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The 30th Legislature
Second Session

Alberta Hansard

Wednesday morning, April 8, 2020

Day 16

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Second Session

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Legislative Assembly of Alberta

9 a.m.

Wednesday, April 8, 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, 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.

Hon. members, we are at Ordres du jour.

Orders of the Day

The Speaker: The hon. Deputy Government House Leader.

Mrs. Savage: Thank you, Mr. Speaker. I rise to request unanimous consent of the Assembly that members may be able to sit, speak, and vote from any chair within the Assembly for today's sitting.

[Unanimous consent granted]

Government Bills and Orders

Second Reading

Bill 8

Protecting Survivors of Human Trafficking Act

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

Mr. Schweitzer: Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 8, Protecting Survivors of Human Trafficking Act.

Human trafficking is a dehumanizing and predatory crime that violates a person's most basic human rights and dignity. Traffickers prey upon people of all ages, ethnicities, and genders. They coerce their victims into providing labour or sexual services against their will. Traffickers often use threats of violence against a survivor and their loved ones to trap them in a cycle of exploitation.

This crime is often unconsciously ignored by the general public. Albertans think that human trafficking is something that happens somewhere else. The truth is that it happens in our own communities, and sometimes it happens at the business or house next door. I'm proud to stand with a government who refuses to sit idly by and allow this abuse to go unchecked in Alberta.

This legislation will strengthen a survivor's ability to get away from them physically, emotionally, financially, without damaging them as much as possible. This legislation will allow us to create an annual day, February 22, to bring awareness to the issue of human trafficking. A standard definition of human trafficking would be introduced, a standard definition of sexual exploitation, a statutory tort allowing survivors of trafficking to sue their traffickers, a statutory remedy allowing survivors to secure a protection order against their traffickers, and a warrant permitting a police officer to have entry to the premises.

This made-in-Alberta legislation will strengthen a survivor's ability to get away from the physical, emotional, and financial damage that they have suffered. It will empower them to stop those

who prey upon them and hold them accountable. This legislation allows us to deliver an important platform commitment. It will make us a leader in Canada as we tackle this damaging issue for so many Albertans and Canadians. I expect that members on both sides of this House will support this legislation, Mr. Speaker.

Thank you.

The Speaker: Hon. members, the Solicitor General and Minister of Justice has moved second reading of Bill 8.

Before we move on, I just might like to comment that the hon. Member for Calgary-McCall is looking very angelic this morning. Unfortunately, there are no blinds there, but if you would like to choose another seat, you'd be welcome to do so as well.

Is there anyone wishing to join in the debate? I see the hon. Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you very much, Mr. Speaker. I'm pleased to rise this morning and speak to this bill. I think that probably the first and most important thing to note about this bill is that it's a considerable improvement over the state of affairs right now. This bill definitely takes us in the right direction. It's an incredibly important bill. It's important, I think, to all Albertans. I think people are often confused about the state of play with respect to this. Human trafficking happens. It happens right here in Alberta, it's happening around us right now even as we speak, and that's why it's important to act.

I'd also like to commend the government on the fact that this bill, particularly the title of this bill, in my view, is considerably better than what was proposed in the original platform. I'm really glad to see that. The previous name, saving the girl next door, I think was offensive to many of the stakeholders and, honestly, a bit offensive to me as a woman. So I'm really glad to see that those changes have been made.

I have had the opportunity to consult with some of the stakeholders in this area, and many of them indicated that the government had in fact spoken to them, and they were very pleased. They were pleased with the consultation. They were pleased to be asked. They were pleased to be asked to provide input, and they were pleased that their input resulted in the changing of the title of the bill. I think that all of that is really, really good. I think the first thing we should do when we have the opportunity is commend people on good work. I think this has been overall a very good piece of work, and I would like to thank the government for the work that they've done on it.

There are, of course, a few concerns. That is my job in opposition. Probably one of the biggest concerns I have is that certainly in the announcement and in the understanding of both the opposition and the stakeholders and I think the public in general, in addition to this bill, there's also a committee that's coming with it, and the committee is going to act on a number of issues. In fact, in conversations that we've had about this bill, where certain areas weren't spoken to directly in the legislation, the answer has been that the committee will look at those things. That's a good answer. I think the challenge is that the committee itself, to the best of my knowledge, has not met. Now, obviously, we're in a pandemic, so it's possible that that's had an impact, but we're not aware of what the plan is. It's certainly not outlined explicitly in the legislation. To me, that's a bit of a concern because I think that the committee is a critical element of this, and I would like to see it explicitly referenced in the legislation just for the sake of certainty.

I think the other thing that was raised very strongly by the individuals that I spoke to, and I would concur with this position, is that this is very good legislation, but the devil, as they say, is always in the details, and there needs to be support programs that come along with this. So simply saying that someone has a right to seek

this remedy is very different than giving them the necessary supports to be able to seek this remedy.

People who are the victims of human trafficking are normally, even if they weren't previous to the experience, in a fairly vulnerable position. They're not usually in a position where they have a lot of money or power or the things that typically enable us to self-advocate effectively in society. So we need to recognize that that disparity exists, that everyone is not in the same position, and that these individuals may have a more challenging time self-advocating for reasons of, not necessarily, having been cut off from financial support, having been cut off from family support, having been cut off from people that they know, often having been cut off from people that speak the language that they speak, and often finding themselves completely sort of culturally out of water.

We grow up in this province, and we are immersed in its culture. There are certain premises about the way that it operates, about the way that the law operates that we take for granted, that are not the cases in other places. So if someone has been trafficked, then, from another place and they don't have a lot of experience with Alberta or with Canada generally, they are at a disadvantage because of their inability to sort of understand the general legal framework which surrounds us, which we are all very familiar with. That means that a certain amount of support is often needed in order for them to even be able to take the steps that are given to them in legislation.

Again, the fact that this government has moved forward with providing them those steps is very, very good. This is a very important thing to do, but often individuals will need assistance in operating that because, you know, we look at human trafficking and think of it as a horrible thing. It is a horrible thing. It's an incredibly horrible thing. But that doesn't always mean that there's a clear, bright line distinction.

I think, for instance, of the temporary foreign worker program from the federal government. There are a number of reasons that it's very, very important. There are a lot of skills that may not be accessible in Canada, and we're able to bring in skilled people to do that work. They want to come in. Everybody is happy. Unfortunately, in a lot of instances when you're talking about a less skilled labour strain, the individual who is brought in is at an incredible disadvantage if the person bringing them in doesn't do the right thing out of the goodness of their heart, which most people will do, absolutely.

9:10

I mean most people follow the law, right? We don't write laws against murder because we think that most people will go to murder in the absence of the law. We write them for the few people who would violate the law. So in most instances that program works very well, but in a few instances there can be abuse. Some of that abuse is human trafficking, and some of it won't quite meet the standard, which means that individuals are left in a position where they may not be sure whether this legislation applies to them or not. So they will need supports emotionally, psychologically potentially, but also legally. I think that's a really big piece.

Also, potentially when you're talking about people who have been brought into the country, because they may be here under a permit that specifies that they can only work at a certain place and that may be the abuser, they may find themselves unable to stay here in the absence of financial supports. So I think that that's a big deal as well because it will cause enormous amounts of concern. I think as well it's important to recognize that people who have been the victims of sex trafficking are likely to be suffering from an enormous amount of trauma, and that makes it difficult potentially for them to face a case like this. So they may need legal supports,

they may need emotional supports, they may need a number of supports to come forward. All of that is to say that I think that the legislation itself is important. The supports that surround it – the financial, legal, and other supports – are going to be incredibly important, and that is all work that this committee is meant to be doing.

The challenge is that, again, I don't think we're aware of what the membership of the committee is or when they're meeting or sort of what their timeline is or any of those things, so that's a bit of a concern. As well, you know, some of the stakeholders I spoke to had not had a lot of time. Obviously, this bill was introduced yesterday. We've had a chance to review it, but it isn't everybody's job to review legislation professionally, so not everyone has had the chance to engage yet, and that makes it a little bit more difficult for us to take a position on this.

I do want to comment on a couple of things that are in the bill. I think it's worth noting that the consideration that is given – so the things outlined here are things the judge ought to take into account when considering granting the order or not granting the order, and I think that all of these things are very, very important. It's a good list. I might add one or two things to it, but overall it's quite well done. I'm particularly impressed by the inclusion of the respondent's control over the applicant, talking about sort of the removal of personal effects. The holding of pets, I think, is actually a much bigger deal than people realize. I'm really pleased to see that in there. Overall, this is quite, I would say, a good list.

One of the reasons that we're dealing with this right now – people are probably aware right now but may not be aware subsequently reading *Hansard* is that we're in the middle of a pandemic, and we are technically in violation, although I think we've been granted an exemption, of a rule about certain sizes of gatherings while we're here speaking today. Now, there are very important reasons for us to be here. There is some emergency work that needs to be done, and this legislation is incredibly important legislation.

I think my concern is that with the current state at play, stakeholders are understandably focused on other things. It's sort of difficult to get a reaction, and we're trying to put this through very quickly. I think that it being important, in addition to meaning that it should happen, also means that it ought not be rushed, so I'm a little bit concerned about that rush. I'm a little bit concerned about that sort of attempt to ensure that it goes through, you know, perhaps in the absence of as much scrutiny as it would normally get because, again, it is so very important.

Now, I presume the fact that this is before us in an emergency sitting is because we think that it needs to come into force right away, so I'm a tiny bit concerned that that is not reflected in the coming into force dates. We have part 2 coming into force on December 31, 2020, and the remainder not being explicitly stated, which means it comes into force on proclamation. That basically means whenever cabinet decrees. My concern is that if we think it's incredibly urgent, I feel like we should have a date, a date in the very near future, listed in this bill. That's certainly one of the things I'm concerned about.

Let me be clear about this. This is happening right now, so it's a good law to pass. It ought to be passed as quickly as possible. What I'm referring to specifically is the idea that we should put it through, you know, in two or three days, with limited ability to talk to stakeholders, limited ability to consult, limited ability for the public to weigh in and have an opinion on something this incredibly weighty, weighed against the need to get it in in sort of an immediate sense. If that need to get it in is so high as to outweigh the fact that people are maybe not able to turn their minds to this in the way that they normally would, it seems to me like there ought to be a clear date on which it comes into force. If that isn't the case,

then we ought to maybe take a little bit more time to consider it, perhaps by way of committee consideration – sorry; I keep calling it a committee; I believe it's actually a task force – I mean, even if we knew sort of when the task force around human trafficking is meant to be convened and who's going to sit on it.

There are different perspectives on this issue. When I say that, I don't mean that there are different perspectives as in people are for and against. I mean that there are different perspectives in terms of knowing that our aim is to ensure that we're preventing human trafficking, that we're providing a remedy to individuals who have been victims of human trafficking, and what is the best way to achieve that aim? There will be sort of varied perspectives, I think, on that. Those perspectives need to be heard because this is a very complicated area, especially the interactions of the different laws. The sort of primary forms of human trafficking tend to be around sexual exploitation or around labour trafficking, and each of those has incredible complexities within it.

With respect to trafficking for purposes of sexual exploitation, there are interactions between this act and acts protecting children from sexual exploitation, right? Those are two different orders. They're not meant to interfere with each other, but the two acts do interact. There are some circumstances in which both would apply and some circumstances in which only one or the other would apply. It's a pretty complicated interaction. Add that to the fact that there is an interaction in terms of sexual exploitation with people who are engaged in sex work but who may not in fact be exploited. Both of those things need to be kept in mind in terms of how we balance what's going on here.

