may, you know, be very – their immune systems could be weaker. These cleaning supplies and personal protective equipment are so vital because we know the population that is the least likely to be able to overcome COVID-19 is people with pre-existing conditions and seniors. Certainly, I know that all the staff and the CEOs of the lodge programs across Alberta know this very well and are taking it extremely seriously and doing everything – everything – they can to ensure that the seniors in their facilities are cared for and kept safe and that there are no outbreaks in their facilities. I just, again, want to really thank them so profoundly for what they're doing to support seniors.

But the fact is that, you know, here we are looking at something completely different that doesn't really need to be done instead of focusing on that, instead of really dealing with the crucial issues our society should be focusing on right now. Again, Madam Speaker, I just feel quite disturbed by that when already the powers were available.

The Deputy Speaker: Are there any other members wishing to speak? The hon. Member for Cardston-Siksika.

Mr. Schow: Thank you, Madam Speaker. I think we've had some great debate on this bill. I also want to take this opportunity to wish happy birthday to Mama Sigurdson.

I move to adjourn debate.

[Motion to adjourn debate carried]

Bill 12
Liabilities Management Statutes
Amendment Act, 2020

The Deputy Speaker: The hon. Minister of Energy.

Mrs. Savage: Well, thank you, Madam Speaker. I rise today to move second reading of Bill 12, the Liabilities Management Statutes Amendment Act, 2020.

This legislation is about setting the stage for job creation while ensuring a responsible, sustainable oil and gas industry in our province for generations to come. This act would help strengthen the ability of the regulator and the Orphan Well Association, or OWA, to more effectively manage orphan wells and associated infrastructure. The legislation includes amendments to the Oil and Gas Conservation Act and the Pipeline Act. These changes will also enable future amendments to the orphan fund delegated administration regulation, anticipated for later this spring, which will align with these proposed legislative changes. This regulation will provide the OWA with its delegated authority.

Expanding the role of the OWA is one part of a new suite of policies to be announced in the near future which will touch every stage in the life cycle of a well, from exploration to postclosure, while at the same time ensuring industry is able to meet its obligations in a manageable way. As part of our commitment to overhaul the liability management framework, the government of Alberta has been working with the Alberta Energy Regulator along with industry and other partners, including indigenous communities and municipalities. Through all of these discussions we've heard that there is a clear need to expand and clarify the mandate associated with orphan sites, including the authority delegated to the OWA.

In short, what industry has told us is that the OWA can do this job. In early March the Alberta government extended its loan to the OWA by up to \$100 million, allowing the association to immediately speed up the reclamation efforts while also generating much-needed jobs in the oil services sector. These jobs are needed now more than ever.

By making amendments to the Oil and Gas Conservation Act and the Pipeline Act, these pieces of legislation will ensure that the OWA has the needed authority to deal with this increased workload. More specifically, this legislation will provide clarity about the OWA's mandate, better enabling it to, first, make agreements with producers to help bring sites through closure stages; two, ensure oil and gas resources are not prematurely abandoned; and three, exert more financial control to actually manage the orphan sites.

Adding definitions for key terms such as "remediation" and "remediation costs" will expressly enable payment of associated costs with cleaning up orphan wells and associated sites. Other additions clarify the duty that licensees or delegated authorities have to provide reasonable care and measures to prevent impairment or damage when dealing with wells and related sites. This will help to avoid negative impacts to public health and safety, property, or the environment.

11:10

A related amendment also expressly enables the OWA to use the orphan fund to pay for costs associated with the full life cycle management of sites. The proposed changes would allow the regulator or the OWA as a delegated authority to assume oversight of wells if required to protect the value of the asset, to protect jobs, to protect public safety, or to mitigate the risk of ever-increasing and -growing orphan sites.

One example to provide to you would be in response to an insolvent oil or natural gas producer who attempts to walk away from their obligations. Madam Speaker, these amendments would allow the OWA to enter into agreements with these smaller operators that may not have the means to pay for the full upfront costs when a licensee walks away, but they have the ability to pay their share and keep the well operating until another licensee can purchase the site.