When you talk about labour trafficking, it's incredibly complicated, especially for a provincial government to deal with. A provincial government and the courts that we would be referring to don't necessarily have jurisdiction to deal with a work permit. So if it's the case that someone has come in as a temporary foreign worker and they've been labour trafficked and they come forward and make an application, you know, it can be very, very complicated. One of the things that could be happening – and it is listed in the act, which I think is good – is that the individuals who are trafficking them, the quote, unquote, employer, has taken their passport, and they therefore cannot return to the country from which they came, which is what they want to do. If that's what they want to do, then we ought to support that. But if they wish to stay in the country, if they wish to avail themselves of the tort which is also in this act, that action will take quite a long time to get to court, so they need the ability, both legally and financially, to remain in the country in order for that to be a remedy for them at all. I think that that is another incredibly important piece worth noting because that leaves those individuals vulnerable.

9:20

It's quite a complexity. The court who's pronouncing this order can't actually affect the permit directly. Either we have to work with the federal government to alter how that permit comes in, or another order that supersedes has to come in somehow, and then there's the whole piece around financial supports and eligibility for financial supports in these instances.

I do know that there are some incredible, incredible people out there who specialize in doing exactly this sort of work, who specialize in going out there and applying for an extension of those sorts of permits or applying for other abilities to stay in a country in instances when someone has been human trafficked. But it is very specialized work, it is very complicated work, it is difficult work, so that's why I think we need the time to hear from those individuals to make sure that when they look at this act, they say: yes, this is going to work for the purposes for which we intend it to work.

Again, I've heard from stakeholders that the work done by the minister and by the department in this case has been very, very good. There's been a lot of reaching out. There's been a lot of talking to folks. To me, that says that probably it's really good, but I think as a legislator being asked to have an opinion, to provide a vote on this legislation, I'm required to double-check that work. That's actually, I think, sort of my function in this place. The ability to go out and to do that, to have that double checking, I think is incredibly, incredibly important.

I think that, with that, that pretty much sums up what I have to say. For clarity's sake, I think, again, that this is a good bill. It's a bill that moves us forward. It acts in an incredibly important area. I'm glad to see that it's happening. I think a lot of good consultation has been done on this bill. I think that as a result of that good consultation, it's much better than the idea originally proposed in the platform during the election, so congratulations to the government on that. But I would like a little more time to consult, and I would like to see a little bit more explicit talk about who's going to be on the committee, when the committee is going to meet, when the committee is going to produce its report, if that's going to be public, all of those sorts of things which are not presently in this legislation. Oh, and supports. We need to see supports in terms of legal aid, supports in terms of financial support, supports in terms of counselling, supports for individuals who are victims of human trafficking.

I think that, yes, with that, I will say that in general this looks like a fairly good bill, and thank you very much to the government.

The Speaker: Is there anyone else wishing to join in the debate this morning on second reading of Bill 8? I see the hon. Member for Edmonton-North West.

Mr. Eggen: Thank you, Mr. Speaker, and I appreciate the opportunity to just provide some opening comments on Bill 8, Protecting Survivors of Human Trafficking Act. Again, I would join my hon. colleague from Calgary-Mountain View to say how I think this is an important issue to be discussing here in the Legislature. I think that we know that in normal circumstances we have a lot of people conducting different sorts of business here in the province, and we need to ensure that workers are protected in every possible circumstance. We know as well that there are illegal and nefarious activities that go on around human trafficking and the whole scope of what that can mean, which I will discuss here this morning, and it's important to protect people in the broadest possible way regardless of whether they are citizens or landed immigrants or temporary foreign workers or just people that are here in the province.

I certainly was pleased as well to see that, from the first incarnation of this bill, the scope of what this law would try to achieve has been widened considerably. I think that, as the hon. Member for Calgary-Mountain View pointed out, just even the change in title is an indication that the government was choosing to use this bill to cover off a number of issues that I think needed to be addressed and people of all places and all genders, not just the girl next door, as the original title had suggested.

I think that, you know, at every juncture it's important, when we look at making laws here in the province, that we ensure we have support programs that can give substance to the protections that this bill, for example, is trying to afford. Protection implies both programming and teeth – right? – so that you're not just sort of saying on paper that you want to protect people that have been victims of human trafficking but that, in fact, you have support programs in place to help those people and to find them and to

provide assistance afterwards and, of course, to chase down people that are breaking the law.

All of those things need to be included when you do endeavour with this sort of legislation. I would suggest that that's part of my concern with this bill, quite frankly – right? – the fact that we do need to look at the whole scope of what, you know, it means to have human trafficking in any given jurisdiction, in this case Alberta. One example that I would like to look at here, for example, is the whole issue around temporary foreign workers. Under normal circumstances we have quite a lot of temporary foreign workers here in the province, and we, in fact, still do at this moment, many of whom are now, of course, in a tight situation because travel is severely restricted. Some people might be in the midst or at the end of a contract and are stranded from their homes and their families.

Anyway, my point is that we need to make sure that supports for temporary foreign workers – let's not forget that some employers have a lot of sway over their situation. We know of cases of people being threatened or being somehow confined or employers withholding passports and so forth. That makes it very difficult for a temporary foreign worker to find protection. Of course, as was mentioned before, people are navigating in a different culture, a different set of laws and rules, and are just not as likely to come forward. As well, you need to make sure that you build legislation here to protect from human trafficking so that people can stay to see justice done on any given file and case. If someone is here illegally or under the temporary foreign worker program, if we don't expeditiously find justice and supports for that person, then they could end up having to leave the country.

I would suggest that part of looking for protection of survivors of human trafficking has to include working to ensure, with the federal government, that you provide supports and laws so that people can stay and get help, assistance, and seek justice as well.

Yeah. Again, I think that this bill speaks to something that is important in our society and something that wants addressing. For us to do it here and now, I find that to be a very sort of constrained time and place to talk about this subject. We all, I think, know that we're in the midst of a pandemic here and now, and it's very difficult to fully canvass this kind of legislation when people are in very extraordinary circumstances. You know, for us to be able to speak to people around that labour thing that I just described, for example, is very hard to do because people have other things on their mind – right? – which is the immediate safety of themselves and their families with a very infectious pandemic around us at this very moment and difficult economic circumstances, too.

9:30

People, you know, simply have those two issues top of mind and are being largely isolated, too. I mean, I think that us being in this Chamber now perhaps makes us forget that the vast majority of Albertans are actually following the rules of the chief medical officer and are isolating at this moment. This is a very big exception to that reality that's all around us here in the province of Alberta. So when we try to do legislation like this, we need to – you know, how do we reach out to the various individuals and groups that we need to when it's very difficult to do so if not impossible, I would suggest? I said it yesterday and I'll say it again today. We need to apply a simple but emphatic rule with any legislation that is brought forward in an extraordinary sitting circumstance like that: is it directly connected and is it absolutely essential to help deal with the pandemic that we are facing here in the province right now?

It's just like when we bring forward emergency motions in this Chamber and you, Mr. Speaker, have to decide if it is something that is of immediate concern. You do a good job on that, and I thank you for that. We should apply that same principle, I would suggest,

with one extra exceptional caveat, which is: is the legislation, the things that are being brought forward to this House, an immediate emergency that needs to be dealt with in regard to the pandemic? If it's not, then, number one, we are probably constrained from doing justice to that bill. You know, whatever it happens to be, in this case this very important topic that we are discussing here this morning, we are constrained from probably giving the topic the attention and the time and the consideration that it's due, right? It's in no way to suggest that protection of survivors of human trafficking is anything less than absolutely essential for the general society in which we live, but is it essential to debate during an emergency that we're facing right here right now? That's the issue that I would suggest is a problem with this bill. It's more of a time and place issue than it is with the actual substance of what this bill is trying to achieve.

So I want everyone here in this Chamber, and yourself, Mr. Speaker, to reflect on that because you know and I know and all of us in our hearts know that what we are doing here and now is – it's good to talk about emergency things, and Albertans need us to do so. But if it's not, we have to weigh that against the danger that us assembling here presents to not just everyone in this room but all of the support staff and potentially all of the many hundreds of other contacts that you will have in the general society this evening when you go home, this weekend when you go to your respective communities, and so forth. That's how a virus travels. It doesn't have legs. COVID-19 cannot move unless it is travelling from a human being to a human being and the movements therein that you have as a human being. So think about that hard. It's a very difficult thing, I know. I know it's important for us to talk about emergency things, and perhaps we can find other ways in which to do that.

For this bill, certainly I appreciate the work that has gone into it. There are lots of very important elements that I discussed and that I will continue to discuss here this morning and later on.

But I just wanted to point out about using that application of a very simple concept, which is eminently true – and it's irrefutable – that if we are in this House discussing emergency things concerning the pandemic, that's one thing. If it doesn't meet the criteria of dealing with the immediate concerns around the pandemic, then I would suggest that this is not the time and place in which we should be discussing those things.

Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or a comment for the hon. member.

Seeing none, is there anyone else wishing to join in the debate? I see the hon. Member for Calgary-West has risen.

Mr. Ellis: Well, Mr. Speaker, thank you very much. You know, I've been intently listening to my friends over in the opposition, and I feel as though they're trying to make the argument or case that this is maybe a piece of legislation that's not urgent. So I guess I feel it incumbent upon myself to probably provide a little bit of a counterargument to that, obviously, again, using my experience. I have seen, sadly, on many occasions the underbelly of society, as we call it, where people, mostly young girls, have been trafficked, have been taken advantage of in various situations for various reasons.

Mr. Speaker, COVID-19 is very, very serious, and I believe that the good people within the province of Alberta and the country of Canada are abiding by the chief medical officer's orders and that they're maintaining social distancing, that they're washing, and that they're doing what they can. But in this particular case, when we're talking about the people who traffic these young girls, these are not good people. They do not abide by the rules. In fact, I would probably argue, through my experience, that they really don't care

that there is a COVID-19 crisis going on in the world right now. For them, it is business as usual.

There are young girls, there are children, there are young women, there are people who are being trafficked right now. There are people that are suffering right now. So I do not believe for a second that this legislation is by any means not urgent. It is urgent. It is something that needs to be discussed.

I feel, having listened to my friend from Calgary-Mountain View, that through her research and discussion – I know that nothing is ever perfect. I understand that. Nothing is ever absolute. But I feel as though there is a consensus that this is a good bill that can do good to help people, and for that reason, Mr. Speaker, I think that this is something that we just need to move along.

You know, I sit here and I look at the bill. Let me just read a number of points. I see number 1, which talks about an annual day, February 22, to bring awareness to the issue of human trafficking. Let me talk about the importance of that. You've heard me say this in this House before. I've talked about education, prevention, and intervention. Of course, having a day to bring awareness is a part of education, to let people know that human trafficking does occur within the province of Alberta, that human trafficking does occur within Canada and, of course, other places around the world. It is so important to bring that awareness.

9:40

The second point that I noticed in the bill is a standard definition of human trafficking, which will include parts of the Criminal Code definition. You know, I brought that up, Mr. Speaker. One thing I noticed that was interesting here when it talked about definition is: a trade of humans for the purposes of forced labour, sexual slavery, or commercial sexual exploitation for the trafficker or others. Human trafficking is the trade in people, especially women and children, and does not necessarily involve the movement of the person from one place to another. I think it's very important to understand that: it does not necessarily involve the movement of a person from one place to another. Yes, there are people who have been trafficked from other counties into Canada or into the United States, but when I read this definition, the one that's associated with the Criminal Code, what gets me in regard to that is that this is something that is occurring here in Canada.

Again, you know, we can close all the borders. We can provide all these restrictions. We can self-isolate. We can have our social distancing. But, again, as I talked about a little bit earlier, the bad guy doesn't care. The person who's trafficking these women and these children: they don't care. They're going to continue to do this business as usual.