We're also proposing changes to close a loophole where licensees may have walked away from their obligations in the past. This will ensure that reasonable care and measures are taken to manage these sites.

Changes are also proposed to enable the OWA to operate wells and facilities which still have a value, including pipelines, for a limited period of time, when it makes sense to do so. Keeping these facilities in operation will help provide additional revenue to the OWA, which can then be used to further fund activities and protect jobs. This action also protects freehold mineral rights owners, the Crown, mineral rights holders, as it avoids premature shutting in of production that still has a value.

We're proposing adding provisions to clarify that the regulator or the OWA has the ability to use the orphan fund to address issues such as funding receiverships, working with other operators through things like area-based closure programs, paying royalties, holding mineral tenure to protect jobs, and maintaining domestic supply needs. This expanded function would allow the regulator or the OWA to appoint specialized insolvency professionals and to use the orphan fund to pay for those services, which could result in some sites being sold to viable operators instead of simply becoming orphans and wasted materials.

The recommendations I've outlined today are designed to strengthen the ability of the regulator and the OWA to more effectively manage orphan wells and associated infrastructure while at the same time protecting landowners and ensuring environmental and public safety. We need these measures now. We know that in the days ahead we're going to be seeing an oil and gas industry that will be struggling more. Madam Speaker, we know that inevitably there will be more bankruptcies, more sites that go into the Orphan Well Association's – it's inevitable, it's tragic, but we know and we can see these things happening. It's important that we have these authorities for the OWA to deal with that added inventory, to deal with the crisis.

So I hope that all members support me here in moving forward with Bill 12. Thank you, Madam Speaker.

The Deputy Speaker: Any other members wishing to speak? The hon. Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Madam Speaker, and thank you to the Minister of Energy for introducing this piece of legislation. The issue of managing oil field liabilities and environmental liabilities is one that's close to my heart. Prior to being elected, I worked for a number of years, both in the private sector and as a provincial employee, in the cleanup of oil and gas sites all over the province. I know from that experience the significant environmental and financial liabilities that are being foisted upon the people of Alberta

without, really, an adequate plan to address them, and I think that this legislation does some things to address the issue but is one that, ultimately, we will not be able to support for reasons that I will outline in my speech.

The oil and gas liabilities that Alberta faces currently are absolutely immense. You know, the Alberta Energy Regulator has revealed its own private estimates of oil and gas liabilities in the province of Alberta, nearing almost \$300 billion. To put that in context, that's 200 Keystone XL pipelines that the government could buy with that kind of money. That is the total operating expenses of the government of Alberta for six whole years.

Madam Speaker, it's really important to put this kind of context on the scale of the oil and gas liabilities that are being left to be dealt with, because they are so huge. This would be concerning in any event but certainly at a time when oil and gas producers are incredibly financially stressed because of the world-wide collapse of oil prices due both to the COVID-19 pandemic as well as the price war between Saudi Arabia and Russia. Albertans should be rightly concerned that there is going to be no money left in the bank of any of the oil and gas producers in the province to manage their liabilities and that it's going to be the taxpayers of Alberta who are left to deal with these things.

We also have significant concerns with respect to how dealing with these oil and gas liabilities will impact the property rights of the landowners on whose land these sites rest. Certainly, the Alberta Energy Regulator has a problematic history when it comes to dealing with property rights of landowners. This government has done nothing to assuage those concerns and, in fact, has inflamed those concerns in many cases. This legislation, in my opinion and in the opinion of many folks that I've talked to in the 24 hours or less that we've had to review the legislation, goes a long way to significantly curtail property rights of landowners who are dealing with these things. I'll outline that in a little bit.

First of all, Madam Speaker, though, I do want to highlight some of the things that I am glad to see are in this legislation. First of all, I'm very glad to see that remediation is specifically spelled out as a legislative requirement for the closure of oil and gas sites in this province. Up until this bill was introduced, the Oil and Gas Conservation Act only made reference to the suspension, abandonment, and reclamation of oil and gas sites. You know, it's not always easy to explain to folks what the difference between remediation and reclamation is. In fact, when I was an employee of Alberta Environment, we often acted as if the word "reclamation" in the legislation included remediation, but if push came to shove and oil and gas companies wanted to insist that reclamation did not mean remediation, we didn't really have a legal leg to stand on to force them to clean up a lot of the problems.

11:20

The issue is that reclamation specifically refers to returning land to equivalent land capability. So after the oil and gas activities have been completed, can that land be returned to whatever it was being used for prior to being developed for oil and gas? Can pasture land be returned to pasture? Can forest land be returned to forest use? That was the question that had to be answered in order for an oil and gas company to meet its legal obligations. It did not speak to the issue of cleaning up any contaminants that existed under the surface of the oil and gas site, and let me tell you that I don't think I came across a single oil and gas site in my time working in that industry where there weren't significant remediation issues that needed to be addressed. Most oil and gas companies were happy to deal with them, but not all of them were. I'm glad that this legislation actually identifies that remediation is something that is explicitly expected of an oil and gas operator to complete before closing a facility.

We're also glad to see that the Orphan Well Association is actually given the ability to manage assets. As I understand it, not only is it now responsible for abandoning, suspending, remediating, and reclaiming orphan wells, but it can also manage productive assets, as the Minister of Energy has stated, to at least fund the cleanup of the wells. This is, in principle, a good idea. However, I think we would like to see many more safeguards to ensure that this is the case. Right now it is the case that when an oil and gas company goes bankrupt, they can sell off their productive assets and spin off the unproductive liabilities to the Orphan Well Association, and that leaves the solvent oil and gas companies with the bill to clean those up.

In principle, now we're empowering the Orphan Well Association to operate productive facilities to generate revenue, but there's no guarantee that that's the case. I would hope that members of Executive Council in debate either at second reading or possibly Committee of the Whole can clarify what their intent is with respect to turning over productive assets to the Orphan Well Association when an oil and gas company goes bankrupt so that there is at least money coming into the Orphan Well Association fund to deal with these liabilities. As I read the legislation, there's no guarantee that those productive assets will automatically be turned over to the Orphan Well Association when a company goes bankrupt, and we would certainly like to see that.

You know, reading through the bill, there are a couple of sections that I had some questions about, and I hope that somebody from Executive Council can answer them in the course of debate. Sorry, Madam Speaker. I'm trying to speak and read the bill at the same time. Like I said, it's challenging when this is dropped on us – oh, right. Yes. Section 12 is amended by adding the following after subsection (2):

(2.1) Where a delegated authority takes over management and control of a [facility] and is not the owner or holder of the mineral rights associated with the [facility], the delegated authority shall not undertake any production without the consent of the owner or holder of the mineral rights and the person who has the right to win, work and recover the minerals.

Forgive me, Madam Speaker, but, through you to the members of Executive Council, I'm not entirely sure how that section will allow the Orphan Well Association to take over productive assets of bankrupt companies. I don't know if automatically the mineral rights are transferred to the Orphan Well Association or not in these cases – and I can see from the minister's response that they aren't necessarily – so we have grave concerns, then, about the Orphan Well Association's ability under this legislation to operate these productive assets if they have to seek the consent of the mineral rights holder.

But I guess the most pressing concern that we have is with the amendments to section 101 – forgive me, Madam Speaker; I'm trying to find that here; I have it now – that deal with entry onto land. Now, section 101 has changed the rules around entry onto land. It says:

101(1) A person ordered, directed or authorized to provide reasonable care and measures to prevent impairment or damage in respect of . . . facilities . . . is entitled to have access to and may enter on the land and any structures on the land concerned for the purposes of providing the reasonable care and measures to prevent impairment or damage . . . [for] the suspension, abandonment, remediation or reclamation.