The police are working right now, Mr. Speaker. Yes, there are people that are self-isolating. But then we have our first responders. We have our doctors. We have our nurses. We have our EMS. We have, of course, our police. They have to deal with these cases even right now. That's the truth. They're out there. They're doing what they can in regard to this pandemic, and they still have to – it's not about traffic stops and tickets. Sometimes it's about larger investigations that are still going on. We still have detectives that are doing work. We still have major crime units that are doing work. Some of that will involve human trafficking, so to provide extra tools for them, the tools in the tool box that are so important.

You know, when we did the bill, I worked co-operatively with the other government in regard to the pill press, right? We talked about the issue regarding the fentanyl crisis. It was a tool in the tool box. Serenity's law was another tool in the tool box. This is a tool in the tool box to help, and I see this as a very positive bill. I certainly am not going to speak for, of course, the Justice minister, but if we can make it into Committee of the Whole, which I hope

we can do, I think there were a couple of points that were brought up by the opposition. The Justice minister, I'm sure, will be happy – I don't want to speak for him, but I've got to know him as a person over the years, and I'm sure he'd be happy to answer questions.

I think those are important, but I think it's important to move this stuff along, Mr. Speaker. There are children that are suffering right now, as we speak. There are women who are being trafficked right now, as we speak, and if this is a tool in the tool box that can help them, then I think this is something that we need to continue to just really move along, quite frankly.

You know, I read a couple of other things here. A statutory tort allowing survivors to sue their traffickers which will require no proof of damages and would be required in a civil action and will also eliminate the limitation period for regular actions to ensure survivors have the time to heal before starting a lawsuit: that's huge. That's taking the power, the power that that bad person holds over that victim, and putting that power back into their hands. That's huge. That's something that we need to move along. A statutory protection order to fill a gap that will better meet the needs of survivors of human trafficking. The order will be three years in duration, and penalties for violating the order will include up to two years in jail and up to a \$50,000 fine.

You know, let me just explain to you, Mr. Speaker. When I was in the Calgary Police Service, I mean, we had a section that was dealing with this sort of stuff. These are complex cases, in many cases not very easy to prove. Trying to prove a case where somebody is living off the avails of others, as an example, is something that is very, very complex and requires many, many resources and requires more than just the constable on the street who's just taking calls to service. There's usually a whole series of investigations and plans that are put forward to deal with these sorts of cases.

But this sort of thing, a statutory protection order to fill in the gap, again, you know, is helping the victims. It's helping the police. It's helping to get that offender off the street, to put a responsibility, accountability on that bad person who's taking advantage of those women, those children, and those who are being victimized by their criminal behaviour.

Lastly, Mr. Speaker, a new warrant permitting a police officer entry to a location or residence to search for, assist, and remove trafficking victims: again, a tool in the tool box, right? I mean, yes, the police, through the course of an investigation, if we do believe that a person is at risk, have exigent circumstances that may allow us entry into a residence. We, of course, can set up a perimeter, a containment, we'll say, on a residence. We can get what's known as a Feeny warrant, if need be, to gain entry, but this is, again, another tool in the tool box to assist with gaining entry into that home where the police believe on reasonable and probable grounds that we might have somebody who may be the victim of human trafficking. Again, this is something that is occurring right now. This is a situation that may be occurring within the province right now, where somebody – you know, I think we would all be naive to think that there's not somebody somewhere within this province right now who is not at this moment the victim of some form of human trafficking.

You know what? I appreciate the comments that were made by my friends in the Official Opposition, and I think there's a lot for us to discuss quite frankly in Committee of the Whole. I hope that we can move this legislation along out of second reading. Really, I think this would show leadership with the Chamber under extraordinary circumstances to do something to provide some tools for victims of human trafficking, tools in the tool box for police officers. I think that this is a good piece of legislation. This is a step in the right direction.

Mr. Speaker, I'd like to thank you very much for your time this morning. I cede my time.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. I see the hon. Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you very much, Mr. Speaker. Since the hon. member has taken the time to sort of thrust a position, one which I think we don't necessarily hold, upon us, I think it's incumbent on me to perhaps clarify since it seems that perhaps, at least for some who were listening, my comments were unclear.

We are supportive, generally, of this legislation. I have looked over the legislation. I have talked to stakeholders, both in my previous role and in my current role, about legislation of exactly this nature, which is one of the reasons I know it's incredibly complicated. Generally my reading of it and my experience talking to people about how this goes forward would suggest that this legislation is quite good. That being said, I am not the expert in the area. I don't work in this area. I never have worked on the front lines, doing this work day in and day out, so my analysis, that I think it looks pretty good: I don't think that that's sufficient. I don't think that that's a sufficient statement for me to take back to my constituents or to the people of this entire province.

So I think it's fair for me to say that, you know, stakeholders were a bit surprised by the timing of the introduction. I don't know that everyone has had a chance to analyze the bill now that the text is available, and the text of the legislation is the important thing. That is the thing that we are here to discuss in this House.

9:50

I'm fully aware that this is incredibly important. I'm fully aware that people are the victims of human trafficking right now, even as we speak, and that does make it important. It absolutely makes it important to move it forward. It also makes it important to be certain that we're getting it right, to be certain that we've taken – you know, when we're talking about legislation that has been quite a long time in coming, really, I think that taking one or two extra days to speak to people is not an unreasonable position to take.

Again I would say that I think we're generally supportive. We do have questions, which I think is fair – I think that's the point of debate in this House – and having those questions doesn't mean that we don't think that the people engaged in human trafficking are, as the member said, very bad people. They are very bad people. They are terrible people. That's why we are supportive of this legislation, because we think that we ought to be punishing the people who engage in this behaviour and we ought to be protecting the victims of this behaviour.

That being said, there are a lot of details missing. A lot has been left to the committee. Whether or not support will be provided for legal counsel for the victims of human trafficking, whether or not support will be provided to ensure financial supports, what sorts of counselling supports will be available, whether sort of more fulsome reintegration supports are available: all those sorts of things are, I think, very relevant questions because they are the things that make the legislation work.

I do want to make it incredibly clear. We don't think that this is something that's not important. We don't think that this is something that shouldn't be moved forward at the soonest possible opportunity, and we certainly don't think that the people engaged in this behaviour are – wait. That sentence was about to be a double negative. We certainly do think that people who have engaged in this behaviour are very, very bad. Sorry. Double negatives: very unclear. Yeah. I just want to reassure my hon. colleague that we do think that that absolutely is the case. I think the point was just that

this is a time where it's more challenging to do that due diligence, to ensure that on what is an incredibly, incredibly important issue, everything is sort of appropriately moving forward and we have all the supports we need and that this committee will be moving forward.

That is all I wanted say, to sort of rise and clarify that, because – again I think that the hon. Member for Calgary-West is absolutely correct – this is a big issue. It is an issue that is happening all around us, and he's right. That awareness piece is an important piece because there are a lot of people who maybe aren't aware that this is in fact going on all around us.

Thank you very much.

The Speaker: Hon. members, is there anyone else wishing to join in the debate for second reading as the time for 29(2)(a) has elapsed? The hon. the Member for Calgary-McCall, looking much less angelic.

Mr. Sabir: Thank you, Mr. Speaker. It's my pleasure to rise today and speak to Bill 8, Protecting Survivors of Human Trafficking Act. The bill relates to basic human rights. The bill relates to basic human dignity.

[Mr. Smith in the chair]

I think we are wholly in support of the intent of this bill. We believe, on this side of the House, that it's important. It's the fundamental role of the government in our society – good to see you in the chair, sir – that they ensure that the basic, fundamental human rights are preserved, protected, and upheld. Certainly, it's a step in the right direction to support those who are victims of trafficking. I think it's akin to modern-day slavery, where people are exploited in many different ways. It's certainly an important issue, and I'm glad to see that government is taking steps on it.

When we ask about the timing of this bill, it's in no way, shape, or manner that for a second we are talking about the importance of this topic. All we are saying: this is an important topic that deserves a full and robust debate in this Legislature, that deserves participation from the victims and survivors of human trafficking, that deserves participation from the organizations, individuals who have been working in this area. At this time, when we know that many things have been shut down, when we know that people are doing that physical distancing, social isolation, all those things, it's challenging for people to participate. If the government was to implement this piece of legislation upon its passing from this Legislature, then sure. But what we are seeing in this legislation is that the legislation will still come into effect by the end of the year. We will have an awareness day next year in February, February 22. So when we ask about the urgency of this legislation, it's not our intention – in no way, shape, or manner are we questioning the importance of this important piece of legislation.

[The Speaker in the chair]

Having said that, I will share some observations as well. Ever since that was put on the Order Paper, I have looked into this issue. Personally, I do have a background with rights movements, so this issue is of particular interest to me. I do note that Canada was one of the first few countries who signed on to the United Nations declaration against transnational organized crime and the trafficking in persons protocol. Canada was among the first few countries who signed on to it, and since then I think there have been certain developments. It's in the Criminal Code, and it's a criminal activity under the Criminal Code of Canada. It's also referenced in the Immigration and Refugee Protection Act, and it's unlawful under that act as well. There was a national strategy to combat

human trafficking that Canada brought forward in 2012, and that strategy was reviewed in 2016, evaluated. There are a number of things that I may refer to later in my remarks that came out of that evaluation as well.

But let me talk about – when we say that we want to have a full opportunity to have a robust debate, I'm saying it because even in these circumstances, ever since it's been introduced, I've been reached out to by two or three friends, two or three stakeholders. First and foremost, I was talking to a friend of mine who used to practise indigenous law before running for public office, and they have raised concerns with respect to the missing and murdered women inquiry, how this bill interacts with that inquiry, because for the most part – there are many causes for that, but one of the causes is that those women are exploited in many different ways, and through that inquiry, sexual exploitation, labour exploitation were the kinds of things that were highlighted at the root causes of that inquiry as well. When we are talking about those survivors, when we are talking about protecting those victims, I think it is important that we take into consideration those recommendations coming out of the missing and murdered women inquiry.

10:00

With that, I think I would like to know, if anybody wants to share, what consultations the government had with indigenous communities across this province, what consultation the government had with the families and loved ones of the victims, the missing and murdered women, and what consultation the government had with the survivors of those heinous crimes. It's important that when we talk about the Protecting Survivors of Human Trafficking Act, we look at all aspects of this crime, that we take into account all perspectives, including recommendations coming from the missing and murdered women inquiry, and that we speak to First Nation communities – those survivors, those victims – and organizations advocating on behalf of missing and murdered women.

The second thing that I hear the most from my own communities around my constituency – a number of people have raised this issue before, and they have reached out to government as well, I'm aware – is that lately there have been concerns with respect to exploitation of foreign students who are coming to different institutions here, in Calgary, across this province, and across this country. They are coming on student visas. They have certain restrictions, and at the end of the day they are employed by some employers, and there are widespread reports that their labour is exploited.

Again, if there was any conversation with those groups who are advocating for those students, I would urge the government to share that with us so that it can help us understand what this bill covers, can help assure us that, okay, these are the concerns that our constituents have raised that will be addressed.

With respect to temporary foreign workers we know that we have a very vibrant community of Filipino Albertans, and many of them are also coming from the Philippines. Temporary foreign workers come from many different countries, but they come from the Philippines as well. I'm referring to the Philippines because the individuals who reached out to me come from the Philippines, and they were talking specifically in the context of the workforce coming from the Philippines. What happens there is that they come under a certain visa, under certain conditions, and if they change employers, they are not able to continue employment with some other employer. There are certain restrictions, and they end up in conditions where they may agree to standard treatment or may submit to labour exploitation and all those things.

On all of these three things that I indicated, I have heard directly from my constituents, my community, my friends, stakeholders.

They want further clarity and, personally, I would like to have further clarity on which of these communities were consulted and what the feedback was, what was included, what was not considered, all those things.