Now, this section dramatically changes the ability of any licensee, not necessarily the Orphan Well Association but anybody who is ordered by the Alberta Energy Regulator to go in and look after these wells, to enter onto property that isn't necessarily theirs. They don't have to seek consent of the landowner. In fact, that

section, the requirement to seek consent of the landowner, has been explicitly removed in this legislation.

That's incredibly concerning because we know that landowners are already in a place of weakness when it comes to negotiating with oil and gas companies who try to enter their land or in negotiating with oil and gas companies for payment. We have a significant problem with oil and gas companies not paying their surface leases to landowners. We have a significant number of oil and gas companies who create nothing but problems on property when they go in and enter the property and don't clean it up, don't deal with those problems. This piece of legislation strips away the ability of property owners to even give consent. It doesn't even require them to give consent when the old legislation did.

This has been done without any consultation whatsoever. The Minister of Energy has said that she has consulted with industry and that she has consulted with First Nations. That's fine. There is not a single actual landowner who claims that they've been consulted with in any way on this change. For the Minister of Energy to use the cover of a pandemic to significantly strip property rights from landowners is incredibly concerning.

It's incredibly concerning because we're all confined to home except for those of us here in the Legislature, so all we can do right now is write e-mails that go unanswered, make phone calls that go unanswered, try to connect with our representatives on social media if we're not blocked by them for being persistent with our requests to deal with these questions. At a time when the people of Alberta have their abilities to engage in the democratic process severely restricted, this government comes in and removes the few property rights that landowners have when it comes to dealing with oil and gas.

I can tell you, Madam Speaker, that property owners in rural Alberta who are dealing with these liabilities are absolutely hopping mad. I know that backbench MLAs from the government caucus are hearing from their constituents about this issue, and I'm certainly looking forward to hearing them stand up in the Legislature today and explain to the people of Alberta why they can support this legislation when they know that it's going to take away property rights from the constituents that they've been sent here to represent.

Madam Speaker, we have an incredible problem to deal with, and we cannot kick this can down the road, especially at a time when the Minister of Energy herself has admitted that we expect bankruptcies to skyrocket in the oil and gas industry here in Alberta. The answer is not to strip away property rights from landowners to deal with this. We need a comprehensive plan to deal with oil and gas liabilities in this province, and we don't have one.

11:30

That is very concerning for all of the people of the province. I certainly don't want to be responsible for leaving a \$300 billion bill for my children and grandchildren to have to deal with because we didn't have the foresight and the fortitude to make the polluters pay when we had the opportunity to do so. We're going to be left holding the bag, and we won't be able to afford to clean up these liabilities.

Madam Speaker, I think that we will have a number of other things to add when it comes to highlighting concerns with this bill, but I just want to say that I hope that the Minister of Energy and the government caucus MLAs take the opportunity to reach out to their constituents and listen to them, because no one is telling them to go ahead with this legislation. It's not necessary right now. It's not a very good time to be restricting property rights like this when we don't have the democratic ability to engage in the consultation process that should have been conducted by this government before

they introduced the legislation. For that reason, I urge the government to withdraw this bill, go back to the drawing board, conduct real consultation once the pandemic is over, and come forward with a thoughtful plan to adequately deal with oil and gas liabilities that the province of Alberta is going to be left with and make sure that property rights are protected and strengthened as a result.

For all of these reasons, Madam Speaker, I cannot support this legislation, and I urge all of my colleagues here in the Legislature to also vote against it.

The Deputy Speaker: Are there any other speakers wishing to speak? There's no 29(2)(a) yet. Minister, you cannot speak.

The hon. Member for Edmonton-Rutherford. She can't speak yet. Maybe under your 29(2)(a).

Mr. Feehan: This is not 29(2)(a)?

The Deputy Speaker: No.

Mr. Feehan: No? Good. Thank you very much, Madam Speaker. I appreciate the opportunity to speak to Bill 12. As I indicated earlier on this morning, I have some question, of course, as to why we are addressing Bill 12 at this particular time. Certainly, I have some positive things to say about the intentions of Bill 12 and the direction it's going and the ways in which I'd like to support it, but I think you will hear soon enough that my overall argument is that this is a bill that has plenty of opportunity to be improved through discussion in the House and discussion outside of the House with members of the larger Alberta community, including, of course, the First Nations and Métis communities in this province.

As such, my first concern is that we are here in the middle of a COVID-19 crisis talking about a bill that has nothing to do with that, so it doesn't fit the criteria of an emergency discussion, that would seem to be the underlying reason for our return to the House at this particular time. It, of course, makes me certainly question whether or not the return to the House was intended to provide appropriate tools to the government, as they ostensibly say they are trying to do in Bill 10, but which we have demonstrated, in fact, they are not doing. Instead, it seems to be a cover for sliding through a bill like Bill 12, which, while it has some incredibly important aspects to it and, I would imagine, some good intent behind it, certainly is not ready to be rushed through and needs a lot of attention, both within the House and outside of the House, to improve it.

I do want to say that I am quite encouraged that this government is looking at orphan wells and is wanting to move ahead in terms of dealing with the huge liability issues that we have in this province with regard to orphan wells and, of course, the environmental concerns with wells that have been abandoned and not properly reclaimed. I want to say thank you to the government for introducing this idea into the House. I really wish that they would take some time to get it right, though, before they move ahead and not use this stunted time and opportunity that we have under the emergency legislation to move ahead a bill that, really, is not ready to be moved ahead at all.

I do want to say that I support the government when they declare that the intention of this bill is to clean up a problem, both a financial liability and an environmental liability, that we have in this province. In fact, it's the largest, I think, liability that we have in government presently and, as such, is one that ultimately needs to be addressed with a great deal of clarity and thoughtfulness in terms of moving forward. I wish the government would have taken the time to engage in that clarity and thoughtfulness before they introduced the bill, but I appreciate the fact they're here.

I appreciate the fact that, you know, when we were in government, in 2017 our government provided \$235 million to the Orphan Well Association to move ahead on this, and as a result we saw some really positive movement out there on the land, moving from about 259 well reclamations to 799 well reclamations, more than tripling the number of wells reclaimed. We know that this is a positive thing to be doing, we know that it has results, and we know that given that it was initially an NDP idea, it was a good idea.

But, you know, I'm glad you got onboard and that you're supporting this, and I'm glad that there is some emphasis on clarifying and establishing responsibilities for orphan wells, that there is a continual reinforcement of the idea that responsibility for cleaning up these sites stays with the industry although the government obviously is taking massive responsibility in providing all of these funds, as they always do. Evidence has shown that government intervention is highly important in ensuring the success of major industries around the world. Indeed, most advancements in areas such as oil and gas have actually come because of government intervention, starting under the Lougheed government, when a great deal of research funding was applied to the very idea of extracting oil from the oil sands and, of course, the investment at that time of the provincial government in Suncor's predecessor to ensure that Alberta would benefit. I'm glad to see that this government is onboard with the need for government intervention to preserve the well-being and the interests of the province of Alberta, so thank you very much for that.

We also appreciate the fact that the government is trying to make some effort to protect the viability of the assets. I know that there's a lot of concern with regard to the Supreme Court decision with regard to the Redwater decision, that the result would be some frozen assets and that the government is concerned about that. I appreciate that we want to make sure that that doesn't happen, but I'm very concerned that the government has not taken the time to clearly articulate here in this House what it is about the Redwater decision that they find to be problematic. There are some things about the Redwater decision that I think are very positive, and I would certainly want to know what the government is trying to resolve here with regard to that decision. If, in fact, they are in disagreement with the Supreme Court that we need to protect the rights of the landowners and, of course, First Nations' interests in these decisions over creditors, then I'm going to be very concerned about their decision to challenge the Redwater decision and to move ahead in this direction.

11:40

I really want some clarity. No accusation here. I would really enjoy hearing from the Minister of Energy kind of an articulation about what it is about the Redwater decision that they're trying to approach and to discuss with us how we might approach the problematic areas while recognizing the satisfactory areas of the Redwater decision. I certainly would like to see that happen.