Also, as I indicated earlier, it's an important issue. When we talk about it, I think the bill is focused on a few things, that I will highlight. The bill is focused quite a bit on the enforcement of these orders, of these provisions. I think that with respect to enforcement there are a couple of things that I would highlight if I am speaking from my own perspective, from my own community's perspective. I think my colleague from Calgary-Mountain View indicated that there can be a number of challenges. There can be a number of barriers like cultural barriers, language barriers, like a basic understanding of the legal system, the legal regime within Canada. So when it comes to enforcement, the government needs to back that up with proper supports and proper resources so that those who are victims, those who are survivors not only have knowledge, information but so that they do have the needed resources to be able to benefit from the provisions of this act, to be able to benefit from the protection under this act.

The resources and public awareness part is also important. We need to have resources, to have public campaigns supported. There is a day dedicated, February 22, but I think we need to have continuous public awareness campaigns that can highlight this issue, that can alert the public to this issue and make it possible for people to see fellow Albertans, fellow humans in these circumstances and feel responsible to come forward and report those incidents. It's important that when we talk about enforcement, we back up our actions, we back up these provisions, we back up these protections with proper resources and proper public awareness campaigns.

I also note that the federal government last year announced \$57 million in their national strategy to combat human trafficking. When they evaluated their strategy, some of the key findings were that this national plan should work in collaboration with the provinces, and since it was just recent, I would like to know what collaboration the province has with the federal government.

The Speaker: Hon. members, Standing Order 29(2)(a) is available for a brief question or comment if anyone has one.

Seeing none, anyone wishing to join in the debate? The hon. Member for Edmonton-Riverview.

Ms Sigurdson: Well, thank you, Mr. Speaker. It's my pleasure to rise and speak regarding Bill 8, Protecting Survivors of Human Trafficking Act. From what we understand, certainly this bill is doing a few things. First of all, it's creating an annual day, February 22, to bring awareness to the issue of human trafficking. It's standardizing the definition of human trafficking and also of sexual exploitation. It's creating a statutory tort allowing victims of trafficking to sue their traffickers and a statutory remedy allowing victims to secure a protection order from their traffickers and also a warrant permitting a police officer to have entry in situations like this.

10:10

As my colleagues have shared already, we in the NDP caucus are largely pleased with this legislation. The piece that is confusing for us – and we have spoken about this already – is that during a pandemic, a global pandemic, we are here in the Legislature debating this legislation. Not that it's not an important piece of legislation; it is. But one of the things that the government did indicate to us is that they would not reconvene the Assembly during the pandemic except for matters that dealt directly with this

pandemic. Of course, this legislation doesn't do that. This legislation, of course, is needed, but it is something that has been needed for a very long time, and it is something that is ongoing. It's not emergent because of the pandemic.

I guess I question why we are doing that now, because it's an extraordinary situation for us to be, actually, in the Assembly right now. Certainly, colleagues across this country, federally, are not sitting, and they are not sitting because there are significant issues in their communities that they must support. Certainly, as an MLA myself I have great concern for my constituents, and I'd like to be able to be available to them more, but instead I must come into this Assembly. I have some concerns with that, especially when it seems like the government is lacking some integrity in what it had shared with us previously. Certainly, our NDP caucus had said that we would come to the Legislature, absolutely, if there was some emergent legislation that was needed that directly relates to the pandemic. Of course, this is not an example of such, but here we are.

I guess another point I'd like to make is that today, right now – we have one, two, three, four – four of the NDP caucus are sitting in the Assembly at this moment. Should I count myself? No. I counted right. Oh. We're not supposed to talk about that. Excuse me.

The Speaker: You might just want to be cautious in referring to the absence or the presence of a member. All members have busy schedules, and they may or may not be in the Chamber for any reason. So we might just offer a bit of caution.

Ms Sigurdson: My apologies, Mr. Speaker. Of course, I forgot about that.

Certainly, I know that many of my colleagues – and we're 24 strong – would like to be here today to actually speak about this legislation. I'm sure that that's true on the other side of the aisle; the colleagues there would also like to. But because of the circumstances that we're in, we want to make sure that we're following the guidelines of the chief medical officer of health. We're doing things a bit differently in the Assembly, and that's important.

This piece of legislation, however, is extremely important. I know that as elected officials we want to, of course, represent our constituents, but we also want to put in our own view and represent the views of our own constituents in this Assembly, and that's become more difficult to do because of the pandemic that we're in.

Besides all of that, certainly we are breaking some of the orders of the chief medical officer of health even though I know we have had an exception. Really, gatherings of more than 15 are what the order indicates, but we have a much larger group here today than that. It's unfortunate that this isn't garnering, you know, the really robust debate it deserves, because we have a much larger issue, an issue, really, of life and death in our province. I mean, this bill also deals with people who could be hurt and sometimes so severely that they do lose their lives. We know that we're all preoccupied – and "preoccupied" is not the right word – that we're all very concerned about what's happening in our province, in our country, on our planet.

I know, like many of the members in the Assembly, that besides the very important concerns of our constituents, we also have families that we're connected to. If I can just stay a little bit more on constituents, this week was supposed to be constituency week. I don't know. I just want to remind everybody that we were supposed to be in our constituencies. Of course, one of the very important jobs of any MLA is to serve the constituents in their riding. I'd

certainly like to be in my riding, being able to reach out to businesses, nonprofits, reach out to families and do what I can to support them and see what concerns they have and what issues they may have with navigating public provincial programs because, certainly, that's an important job I have. But I'm here today, and I can't do that. I want to be a support to my constituents in that way. I really feel that that's what we should be doing at this time. I mean, I share that not only because of myself but because of the 87 MLAs here in the Assembly. They all have these pulls, too, and I'm sure it's difficult.

But we all have families also. I have parents. My father is 90, and my mom is 83. They live in seniors' housing in Edmonton, and we're no longer able to, you know, see them anymore. They are certainly in that vulnerable population. The vast majority of people who've passed away because of COVID-19 are 80 or above. My parents are in that category, so it weighs on me heavily, what is going on. I don't share this for you to have some concern for me. I share that because I know that each of the members here has those kinds of challenges, too, and they are concerned about their family systems. At a time when this significant health issue is really rampaging through our province, that's what we should be focused on. I'm deeply concerned that the government doesn't share my view.

You know, just keeping on sort of the theme of our families and just the needs that they have, I'm certainly concerned also that people have lost their incomes and the wherewithal to actually provide for their families. These are significant concerns for people. I mean, before I came to work today, my son, who gets up at 6:30 and works construction, came running up the stairs just before I left. He said, "Mom." I was getting ready. I said: "Yes? What's going on?" He came in, and he said, "Mom, they laid me off just this morning." Many people have been laid off in Alberta, but that's what I dealt with just before I came to work. My son is 21, and he had been struggling to get jobs and work, but he had worked for a little bit doing framing. Before I came in here today, I was trying to support him. He's kind of downhearted, upset.

I know that Albertans all across this province are dealing with that, and that's where we should be focusing. We should be focusing on supporting each other and not sitting in this Legislature debating legislation that is not focused on COVID-19 and what needs to happen for this government, because we have very significant issues emerging from that. Again, each one of us has families that need our support, has constituents that need our support. Indeed, this is constituency week. We should be back in our own communities supporting people in those communities.

Mr. Ellis: Point of order.

The Speaker: Hon. members, a point of order has been called. The hon. Member for Calgary-West.

Point of Order Relevance

Mr. Ellis: Thank you very much, Mr. Speaker. I certainly rise under 23(b):

speaks to matters other than

(i) the question under discussion.

I appreciate the member and, obviously, the frustrations which she's displaying here at the moment, but certainly there are other avenues for her to discuss her frustrations in regard to what is occurring at this very moment within this Chamber. Right now what we have under discussion is Bill 8, Protecting Survivors of Human Trafficking Act, in second reading. I certainly thank her for her

remarks. However, I do ask that – I certainly would like to make the argument, of course, that she stay talking about that specific act.

Thank you very much.

The Speaker: The hon. the Member for Calgary-Mountain View.

10:20

Ms Ganley: Thank you very much, Mr. Speaker. I think the member had certainly begun in terms of speaking about the bill, and I think she will absolutely return to speaking about the bill. I think we've had a fairly wide latitude this morning and in general when speaking about this bill. It is worth noting, especially since the hon. Member for Calgary-West himself spent some considerable time during his remarks talking about the urgency of this legislation and why the House needed to be recalled, because those are the circumstances in which we find ourselves.

I think that, you know, we are having a dispute as to the facts. The hon. member who is speaking currently, I think, actually isn't even really disputing the facts. I think she concurs that this is important legislation, but I think that what she is saying is: this is not the issue on which Albertans' minds are presently focused. [interjections] Do you think we could maybe cut the side conversations?

You know, this is legislation that is incredibly important. Albertans, who are the people affected by this legislation, who care, in my view, very deeply about this legislation, have the right to weigh in, and many of them, like the member who was speaking, find themselves in a position where they are focused on other things for reasons beyond our control. I certainly think that she was speaking about the bill. She was speaking about the circumstances surrounding the bill in this House. I think she was speaking about the fact that many people out there in the world are maybe not focused on this particular bill at this time.

Given that our position is that we would like, you know, some time to speak to the stakeholders on something that is incredibly important – it is relevant to take some time to speak to the stakeholders, stakeholders that, like each and every one of us in this House, are likely experiencing these sorts of events in their lives. So I think that that does make it relevant, but I'm sure that the member will be happy to return to speaking generally about the legislation.

The Speaker: Hon. members, I am prepared to rule on this point of order unless there is any other conjecture. I'd like to remind all members of the House that page 628 of *House of Commons Procedure and Practice*, third edition, reads:

Regard to the privileges and dignity of Parliament demands that its time should not be wasted in idle and fruitless discussion; and consequently every member, who addresses the house, should endeavour to confine himself [or herself] as closely as possible to the question under consideration.

This advice still applies today as the business of government grows ever more complex and the time of the House is limited. It is often sufficient for the Speaker to remind a Member [of the House] called to order of the proper subject matter of the debate and to indicate the manner in which the Member's remarks were irrelevant.

It goes on to say:

... In doing so, Speakers tend to be mindful of the need for some leniency. At times they have allowed references to other matters in debate if they were made in [a passing manner] and were not the principal theme of the speech.

I'd remind all members of the need for relevancy. I also think that it's reasonable that given that we're three speeches into the debate on Bill 8, perhaps some leniency is allotted as well. But if we can stick to the topic, the time of the House will be much more

effectively utilized. So at this point in time I'd say that there's no point of order, but I encourage the member to get to the meat of the matter.

Debate Continued

Ms Sigurdson: Thank you, Mr. Speaker. I guess I just want to say once again that, you know, the government did indicate very clearly to the NDP caucus that they would call the House back only to deal with matters directly related to the pandemic. Unfortunately, despite what we're hearing, this is not related specifically to the pandemic, so I'd just reiterate those comments. It is sort of a question of integrity.

I guess what we're hearing from stakeholders in the NDP caucus is that people in the community that serve vulnerable people that may be trafficked are surprised by this legislation. They didn't expect it. When I hear that, I think: how come they're surprised? Well, I think then that perhaps the government hasn't even spoken to them about it, hasn't even solicited their input about it.

Certainly, as a social worker for 30 years I have lots of colleagues in that profession who work in this area, and they're telling me that they haven't heard about that. That concerns me, and it concerns me significantly because that is how good legislation is made. If you want to make good policy, guess who you talk to? You talk to people who work on the front lines. You talk to people who serve these people every day, who understand the barriers, who understand the challenges. What we're hearing from the community is: hey, this is news to us. So that's a bit disturbing and more than a bit disturbing. That is very troubling. That is something that the government needs to do. Of course, during this time of the pandemic it's very difficult to do a lot of consultation, get the feedback from the community, because we're all being asked to self-isolate.