I am concerned about a few things in the bill, and I'll use this opportunity to begin to speak to some of that. I know we'll have further opportunities. I wish we had more. I wish we weren't doing this under these circumstances, that we were actually taking time to address the problems in the bill before it moves ahead. But I am very concerned about the issue of involvement of landowners and indigenous communities in decision-making in this process.

Now, I know that under the previous government the Ministry of Indigenous Relations had conducted essentially a two-year process to look at the question of consultation in the oil and gas sector and had come up with a number of recommendations, at least 14, for changes that would move forward, not all of which would be relevant here in this particular case, but some of them certainly

would be, particularly with regard to some of the planning for the decommissioning of industry sites in indigenous communities.

I was very discouraged in the estimates process when addressing to the Minister of Indigenous Relations what had been happening with those recommendations, that had been developed in consultation with all the First Nations, all the Métis settlements, and, in fact, all the municipalities and all the industries. We had multiple – I think somewhere in the neighbourhood of a dozen – meetings with each of those groups, where every mayor in the province was invited to come. Every First Nation, every oil and gas industry, and Métis settlement members and Métis Nation members were invited to come and talk about that process. While there were specific recommendations made, the underlying theme was that the First Nations and Métis members of the community really wanted to have a role in establishing how and when projects would begin, how they would be conducted while they were going on, and, importantly here under this particular bill, how they would be closed down. What would be the process?

Quite simply, it came down to a request by First Nations and Métis communities in the province to actually be at the table to define what it is that would constitute an appropriate reclamation of sites, that it wasn't simply a matter of burying whatever it was that you had built and then planting some trees on top – that was an unacceptable definition of reclamation – that there were some intrinsic natural philosophies and guidelines that should be used to decide when reclamation had occurred. That would include, from a First Nations perspective, for example, an assessment of what types of plants and animals would need to be viably living in the area to determine that, in fact, it had been properly reclaimed by Mother Nature. Having some plants and animals is not appropriate if they are not the appropriate plants and animals. They were very clear about that.

Of course, they bring a wisdom that, you know, I don't have, not having spent as much time on the land as them. They would talk about: it's not good enough to simply have planted a poplar tree if you don't also have some of the other parts of the natural cycle there to ensure that the growth of that tree is enhanced by the presence of things like voles, something I wouldn't have even imagined was necessary in order to enhance the well-being of the environment. Yet the elders were able to identify that type of particular need in order to be able to define whether or not a reclamation had happened appropriately. What I'm concerned about here is that the decision about what is reasonable care and what is reclamation has been left with the AER and, again, does not provide a very clear space for bringing in the First Nations communities and the elders in defining what is appropriate reclamation here. How do we actually know that it isn't just simply a patch of land with a few trees plunked on it but that it is actually a livable, ecological environment? That's the piece that I'm concerned about here, the lack of input.

Now, I haven't had the opportunity, but I imagine that the same kind of question would be true of other landowners, of farmers, for example, or ranchers, that it isn't a matter of somebody else determining, "Yes, that land is now available for you to return to farming or to return to ranching" but that the farmers and ranchers themselves may want to have some role in making a determination as to whether or not that land is appropriate for the task they want to put it to. It may be filled with dirt, it may be covered with trees or other kinds of plants, but that doesn't necessarily make it appropriate for the use that they need to put it to and the use that that land originally had in their job site and their employment.

So I guess I'm very concerned about: what kind of consultation was done on Bill 12 in the indigenous communities and with the landowners – farmers and ranchers in particular but, of course, all

landowners – and what role has been defined by the act in ensuring that it is their voice that is echoed in the final declaration that the reclamation has occurred to an appropriate level? I see a huge absence there, and I'm very concerned about that.

I'd also like to see a greater emphasis on ensuring that the compensation that is normally due to landowners, from either the extraction of the resource or the loss of land for the duration of time that a well sits abandoned, is appropriately monitored and that the obligations are fulfilled appropriately.

Thank you.