Of course, we're dealing with a lot of different issues. I know that many people who are working in the human trafficking area, supporting people within that area, may also work in the area of domestic violence. We know that, unfortunately, the sad truth is that rates of domestic violence are increasing. This is kind of sort of some perfect circumstances for perpetrators because perpetrators often want to isolate their victims. Here we're encouraging that in our community right now, so people have less recourse to be connected with friends or family or have the supports they need because they are isolated in their own communities. Let me tell you that people working in this area are extremely busy at this time. There is so much need, and we want to make sure all Albertans are safe, that women and children are cared for. This is their focus right now, yet this bill is being brought in without their input, and that's wrong.

We know, too, that there are many organizations that, you know, we would look to to provide input on this issue. We're just wanting to know if the government has actually reached out to them. Again, what we're hearing in the community is that they haven't. Stakeholders like the Edmonton Social Planning Council: have they been consulted? Certainly, they know a lot about housing. There's a report just recently completed by John Kolkman that talks about just the affordable housing issue in our province, in our city, and this input would be extremely helpful for this legislation. Another agency is the John Howard Society. They also could give excellent input into this bill. Again, we're wondering if the government has consulted with them. ACT Alberta: that stands – oh, I'm not going to remember what it stands for, but it is an organization that works with people who have been human trafficked and certainly are significant experts in the area. Again, that's another organization that this government...

The Speaker: Hon. members, Standing Order 29(2)(a) is available. I see the hon. Member for Calgary-West has risen to provide a brief question or comment.

Mr. Ellis: Thank you very much, Mr. Speaker. I'd like to thank the hon. member for her comments. I do have a couple of things I would like to add. Human trafficking was in the UCP platform during the most recent election that we had, so it should be, certainly if you follow politics, something that people should be aware of.

And maybe I wasn't clear, Mr. Speaker. When I was referring to bad guys or bad people, what I was referring to are criminals, people who do not abide by the law, certainly likely do not abide by social distancing or even the rules of the chief medical officer.

10:30

I'd like to know. If what I heard was not considered to be exigent, then I wonder: are there any comments or words for the young children, the young girls that are currently being held captive right now within this province? Are there any words to say: "Hey, you know what? This isn't exigent right now. This isn't something that is related to the COVID-19 virus; therefore, it's something that can be put on hold." I can tell you that their lives are at risk right now, and this is something that we can get through this House. When I read this, "a warrant permitting a police officer entry to a location or residence to search for, assist, and remove a trafficking victim from a home" – to search for and remove a trafficking victim from a home – am I hearing that member say: "Oh, I'm sorry, police. You know what? You can stand on containment. I'm glad you know that that person is being held captive. I know that you know that that person is being used and abused, but it's not exigent because it's not related to the COVID-19 virus; therefore, we're just going to put it on hold right now." Is that the message that we're telling these young girls? Is that the message that we're telling the police, that this is not as important? That's not a message.

Look, I think I heard some consensus here. I thought I was hearing some agreement, right? This is something that I think we're on the same page. We need to move along. Look, I wear this pin not because it's a decorative piece. I wear it because it shows that I have done 10 years – 10 years – of night shifts, day shifts, dealing with hostage takings, dealing with some of the worst criminals imaginable on the streets of Calgary. I've dealt with situations where there have been knives, people have been stabbed, guns, officer-involved shootings. One of my guys got hit by a car. These are the situations I've dealt with. Ten years on the streets of Calgary, two and a half downtown in some of the most dangerous situations imaginable: I put my life on the line on a daily basis. There are children that I have had to go into houses and pull out.

That is what we're talking about here, Mr. Speaker. That is the importance and exigency of this bill. These criminals, these bad people, do not care about the COVID-19 virus; they do not care about social distancing. This is important. This is something that is worthy of this House to deal with right now so that we can save the lives of these children and these young girls who are being used, abused, sadly, by the criminals of this province.

Mr. Speaker, thank you.

The Speaker: Hon. members, there are 45 seconds left. I see the hon. Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you very much, Mr. Speaker. I don't know why I need to keep reiterating this, but I'll reiterate it again. We do think that criminals are bad. We do think that human trafficking is bad. I've said it several times. I'm not sure why the hon. member doesn't seem to be hearing it. I think that saying that we need time to get this right because it's incredibly important should not be equated

with saying that it's not important. I think that saying that more than 72 hours is warranted for this incredibly important legislation is very, very reasonable in the circumstances.

Thank you.

The Speaker: Hon. members, unfortunately, the time has elapsed for Standing Order 29(2)(a).

Is there anyone else wishing to join the debate? I see the hon. Member for Banff-Kananaskis has risen.

Ms Rosin: Well, thank you, Mr. Speaker. I am actually very happy to stand here today and speak in support of this legislation. I'm not going to speak super long on it because every day, frankly every minute and every second that we don't get this bill to committee and through committee and out of committee and passed is a minute that we are putting these women, these children, these girls at risk. It's a second that we are not taking action. It's shocking to me that Alberta currently has no legislation at all that currently supports victims of human trafficking in our province, and I think it is so incredibly important that we are debating this legislation today and that we get this through our Chamber and support.

I am happy to hear that our NDP opposition in theory supports the premise of this legislation. It sounds like there may be some amendments or some further discussion to be had in committee, but I am grateful to hear that they are in support of the premise.

I must say, Mr. Speaker, that at the same time it frustrates me to absolutely no end – in fact, frankly, it infuriates me – that some members across the aisle are sitting there and saying that because we're in the middle of this COVID-19 pandemic, this legislation is irrelevant right now. They actually explicitly said that they would rather be sitting at home than debating this legislation because it is so unimportant. That is despicable. It's disgraceful to the women and the girls who are going through this crisis right now, and I'd actually be curious to hear what those women and girls who are victims of human trafficking would think if they heard the members across the aisle say: oh, this isn't important right now; I'd rather be sitting at home. I think that is so unbelievably out of touch and cruel.

I understand, Mr. Speaker, that we are in the middle of this COVID-19 global pandemic. Don't get me wrong: it is very important, and I am so thankful that our government has taken very swift and very serious action on both the health and the economic fronts of COVID-19 with some support from our opposition. But just because COVID-19 is in the limelight right now and just because it's a crisis that is at the forefront in our society, it does not mean that the crises that occur in the shadows are any less important.

Mr. Speaker, right now there is human trafficking going on. There are women and girls and individuals who are in the shadows suffering from this. Just because they're in the shadows does not mean they are any less important than the other pandemics and the other crises our society is facing. I just don't understand how we can pretend this isn't an urgent issue. There is urgency to this because every second that we don't act, more victims are suffering because our government is not acting.

Mr. Speaker, as we go through this legislation, I mean, I think it's absolutely fantastic, and I'm so grateful that our Minister of Justice has put this forward. I mean, it talks about creating an annual day, February 22, to bring public awareness to this issue and make sure that it doesn't stay in the shadows of our society. It creates a standard definition of human trafficking so that our law enforcement and individuals who may know victims can call it when they see it. They can identify it, and they can act. It will, you know, create a tort that allows survivors to sue their traffickers.

They won't need to provide any proof of their damages, and it will give them time, a grace period, to heal before they take those actions and before they sue. You know, three years' jail time and penalties of up to \$50,000 for the perpetrators.

You know, Mr. Speaker, as the Member for Calgary-West said, this legislation takes the power that these perpetrators hold so strongly over their victims and puts that power back in the hands of the victims and allows these victims to take action and to take control of their own destinies. If that's not something that a government should support and that a government needs to do as urgently as possible, then I don't know what is. As a government and as elected officials and, frankly, as a society we owe it to these victims to take care of them, to help them, to give them power, and to give them a way out of their situations.

The legislation talks about creating a standard definition based directly on the Criminal Code definition at a federal level. If we read that definition, it says that it involves the recruitment, transportation, harbouring, and/or existing control, direction, or influence over the movements of a person in order to exploit that person, typically through sexual or forced labour. I mean, Mr. Speaker, it's a no-brainer to me that there are so many people who suffer from this on a daily basis, and there have been for years because no legislation exists in our province. It's time that this legislation gets put forward, and it's time that this legislation gets passed.

I just don't understand how we can pretend that because human trafficking and human traffickers lurk in the quiet and in the night and in the depths of society, just because that crisis isn't, you know, at the forefront of people's minds, it should be any less important and any less urgent than dealing with the major crisis which is in the media, which is COVID-19. Mr. Speaker, a crisis is a crisis, and we owe it to the most vulnerable members of our society to take action and to protect these people who have been victims of this for years. I mean, absolutely, there is no denying that there are people suffering through this COVID-19 pandemic, whether that be through health issues with themselves or their loved ones or their friends or whether that be through economic means. They've lost their job; their business is going under.

10:40

Mr. Speaker, those who are experiencing human trafficking, those who have been or are still victims or even those who maybe are under threat of being victims of future human trafficking: for them that crisis is just as real as the COVID-19 crisis is to other Albertans and other people around our globe.

Mr. Speaker, I hope that this Assembly can join together and support this legislation and say: "This is a crisis. This is awful, and we'll call it as we see it. We need to take action and protect these women and girls just as much as we are taking action to protect those who have fallen ill from COVID-19."

Mr. Speaker, I'll conclude there because I think it's urgent we get this legislation debated, maybe amended if it needs to be, and passed as quickly as possible. I will wrap up my thoughts and just say that I really hope that we will gain support from both sides of the House for this legislation and that, frankly, we'll have support from all Albertans who are watching or listening or reading this in the news today. Human trafficking is a problem, and we care about the most vulnerable in our society.

The Speaker: The hon. Member for Calgary-Mountain View under Standing Order 29(2)(a).

Ms Ganley: Thank you very much, Mr. Speaker. Where to begin with that? I think I've reiterated on a number of occasions – for

anyone watching at home, they're probably tired of hearing me say it over and over again – that we do think this is an incredibly important issue. Again, that's why we think it's incredibly important that stakeholders on the front line, people who are working in this area, have time to weigh in. We think that as the Official Opposition, it is our job and our responsibility to do our due diligence and ensure that those voices are represented in the legislation.

Now, I do understand that the minister and ministerial staff at Justice and Solicitor General have done an incredible job on consultation. I understand that a lot of conversations occurred six months ago. But it is incredibly rich for the Member for Banff-Kananaskis to rise on her feet and say that our asking for a few more hours to have a conversation is absurd and that we love human traffickers when, really, the in-force date for this bill is December. So essentially what she's saying is that this is an emergency, and we have to deal with it immediately, except that her own government has put an in-force date on this legislation of December 2020. I think it's a little rich for her to rise and take that position in light of the legislation which is presently before us.

Mr. Speaker, again, I'm not sure why I'm having to reiterate this. We are generally supportive of this legislation. It does look generally good. But I think that when the Member for Banff-Kananaskis rises in her place and says that this is incredibly important and that we need to be here talking about it and suggests that members who have indicated that the modelling we present and our behaviour during this pandemic is not equally important is just incorrect. Human trafficking is incredibly detrimental. Victims are incredibly traumatized. This is absolutely urgent and important, and it's absolutely something that we should be dealing with. But to hear the Member for Banff-Kananaskis suggest that somehow people out there who have very genuine and real fear about COVID-19 for very genuine and real reasons such as the fact that people are dying and the death toll is predicted to be fairly high – and for each one of us it's not just ourselves; it's our loved ones. So that, too, is an important issue.

When we rise and suggest that maybe not everyone is able to fully engage in this matter at this exact moment because they are engaged with worrying about their family members and the health of their family members, I don't think that that is an unreasonable suggestion by any means. To hear that the Member for Banff-Kananaskis is enraged that we would have that concern for our fellow Albertans, Mr. Speaker, I'm not even really sure what exactly can be said about that. Again, we are present in this room. We are clearly saying that this is an incredibly important issue. This is an issue that absolutely needs to be dealt with, but it is an issue that needs to be dealt with correctly. To merely do something and say you're doing something about an issue is not enough. You need to do something that is actually helpful to the victims. You know, less than 24 hours after this bill became public, less than 24 hours after stakeholders had the opportunity to read the text of the bill, to say that it's unreasonable for those individuals to not have developed a fulsome position yet, I think that's a bit unfair.

Now, again, I suspect this legislation is very good. I understand that the government did a lot of consultation, and I think it is in an incredibly important area. I think that the movement we have seen in the year since this government came in from the original saving-the-girl-next-door proposal to this, which recognizes that nearly 50 per cent of human trafficking victims are not victims of sex trafficking but victims of labour trafficking, that recognizes the facts on the ground, is incredibly important. We are supportive, but I think people deserve a chance to weigh in.

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

Mr. Deol: Thank you, Mr. Speaker. It's my pleasure to rise and have the opportunity to speak to Bill 8, Protecting Survivors of Human Trafficking Act. I would say that it is such an honour to have the opportunity to participate in the debate and to discuss your view on such an incredibly important issue. It's so sad, I will say, to have to be facing this issue or discussing this issue that is a reality in this 21st century.

[Mr. Barnes in the chair]

Why would I say that this is incredibly important? In this developed society, in today's society, in this society in the 21st century there are still people who are vulnerable, and there are still people, sick minds, who find this as an opportunity so they can take advantage of people that are suffering. When we're talking about this issue, it's very broad.

First of all, I really want to thank the minister for proposing this bill and putting the effort in to preparing this bill to bring it into the House. Similarly, I'm also, you know, hearing my caucus colleagues talking about the timing and talking about the importance of these stakeholders having been able to provide their input to make this bill stronger. It is incredibly important because discussing human trafficking itself, I feel, couldn't be a worse – I could name it, like, a social stigma on our society. There are still situations, there are still conditions, living conditions where people are living, and they can be taken advantage of.

[The Speaker in the chair]

If we want to discuss the measures to prevent it, I feel personally that it is very important also to discuss the root causes of this. I understand that as being the provincial jurisdiction in one widespread country, we will have limitations, but I think it is very important to discuss the very broad factors of this issue. Without taking such things into consideration, we might give potential for some of the important aspects of the bill to have been compromised.

10:50

There are still situations, conditions in the world – people, you know, living in this society, living in Canada who probably didn't get the chance to visit and get around the world, who probably do not think of those things. There are still places around the world where people do not understand, people who can't even think about the words we mostly all use: social security. There's a large number of the population and a large number of areas across the world where, if you go out and speak something about social security, they don't know what it is. They will look at your face. So expecting to have health care services – another thing is that people think that's something that never exists anywhere in the world: "Why should we even think about it? What are you talking about?" Getting an education. There are still people who manage to get an education, they afford to do so somehow, and then there are situations. Why are there these situations? This is a huge issue, that then there are no jobs. The situation, the vulnerable people: why do they even become victims of human trafficking?

I wasn't really aware of which bill we were going to discuss today, I guess. Then I just came in the House, and I found out that we will be discussing this Bill 8. First of all, I was happy to see that this House collectively and specifically the government House members are considering this such an issue, to discuss and to address this accordingly. I was happy to see that. At the same time, I was feeling a little bit sad that it personally did not give me enough of a chance. Probably I could, you know, contribute more to this

issue, bring some of the aspects into the light that would help this bill become better or stronger, to help the bill and actually make the amendment strong.

When we are discussing this, you need to understand why we in the House, when it comes to the primary responsibilities of the members of this Legislature, are always worrying about the importance of, you know, affordable child care, affordable education, universal health care accessible to everyone. Without having those fundamental facilities and services for society, the community, that will give rise to the situation where people will be left behind, where people will become more vulnerable, where sick minds are sitting in a society that's sad to accept that there are still people that think they can take advantage of those conditions and then get through.

As my colleagues reiterated many times, saying it again, supporting this bill in the House, I also feel that giving this a bit more time, I think even people like me could have contributed more. There are such people in the communities. They can bring first-hand experience, and the stakeholders have very professional experience. They can bring it, and they can help probably shape this bill better, what we are trying to do.

I was thinking that this is a reasonable argument, and what I will say instead is that I never try to, in my personal life, use my personal experience to make the issues of debate ever, but I just lost my father three months ago and have a busy family of three vulnerable people. I have a special-needs child, and I have two parents, my mother-in-law and my mother. They're not able to access the services that they regularly would use. They cannot go to the doctors. So, the worries, you know? But the members that were trying probably wanted to – I'm also wanting to do the job that I have been given to do by my constituents. I wanted to represent. I don't want to miss the opportunity to be able to do my part when we are discussing very important issues.

[The Deputy Speaker in the chair]

But at the same time we understand the nature of the pandemic we are going through. We understand the nature of the virus we are talking about, how fast it travels, how it travels, specifically, when over millions of people around the world have been affected and thousands of people have lost their lives to it. I don't think this was unreasonable to bring into the discussion. We are not trying to block the bill. When I get a call from my constituents or people who speak other languages and feel comfortable to call me from different ridings, even, they're asking me what you're doing in the Legislature. Their first question is: is this government considering something to go forward to move to lockdown? People are worrying, people are staying home, and people are focused on what is happening around the world due to COVID-19. People are keeping up with updates and the figures, the numbers, the news that's coming around. They are scared. Every single moment of the way, when we are looking, when we are watching, people are very, very concerned. People are getting angry. People are getting anxious. So I think that when the members are speaking and sharing some of those experiences, they're trying to give the feedback of the people of our ridings, of our constituents, and also the people of this province.

As I said, a number of people sometimes have limitations to language, and they feel comfortable and confident calling my office, and these are the kinds of concerns we are sharing. By having more time, I would say that it's not denying the situation of how important this issue is. It doesn't mean we are opposing the issue. It's just giving us the opportunity to work with all those people. They can enrich this, the efforts of the very people that spent

large amounts of time to put this bill together. We could just take the benefits of this.

That's all I wanted to add, Madam Speaker. I think it will be wise to think about – like, I have more to say. I will wait for, probably, my turn another time. I have issues related to the temporary foreign workers' personal information. I'm curious about how this bill is going to address all those issues, but I will probably keep that for next time.

11:00

Those are some of my remarks for the time being. That's all I wanted to say on this right now. At the same time, I would like to adjourn the debate, Madam Speaker, on this bill. Thank you.

[Motion to adjourn debate carried]

Bill 13
Emergency Management
Amendment Act, 2020 (No. 2)

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

Mr. Madu: Thank you, Madam Speaker. I am honoured to rise and move second reading of Bill 13, which provides additional amendments to the Emergency Management Amendment Act, 2020.

In response to the changes we introduced to the Emergency Management Act on March 20, we have worked with the cities of Edmonton and Calgary to develop further changes that would assist with the pandemic response. These changes complement other efforts from Municipal Affairs to help municipalities during this challenging time, including making previous amendments to the Emergency Management Act to allow local and provincial states of emergency to coexist; elevating the Provincial Operations Centre to a level 2, level 3, and level 4 to assist Alberta Health with information communication and crossgovernment co-ordination; changing the regulations in the Municipal Government Act to give local governments the flexibility they need to meet remotely at this very difficult time; extending reporting timelines under the Municipal Government Act for time-consuming legal obligations like intermunicipal collaboration frameworks and municipal tax assessment notices; and deferring education property taxes for businesses for six months, removing the scheduled population inflation adjustment, and freezing the requisition rate to last year's level.

The changes we are proposing today, Madam Speaker, include providing a longer duration for local states of emergency during a pandemic and clarifying that it is an offence to not comply with orders made under states of local emergency or a provincial state of emergency. In developing these changes, it became obvious that additional changes are required to clarify the powers of a minister with respect to local states of emergency. On this point we have developed four amendments.

First, aligning states of local emergency in a pandemic with provincial states of emergency from a duration of seven days to 90 days. This change recognizes the unique emergency situation demanded in a pandemic response. Second, clarifying that electronic council meetings can be used to pass resolutions for a local state of emergency. This change offers flexibility to councils and aligns with the current provincial government restrictions on public gatherings. Third, providing the Minister of Municipal Affairs with the authority to modify a local state of emergency without terminating it. This change will ensure that local states of emergency align with provincial direction without terminating them. Fourth, clarify that it is an offence to defy an order during the

state of emergency. Currently, Madam Speaker, the act only allows the enforceability of evacuation orders. This clarification will ensure that all orders in an emergency are enforceable.

If passed, Madam Speaker, this bill will provide greater clarity and improved co-ordination between local and provincial responses to the COVID-19 pandemic and future province-wide emergencies.

With that, Madam Speaker, I move second reading.

The Deputy Speaker: Are there any other members wishing to speak to the bill? The hon. Member for Calgary-McCall.

Mr. Sabir: Thank you, Madam Speaker. I rise to speak to the Emergency Management Amendment Act, 2020 (No. 2). I guess we all recognize that these are challenging times. The province is going through extremely difficult times. All Albertans are facing these challenges in many different ways. We have lost a number of Albertans to this pandemic as well, so let me begin by offering my condolences to all those who have lost their families, someone from their family, their loved one, to this pandemic.

When we talk about the response to this pandemic, I think we must acknowledge that there are Albertans who are on the front lines of this pandemic dealing with this emergency of an unprecedented nature, including first and foremost our health care workers, who are doing everything they can to keep Albertans safe. In these challenging times, in these difficult times, we as a caucus have absolutely committed to working with the government on things that are needed and necessary for the government to manage this pandemic. When that's the case, I think Albertans elected us to be their voice, to be their representatives. We are very pleased to be here, but at the same time I think we do recognize that when we are here, our job is to hold this government to account and make sure that bills that they're bringing forward, powers that they're granting themselves, don't go too far.

It's our job to keep the government accountable and make sure that they don't overreach, and with Bill 10 I think we would suggest, or I would suggest, that the government went quite far. In fact, the government gave themselves the power to not just suspend any law at their will, not only to modify any law at their will but also the power to write and bring into force any new law without the Legislature's oversight, at the minister's subjective will, to deal with the pandemic. So there are certainly concerns about whether the changes contained in this bill could have been made through the power that government gave itself under Bill 10.

But here we are with our comments on three changes the government is suggesting through this piece of legislation. It clarifies the language that noncompliance is an offence with any orders that are made under provincial or local emergencies, which is a good thing, but I would suggest that as opposition, as I said, our role is to hold this government to account, and we will also take the time that is needed and necessary to debate the bills. We will not let the government use this pandemic as a shield to pass things that are not of an emergent nature, that can wait. We will make sure that the government is not using the pandemic as a shield to bypass meaningful consultations. That shouldn't happen. It shouldn't be used to bypass stakeholders and engagement with them.

11:10

The only powers that should be sought in this Legislature need to be reasonable in the circumstances given the context, given the pandemic. The government shouldn't use the pandemic as a shield for overreach. We also must ensure that our democratic traditions, our democratic institutions are protected. Albertans need to have confidence that their government is operating with full, honest, and unconditional integrity when it comes to additional emergency powers that they are requesting from the Legislature.

As I said, we're happy to be here whenever it's needed and necessary to deal with this pandemic. Any suggestions that we don't want to be here and any suggestions that when we ask for more time and debate, we are somehow in the way of government managing this pandemic are not correct.

We need to be mindful that we as individuals, we as MLAs are part of this society. We do get impacted by things that are happening around us. When we reach out and talk to individuals in our constituencies, most of them are in isolation. Some of them have been laid off. Some of them are struggling to keep up with their work routines. Some of them have their parents or loved ones in seniors' care centres, where they don't have any access to them, they can't visit them. Some of them have their kids laid off. Those things do impact all Albertans as individuals. Those things do impact us as Albertans as well. So when we come here, I think that government needs to make sure that we are dealing with things that are absolutely necessary and can't wait.