The Deputy Speaker: Standing Order 29(2)(a) is available. I see the hon. Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Madam Speaker, and I want to thank my colleague from Edmonton-Rutherford for raising some important issues with respect to landowners and land users, on their input into what adequate reclamation and remediation is. Certainly, he spoke with a great amount of experience and knowledge around the issues that First Nations have raised with respect to their input on what adequate remediation and reclamation means, but I think it's fair to say that it's not just First Nations who have concerns about the standard of remediation and reclamation that's applied to their sites; it's everyone who has an oil and gas facility on their property.

They are simply told by the Alberta Energy Regulator what the appropriate standard for reclamation and remediation is, and in fact there aren't very distinct legislative requirements for remediation and reclamation. That's all left to the policy of the Alberta Energy Regulator, that can change at any time without any process of consultation with property owners. That's in stark contrast to B.C., for example, which actually has set out in legislation and regulation what remediation and reclamation mean for oil and gas properties and environmental liabilities, broadly speaking, in that province.

Right now we have a situation where landowners all across the province are told by the Alberta Energy Regulator that their sites have been reclaimed when they're infested with weeds, when there are giant ruts on the land that pool water where it shouldn't be, where the land is basically unusable for the purposes that it was intended to be used for prior to oil and gas development. And once a reclamation certificate has been issued, landowners have almost no recourse whatsoever to appeal that.

You know, perhaps people could put their faith in the fact that there's a rigorous reclamation certificate process in place in Alberta, but I want to disabuse anybody who thinks that's the case in Alberta of that notion, because you know who signs off on the reclamation certificate application? The industry, the oil and gas company who has done the reclamation themselves. They hire; they pay for the work to be done. They employ engineers and environmental professionals to sign off on the site. It goes to the Alberta Energy Regulator and is not reviewed by anyone. There are thousands and thousands of reclamation certificates that are simply rubber-stamped by the Alberta Energy Regulator, with no input and no recourse for landowners who aren't satisfied with the level of remediation and reclamation that's been done.

11:50

This goes back to the point that the Member for Edmonton-Rutherford raised, that land users and landowners want a seat at the table when it comes to determining what adequate remediation and reclamation is. They don't want to be told by the oil and gas company that the job has been done to their own satisfaction and that anybody who has any other concerns can darn well forget about it.

So I would encourage the government to not only withdraw this bill and come up with an adequate plan to deal with the orphan liabilities but also to come up with an adequate plan to make sure that landowners are involved in the process of determining what adequate remediation and reclamation means. And I would like to know if Edmonton-Rutherford would like to respond to those concerns.

The Deputy Speaker: The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you. I appreciate the Member for Edmonton-Gold Bar for his comments. I just want to add in the final comment that I'd talked earlier about, the extensive consultation that had been done, around the consultation of First Nations and Métis communities and the 14 suggestions for change and my disappointment that in estimates I learned that Indigenous Relations had completely shut that down, that they're not doing any changes at all. I guess I would like this government to add into Bill 12 or to twin with Bill 12 a process of re-evaluation of the consultation agreement with the First Nations and Métis communities rather than shut it all down. I'm very disappointed that they've wasted two years of great effort by that ministry, and I think it is very appropriate that if they are wanting to move ahead on Bill 12, they also need to move ahead on the issue of the consultation. They are twin needs and need to be done together. As a result, I support the notion of removing this bill at this time.

The Deputy Speaker: Any other members wishing to speak? The hon. Member for Calgary-Buffero.

Member Ceci: Thank you very much, Madam Speaker. It's my pleasure to stand up and to debate in the few minutes we have left before the noon hour, to talk about this bill with regard to the issues that are in this bill, Liabilities Management Statutes Amendment Act, 2020.

You know, I was struck by the strong views of my colleague from Edmonton-Gold Bar with regard to this bill and the fact that it's being brought before us now. And not unlike the Member for Edmonton-Rutherford, who feels that there needs to be a great deal more consultation with the public, especially those most affected, the experience that my colleague from Edmonton-Gold Bar has had in the past with being a private-sector employee as well as a government of Alberta employee cleaning up orphan well sites, I think, speaks volumes in terms of what he has understood to be the issues coming from particularly landowners, not exclusively, but also owners of the infrastructure, the sites.