You cannot bring us here, lecture us about the urgency of things, and then put the coming-into-force date for those pieces of legislation one year out. If something is urgent and my colleagues in the House from the other side do believe that these things are urgent, they should ask their government: if things are urgent, then enforce them right away. That will demonstrate that government is working with honesty and integrity and that when they say that things are urgent, those things are urgent. But if you lecture us about the urgency of things and the coming-into-force date is one year out, I think, then, that those things can also wait a little bit if we are not serious about enforcing them right away, during this pandemic.

Changes that are included in this one: I'm of the view, and there are many who will concur with me, that these are changes government could have managed with the powers that they gave themselves under Bill 10 because under Bill 10 they reserved for themselves unfettered authority to amend, suspend, or even write new laws. It's the view of many of their friends as well; to name one, John Carpay, Justice Centre for Constitutional Freedoms. All those folks are also saying, many legal scholars are saying that that's what government did with Bill 10. Now here is another amendment which extends the emergency from seven days, changes it to 90 days. That's a huge change. That's a huge change, and it will certainly have an impact on people's rights because in an emergency many civil liberties can be curtailed.

I remember sitting in this very House during the Fort Mac fire, where there was a local state of emergency, and every single day we would hear from the then opposition: when will that be lifted; why it's too long; and when will people be allowed to go back home? Like, every single day that was the question. And I'm not saying that that was not a good question. That was a legitimate question because emergencies should never extend beyond what's needed. Here the government is arbitrarily changing it from seven days to 90 days.

As I said, if an emergency is needed, if these powers are needed, there should be measures in place to keep people safe, to keep Albertans safe, to allow their governments, to allow their institutions to be able to manage the emergency. But just picking a random date, a random number of days, 90 days, changing it from seven to 90, I think that's overreach. It raises concerns for many across our communities. It raises concerns about their civil liberties. As I said, if those emergencies need to be in place, the government can extend those seven-day emergencies. The government can rely on their Bill 10 powers to change those, but to arbitrarily make it 90 days, I think that's government overreach. If they have some kind of analysis, if they have some kind of data, if they have some kind of stakeholder consultation, if they have some kind of ask coming from municipalities – for instance, I'm from Calgary; I will

ask if it's coming from the mayor's office, if it's coming from council's office. I would be happy to hear about that. What's the rationale for changing it from seven to 90 days, and why 90 days? What's the magic number there? I would love to hear that.

The other thing in section 8, again, that government is doing:

- (1.01) Despite subsection 1(b) and (c), the Minister may, by order, restrict, prohibit or terminate the exercise
- (a) by a local authority of any power . . . or
 - (b) by a person authorized by a local authority to exercise . . . any power.

In the opening remarks the minister mentioned that this will give government power to concurrently change the conditions in a local emergency, but I don't think that it's stopping at just making changes in local emergencies. It clearly says that the minister, by order, may restrict, prohibit, or terminate the exercise of any power by the local authority. He may terminate the exercise of power by anybody authorized by laws of local emergency powers. That's quite broad power for the minister to have in being able to terminate local emergencies. I don't see any mention that the minister may do so in consultation with local authorities. So there are a number of questions, there are a number of things that would help us to understand government's perspective on why these powers are necessary.

11:20

I think in that regard it would be helpful to know who that minister consulted prior to making these amendments. What did those representatives of local authorities say about it? The mayors of Calgary, Edmonton, Red Deer, Grande Prairie, the regional municipality of Wood Buffalo: what did they say about it? Did the minister consult with council members? Did he choose only pro-business council members or other council members as well? These are the details we need to know because last time, when he was engaged in Calgary on consultation, he made up and chose only pro-business council members. We don't know what the metric was for pro-business and not pro-business, but that's what was publicly reported. That's why we are concerned about who was consulted in Calgary, because Calgary came up with a local emergency before the province did, and Calgary has taken a number of steps to manage the local emergency.

At the same time, we do know that most of these cases, almost half of these cases of COVID-19, presumptive or confirmed cases, are coming out of Calgary. Personally, the area I represent, the upper northeast – that's how it's mapped in the geospatial analysis of COVID-19 cases – has the second-highest concentration of COVID-19 cases. So these are important questions around how this power interacts with my city's ability, my local government's ability to manage those crises. And in the middle of those crises the minister is now trying to retain a power which was not there before. So the minister and government need to provide us with their rationale for what prompted them to seek that authorization.

Local emergency management leadership. They are on the front lines of this pandemic. They are leading the way. They are trained in it. They are experienced in it. Some of them have dealt with local emergencies before. Some of them were there for the 2013 flood in Calgary. They are built for these emergencies. They have expertise.

The Deputy Speaker: Okay. Any other members wishing to speak? Standing Order 29(2)(a) is not yet available. The hon. Member for Calgary-*Buffalo*.

Member Ceci: Thank you very much, Madam Speaker. I'll pick up where the hon. Member for Calgary-*McCall* left off and say with regard to Bill 13, the Emergency Management Amendment Act, 2020 (No. 2), that it's unfortunate we didn't fully cover things off

in Bill 10. Perhaps there are reasons for that. I know it's a different act; emergency amendment and public health. But here we are almost, well, a week later dealing with issues related to emergencies again.

I was listening to the minister talk to second reading on Bill 13, and I was very interested in some of the things he said with regard to the powers of the minister. I scribbled them down. I hope I've got them all correct. Perhaps, if I don't, the minister in the Committee of the Whole can address the questions that I've got that follow up from my colleague from Calgary-McCall. I heard him talk about four powers, aligning the province with the local governments in terms of seven to 90 days. I take from that that the provincial powers already go to 90 days and this is an extension of the local governments' states of emergencies to 90 days. I've got questions about that. Why 90? Why not 45? Why not 30? Perhaps it was a specific request that I'm not aware of. Perhaps a local government thought that 90 days would be a better frame of time, especially when you're looking at a viral state of emergency or a virus as a state of emergency as opposed to a shorter duration like a flood or other state of emergency. I just, off the top of my head, can't think of it.

The second point that the minister talked about was electronic council meetings, to pass rules so that councils could meet electronically around the province. I know we've already dealt with that earlier in this pandemic, and I'm just not sure why it's here again. Perhaps the minister can address that.

The third one is that the minister has the authority to modify without council's agreement. Certainly, he would probably, I suspect, try and get council's agreement, but this does give him the hammer if he chooses. I would really welcome specific examples of where that kind of overreach into a local government's decision-making has been necessary in the past and would require this sort of amendment here before us again. I think that's under section 8(1.02).

Municipal councils, of course, make many decisions during emergencies. I would argue that we were closest to the ground in terms of understanding what those emergencies were all about. A minister, not necessarily this minister but any minister in their office, probably in the POC for some of that time, is not on the ground. Though they're getting information, the best people with the most knowledge are the local officials. This reach into being able to modify, without the support of council, decisions during an emergency seems an overreach to me.

The last is, of course, the issue around when people defy an order, ensuring that there's proper offence provisions, and the minister talked about those as well. Under the guise, under the larger frame of improving co-ordination is what I heard the minister say. It seems like some of these are taking the opportunity for co-ordination away from local councils, so I'm not sure how that improves co-ordination. Like my colleague, I have also spoken with stakeholders in regard to this series of amendments, and we'll be offering our own amendments to this package in Committee of the Whole when that comes forward. The job of the opposition is always to hold the government to account, and that's what we'll endeavour to do with this Emergency Management Amendment Act, 2020 (No. 2). We have a number of questions, and hopefully the minister will be able to address them.

11:30

I saw a news report online yesterday and in the paper today that spoke specifically to who was consulted. The House leader talked about three local governments that were consulted: Edmonton, Calgary, and Red Deer. The association was also in the article talking about this. But we don't know what the mayors and councils

from the cities of Lethbridge and Grande Prairie and the regional municipality of Wood Buffalo think about all of this. I'm not sure there's been adequate review. I certainly haven't heard about that from the minister or from the House leader yesterday. We don't know what the heads of CEMA and the Edmonton Emergency Management Agency think about all of this and if they're comfortable with being told, by this provision in 8(1.02), that

the Minister may, by order, rescind, cancel or modify any bylaw enacted, resolution passed, action taken, order made or direction given by a local authority during a state of local emergency.

Those directions are given, Madam Speaker, with the guidance and direction of local emergency management authorities, who are on the ground, as I say.

Those are some of my initial thoughts with regard to all of this. I'm not hearing reasons yet, in terms of the introduction of the bill, from the minister with regard to the movement from one week to 90 days. Certainly, 90 days is a long time to be suspending the kind of typical way that local governments connect with their citizenry. It may be inappropriate. It may be too far. Perhaps a 30-day time period would be a better time frame for local states of emergency and states of emergency generally. What would others think about 90 days? Is there any other guidance that's been received by the minister for that time period besides, potentially, a city saying that 90 days would be better than a week? Are there any other stakeholders that have been consulted, perhaps in civil society or the judiciary? Those are things that we would like to have more information about.

We, of course, know that a COVID-19 pandemic is something that's novel and new and that we're all dealing with, and we certainly agree with some ideas to remove – I'm just looking for the section; I won't find it, probably. To update this act is not a bad thing, but to update it in conjunction with the real needs of local governments is where we should be going.

As a former city councillor I think I can speak for local city councillors and councillors in general and say that, you know, having powers stripped from us in the event of a local emergency, in conjunction with the support we were getting from the province, would be very difficult to deal with. Local councillors are empowered by their elected status to work on behalf of the jurisdiction they're elected in, and to essentially have that potentially taken away by Edmonton seems to fly in the face of co-ordination. It seems to be put into a lower order of government, and I can tell you that many local councillors do not agree that they are a lower order of government. They are an order of government in this country and should not be thought of as a farm team or a junior group of people who are there at the behest of a higher order of government. Madam Speaker, that is a common, common feeling of people elected at the municipal level all across this country. They don't feel like they're respected enough for their decision-making capability and disagree vehemently with being seen as junior to.

You know, we've listened to municipal leaders also – that last comment was in listening to municipal leaders – and we have some amendments to this bill that we would like to bring forward at Committee of the Whole. We know this is a challenging situation for all of us, but I personally believe that some of what's in this bill today as amendments is an overreach with regard to the powers to the minister. And I'm not just talking about this minister; I'm talking about any minister in that Municipal Affairs seat. We, of course, need to operate closely with those on the ground and work with them and respect their decisions. I don't think that that is what I totally see here, and as a result we'll be talking about some amendments at Committee of the Whole.

But perhaps the minister can take the opportunity, when he can get on his feet, to address some of the questions that my colleague

from Calgary-McCall and I have posed with regard to the breadth of consultations that occurred with this set of amendments coming forward. We see in the paper that the AUMA kind of weighed in on this but nothing from the other association that deals with counties and municipal districts. What did they think about the reach and the amendments brought forward? What did other cities – there are seven in total. I saw three mentioned. I heard two from the minister today. What did the other five think about all of this?

You know, I don't know if they've all declared states of emergency, local states of emergency, but they all will have feelings and opinions about section 8 in here, that would be taking away their powers in a local state of emergency and where the minister would be assuming responsibility for those actions at the local level. Are they fully in support of that part of this bill, or are they in support of other aspects of this bill? Perhaps the 90 days was mentioned by one municipality, but was it generally? Was there a consensus that this should move toward 90 days, or is there a consensus around a fewer numbers of weeks and days for modifying the length of states of emergency? Those are some of the questions that I'd like to hear responded to by the minister. Those are some of the concerns that were brought up to me.

Recognizing that this is the second time in two weeks that we're dealing with emergency powers. I'm really wondering if the minister has the power . . .

11:40

The Deputy Speaker: Standing Order 29(2)(a) is available. I see the hon. Minister of Municipal Affairs rising.

Mr. Madu: Thank you, Madam Speaker. I would quickly respond to some of the comments and questions raised by the members opposite from Calgary-McCall and Calgary-Buffalo. Let me begin by saying that I am someone who cherishes the Westminster parliamentary tradition of making sure that the opposition have the opportunity to keep members of the government accountable, but sometimes also it can be disappointing. I mean, you wonder whether or not the members opposite have had the opportunity to really look into the bills proposed before this particular House and compare those proposals with the current state of the laws as we have them.

Let me begin by speaking about their commentary on consultation. Madam Speaker, I was clear, when I introduced this bill for first reading and second reading, that this is actually a request from some of our municipalities – I think I went on to mention Edmonton, Calgary, and Red Deer – and, yes, we consulted with the AUMA as well as the RMA. I personally spoke with the presidents of both the Alberta Urban Municipalities Association as well as the Rural Municipalities of Alberta on these proposed amendments because they came from their colleagues from Edmonton and Calgary and Red Deer. So this is, again, one example where we have taken steps to give municipalities what they ask of us.

Two, Madam Speaker, on seven days to 90 days, again, if the members opposite had bothered to take a look at section 18(4) of the Emergency Management Act, that gives the province 90 days. Municipalities came to us and said: we would like the same 90 days in a pandemic circumstance. That's exactly what we have done. We have not taken away any right or responsibility or the authority that they have. To the contrary, we have brought them on par with the provincial government.

Third, on their commentary around the minister being able to terminate a local state of emergency, again, if the members opposite bother to take a look at section 22 of the Emergency Management Act, they will find out that the Minister of Municipal Affairs,

without this amendment, has got the authority to step in and end a local state of emergency. Again, that is not new.

What we have done: if there are reasons – and these things don't happen all the time – why the province would want to step in to say that we want to alter your local state of emergency without the need to terminate it, we can do it. If a minister can, if the province can terminate a local state of emergency, for sure a minister and the province can certainly step in to alter those local states of emergency without the need to terminate them. In fact, I would argue that at that time the province stepped in to terminate when all it needed to do was to modify it a little bit, it is in the municipality's best interest for us to be able to have the flexibility to be able to do so.

Again, if the members opposite were to take a look at section 18 and section 22 of the EMA, they will find out that there is nothing that we have proposed here that the municipalities wouldn't welcome. In fact, Edmonton, Calgary, Red Deer, the AUMA, the RMA: they welcome this development. We are at a time when we don't need to worry our municipalities or residents of our communities with unnecessary interventions, the more reason why we are providing this flexibility, to make sure that they have the time to focus on the things that are important to the municipality.

By the way, Madam Speaker, if we don't do this, what it means is that municipalities would have to renew the local state of emergency every seven days. So every seven days, you know, the council, that is focused on having to make sure that they keep their communities and people safe, would have to renew. I think what the rationale for them coming to us – they, not us, were the ones to say: at this time we need to conserve the time of council, focus their ability to call meetings on important stuff, not . . .

The Deputy Speaker: Are there any other speakers wishing to speak to the bill? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Speaker. I see another individual waiting to rise, so I'll try to keep myself relatively brief. I think with respect to this bill – certainly, we're in an emergency. We are in unprecedented times, so things are going to move a little bit differently than they normally do, which I think is legitimate. I think it's also legitimate, though, that if it's our view that it's important to convene the Legislature because the legislative body itself is doing important work at this time, then one of the principles of that legislative body is that you have a government moving things forward and you have an opposition whose job it is, in my view, to raise legitimate questions or, alternatively, to say, "Yay this," which is, you know, a signal to the public as well. If what we're saying is that this body, the Legislature, is critical in this moment so we have to come here and we have to be near each other in arguable contravention of some very good advice, then I think we have to assume that all of the functions of the Legislature are important in this moment.

When we ask these questions, we're not trying to be obstinate or ridiculous. It's just that we've had comparatively little time – this bill was introduced yesterday morning – to study the legislation, and, more importantly, we've had comparatively little time to speak to those out there in the world who have greater technical knowledge on the legislation. You know, we all, in this place, speak to legislation all the time, and we are experts to some degree on what legislative provisions do, I think, but we are not experts in everything. I think one of the most important things about doing your job well is to recognize those things which you don't necessarily know. In this case a lot of these impacts are things that we may not necessarily know, so it is, in my view, our function in this place to go out and to ask those questions of individuals, to get

issues, to get concerns, and to bring those issues and concerns back. In fact, for members on the government side, I would say that that is their function also.

With that being said, I think the minister had indicated that there were mayors that were in support specifically of the provision around sort of lengthening the time frame of a declared state of emergency. I would be interested to know whether those same individuals have expressed support for the remainder of the substance of the bill, and specifically who they are, because there are more provisions than just that in here. That might actually save us some time in this place if we knew for certain that those individuals had said that. That's very helpful.

I think as well, you know, that certainly there's been some support from some. The question is: is there support from all? I mean, the challenging thing being in government and making legislation is that you're often balancing different interests, and it's often not a question of, like: this side is right and this side is wrong. It's often a question of: these people have legitimate interests and these people have legitimate interests, and they're kind of in conflict. So how do we balance that and how do we clear the best path forward and how do we ensure that everyone gets their needs met even if they don't get necessarily everything that they want, or at least, if not everyone gets what they need out of a piece of legislation, have we engaged in a fair process which enabled everyone to bring those needs and those desires forward? That's sort of the point that we have to make, I think, around this legislation.

I think it's still legitimate to ask those questions about consultation, about emergency management leadership and sort of what their take on this was and if they were even able to engage fulsomely in this – perhaps this is their advice – and whether municipalities have had a fulsome chance to read the entire legislation, whether they're in support of all elements of the legislation, or what concerns have been expressed.

11:50

Certainly, we're reaching out. We're having those conversations, but those are the questions we're bringing forward because those are the questions we're having, even questions as simple as: how was 90 days arrived at? Right? Going from seven to 90 is a pretty big leap. There were probably, I would argue, a few steps in between that. I don't know. I'm not going to speculate as to what the reasoning behind that particular time frame is because guessing is not generally helpful. I will just leave it to the government to answer sort of what that was.

You know, certainly, we've heard some concern kind of expressed by democratic experts about the length of time, but maybe those concerns are overruled by other concerns. We're just here to sort of ask those questions. Myself, you know, I'd love to hear if there were experts particularly from the judiciary consulted, that sort of thing. I think that there are a lot of those questions.

I think that my other questions are around why we needed to do this by legislation. I mean, perhaps it's simply that the government thinks it's better to do it by legislation, which in a lot of circumstances it would be. In this circumstance you're kind of weighing the fact that it's better to do things in a public and transparent way against the fact that we're presently in a pandemic, and we're all kind of gathering together and becoming transmission vectors back to our own communities, especially in light of the fact that my understanding of Bill 10, which expanded the powers of the government by way of ministerial order from being able to modify or suspend, which I think is one thing, to being able to modify, suspend, or enact provisions in addition to, which to me says a new

law. Now, obviously, there has been some legal debate even as far as Twitter on whether that difference exists.

I never really thought I would find myself arguing the same case as John Carpay and the Justice Centre for Constitutional Freedoms, but here we are. He definitely considers that to be an expansion, and that was my reading of the legislation, too.

Mr. Jeremy Nixon: He's a good guy.

Ms Ganley: He might be a good guy – I've never met him – but we don't generally agree on a great number of things, he and I. On this one we do agree, which would suggest at least some validity to that view, that that is in fact an expansion.

I mean, my understanding of the expansion is that it is to the point where the government is almost able to write legislation by way of ministerial order, so I might wonder why we're doing it this way as opposed to another way, though I do understand the perspective that this is a better way because it's a more public and a more transparent way to do that. But, again, weighed against the pandemic, I think that's an open question.

Seeing that I have as usual spoken for longer than I intended and knowing that my hon. colleague from Lethbridge, I think, wanted to add some comments, I will take my place and allow him to do that.

The Deputy Speaker: Standing Order 29(2)(a) is available.

Seeing none, the hon. Member for Lethbridge-East. Yeah.

Mr. Neudorf: Thank you, Madam Speaker. Thank you very much to the member. I do appreciate the debate on this bill at this time from both the members for Calgary-Mountain View and Calgary-Buffalo and the questions they've asked, and I would hopefully allow a little bit of time for the minister to respond possibly later if I don't get to it. It is my understanding, but maybe the minister can clarify, that this legislation is already limited as it is only in force during states of local emergency, and that would already create quite a bit of limitation on these powers. On top of that, I would also ask the minister if maybe he can address the fact of the 90 days. If whatever local state of emergency ended prior to that, I would assume, but I would ask for his clarification, that they could also end that state earlier. So it is not in force for the full 90 days no matter what. It already has limitations in those two regards as well.

In the extension from seven days to 90 days, it would seem reasonable to me, from a common sense approach, that that would save approximately 12 meetings every week, basically, to extend that seven days. Particularly in a time of a pandemic response, that we are in right now, it would make an abundance of sense to me to eliminate this needless, repetitive meeting just to extend this date. It seems very, very reasonable.

The second point, the broad-sweeping nature of COVID-19, the way it transmits and the way it spreads, and the measures that we've had to take in response to that: I think we need only look to the United Kingdom and having the Prime Minister now in the ICU because of this. I think it allows for a very, very clear fashion of the order of authority. Many of these councils are five or seven or, in the case of Lethbridge, nine members. If two or three or whatever were exposed at any one time, for that power to be directed back to the province I think is appropriate, I think it's manageable, and I think it sets a clear order of authority that allows for the power to be centralized and moved up the chain of command instead of down the chain of command so that we have a unified, province-wide response to, really, very, very significant crises and things of that nature.

I think the last point there, just clarifying that the offence being to defy an order in the state of emergency: I think it's absolutely

imperative right now that the public health and safety measures must be adhered to. They must be honoured and obeyed by every citizen. That is the only way in fact that we'll actually see success against something like COVID-19.

My very, very last comment, Madam Speaker, is that just in the last day I have received two e-mails from Lethbridge in their emergency response and their preparedness. I very much appreciated the Ministry of Municipal Affairs, their openness and their responsiveness to queries and questions from not only myself but also from members of the city of Lethbridge council and community organizations. I find that communication has been very, very well handled by that office, and I appreciate any comments he might have.

The Deputy Speaker: Under Standing Order 29(2)(a), the hon. Minister of Municipal Affairs.

Mr. Madu: Thank you, Madam Speaker, and thank you to my colleague, the Member for Lethbridge-East. Those are very correct and accurate comments that you made.

Just last night I had a town hall with at least 400 mayors, reeves, councillors, and chief administrative officers of various municipalities. They are overwhelmingly satisfied with our provincial response to this pandemic, and, as the Premier rightly stated in his address to the province last night, it is up to us, the

people of Alberta, to make sure that we contain the tide or the spread of this pandemic, shortening the length of time that it would take us to effectively deal with this crisis. It is up to us, and that is part of the reason why we are listening to our municipal partners, to make sure that we are doing everything we can to give them the tools that they need to effectively manage this pandemic within their jurisdiction.

The Member for Lethbridge-East is correct. You know, what we have done, again, with respect to the 90 days: as I said, it is there at the provincial-level for a pandemic influenza. It is there. What we have done is to accede to the request of some of our municipalities, agreed by all of the associations that are responsible for our towns and cities and counties and summer villages, that that is the right thing to do. That's all that we have done.

You can imagine that this pandemic has been going on since January, some would say since December, in other places of the world, not in Alberta. That would be under us on the part of council. Hence, the reason why they specifically asked for this amendment.

Thank you, Madam Speaker.

The Deputy Speaker: Hon. minister, I hesitate to interrupt, but the clock now strikes noon. We are adjourned until 1:30 p.m.

[The Assembly adjourned at 12 p.m.]

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