And I'm struck by the amount of money we're talking about that has been projected to be a liability, that needs to be found at some point to address the number of wells out there that need to be properly remediated and reclaimed: \$300 billion, Madam Speaker – \$300 billion – the size of the economy in Alberta on a yearly basis, just over that amount of money, collectively. Obviously, it's a significant, significant amount which we need, which puts further importance on all of this issue in terms of getting it right, getting it right the first time.

I listened to the Minister of Energy speak to the reasons for bringing this forward at this stage. I wasn't able to kind of transcribe word for word, but some of the important things that she said were: job creation and sustaining the industry, making sure the industry is sustainable over the long term. Three hundred billion dollars to reclaim: one estimate for the liabilities out there. Obviously, it's important to do this right so the industry can thrive and survive and so that we are not holding the bag.

Job creation was talked about as well, and I just want to reflect on that. Unlike the previous bill, which was the Public Health (Emergency Powers) Amendment Act, 2020, this bill does not seem to meet the test that has brought us back to this Legislature. I understood that we were coming back to the Legislature to talk about COVID-19 and its effect on our province and how we can assure Albertans that we have their backs in terms of the health effects of COVID-19, that we have their backs in terms of supporting Albertans who need direct financial assistance through this pandemic to supplement their lost wages, say, rental protections, the education of our children through the pandemic, and what it takes to plank the curve so that we, you know, undertake provisions necessary to slow down the infection across our population.

How does any of that, how does any of what I just said, deal with Bill 12, Liabilities Management Statutes Amendment Act, 2020? I don't think the two are related, frankly, Madam Speaker, and I think we need to get this right. We're not getting it right if we don't listen to the views and have more time and attention paid to, particularly, landowners who have had active infrastructure that's now closed in or abandoned, suspended on their property, if we don't get their input. They're not the only people who need to give us input. Obviously, many Albertans are concerned with this issue and need to be heard, and the fact that the minister brings this bill before us now without any of that information provided is, frankly, disappointing and certainly significant enough, serious enough, in my view, that this bill should be removed from this Legislature and that we only deal with issues

that have to do with the pandemic that is before us. That's certainly something that I and all my colleagues on this side understood, that the House leader and the Opposition House Leader negotiated with each other, to only deal with issues necessary to support Albertans through the pandemic.

How does the Orphan Well Association's work support us through the pandemic? Well, the Minister of Energy talks about that it's necessary to create jobs. Well, we've been there, Madam Speaker. Two years ago, three years ago, when we were government, we worked out a loan to the Orphan Well Association of \$237 million or something like that and got that backstopped by the federal government. So we understood that there was a need to create jobs in the oil and gas sector and that that was a way to make that happen. How does this bill today do any more of that? Does it address the pandemic at all? There's nothing in here that has any of that.

So I think we should listen to Edmonton-Gold Bar's views and Edmonton-Rutherford's views that more needs to be done to understand what the views of the broad base of Albertans are on this issue. I can tell you, Madam Speaker, that they are varied, and we have not heard any of that challenge, that difference coming from the Minister of Energy.

The Deputy Speaker: Hon. member, I hesitate to interrupt, but according to Standing Order 4(2.1) we now stand adjourned until 1:30 p.m.

[The Assembly adjourned at 12 p.m.]

Table of Contents

Prayers	307
Orders of the Day	307
Government Bills and Orders	
Second Reading	
Bill 10 Public Health (Emergency Powers) Amendment Act, 2020.....	307
Bill 12 Liabilities Management Statutes Amendment Act, 2020	320

Alberta Hansard is available online at www.assembly.ab.ca

For inquiries contact:

Editor

Alberta Hansard

3rd Floor, 9820 – 107 St

EDMONTON, AB T5K 1E7

Telephone: 780.427.1875

E-mail: AlbertaHansard@assembly.ab.ca