



Province of Alberta

The 30th Legislature  
Second Session

# Alberta Hansard

Thursday morning, April 9, 2020

Day 17

The Honourable Nathan M. Cooper, Speaker

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

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Yaseen, Muhammad, Calgary-North (UCP)

**Party standings:**

United Conservative: 63

New Democrat: 24

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## Legislative Assembly of Alberta

9 a.m.

Thursday, April 9, 2020

[The Deputy Speaker in the chair]

**The Deputy Speaker:** Good morning, everybody.

### Prayers

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

Please be seated.

### Orders of the Day

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

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

[Unanimous consent granted]

### Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

**The Chair:** Hon. members, I would like to call the Committee of the Whole to order.

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

**The Chair:** We are on amendment A1. Are there any speakers to the amendment? The hon. Member for Edmonton-North West.

**Mr. Eggen:** Well, thank you, Madam Chair, and good morning to you. I'd just like to begin by offering our great sadness and thoughts and prayers to the families and friends of the 29 Albertans who have passed away thus far from COVID-19. Certainly, during a very difficult time in general and then to have a loss in a family specifically is very difficult. As I say, on behalf of all of us here today I'd like to offer condolences and prayers to all the friends and family of those 29 people.

To speak to the amendment to the Emergency Management Amendment Act, 2020 (No. 2), Bill 13, I guess it's appropriate that we are talking about an amendment to the amendment act here this morning in regard to emergency powers that are granted to municipalities and so forth here during this crisis that we're looking at. We know that it's very important every step of the way to ensure that when emergency powers are granted, we look for ways to ensure that they have expiration dates or reasonable renewal dates. We know that there's sometimes a temptation to have the absence of a sunset clause, let's say, in some emergency legislation, and this can lead to problems.

What I believe amendment A1 is looking to do, Madam Chair, is limit the time period that a local state of emergency could be in effect. I believe that the original legislation had this time period at seven days. I stand to be corrected on that, but I think that's true. The proposed government amendment here now is for 90 days, and we are proposing in the substance of amendment A1 to move that to 30 days, and then that would be subject to renewal. This amendment is being brought forward as it was offered by the RMA because we are invoking emergency powers that are quite broad – right? – which is not necessarily unto itself inappropriate considering the emerging crisis that we are facing and the scope of the modelling that the province has released, how different scenarios could play out. Through the statistics that we saw yesterday, it was very interesting to see how you can have quite a wide variation in how many infections and then, of course, hospitalizations and fatalities based on many, many different factors, the first and foremost being the paramount importance of Albertans to isolate and to exercise strict physical distancing protocols.

I must say that I'm very impressed with both anecdotal evidence of compliance to these directives of the chief medical officer and how they are being followed by the people here in this province. I think that my anecdotal observation of people coming to and from here and going to buy groceries once a week, or try to anyway, is that people are following those rules, which is really great to see. We can see that, I think, being borne out in the modelling statistics that were released publicly yesterday.

You can pretty much see, I think, with some variation the direct correlation to the adherence to physical distancing and self-isolation protocols that are being followed by any given population and how fast and to what extent the infection is spreading because, of course, as we know, the COVID virus is insidious and very contagious.

I was just talking to my wife last night. They get a daily review and update at a meeting at the hospital where she works, and they were just emphasizing last night just how, quote, unquote, sticky the COVID virus is. It has a very strong capacity to stay on surfaces especially, right? So all of us here have our desks, but we might be sitting at different desks because we're trying to physically distance from each other, which is great, but just remember – you know, let's say, for example, that this morning you're sitting at a desk where perhaps somebody else sat last night. To wipe that down with disinfectant is absolutely essential.

I was told in no uncertain terms by my wife, whom I almost always listen to, that this is a very, very so-called sticky virus – right? – and it has a very insidious capacity to adhere to surfaces, including your clothes and so forth, so you have to be really careful. What she's doing and many in her ward are doing is having a separate set of clothes that they take to work and changing and then washing immediately when they get back and in the case of having a partner, like me, you know, then literally physically moving to a different part of the house for the duration of this crisis. I can tell you, Madam Chair, that for the first couple of nights it was fun and amusing for us to be on different floors, in different rooms in our house – we have the ability to do that; that's great – but that's completely worn off now, and it's not a great situation.

Anyway, we all do our part to make sure that we separate and isolate, and part of that is to build legislation that allows the scope and the latitude for every level of government to be able to react and react in a rapid sort of way. I am totally in agreement that this is necessary as long as we put in protocols of limitation, right?

9:10

This amendment that we have, A1, just does, I think, implicitly acknowledge that these emergency powers are necessary and important, but it also acknowledges the importance, the utility of putting limitations and then potential for renewal on these given emergency powers, right? I believe that the amendment – I'm not sure who moved it; it doesn't really matter anyway. I think that to put that change into place is reasonable.

We know that for us to be together to reaffirm the utility and the importance of emergency powers is very appropriate. You know, we want to make sure that these things are not being done behind a curtain. We can see that it's fascinating, in a sort of a frightening but compelling way, to follow how different jurisdictions around the world have been reacting and putting in protocols to try to protect the population in any given state or province or country. I've been watching it quite closely; it's very interesting to see. I think that what I'm making mental note of now is where they've put in a given set of emergency powers in a country and then to what degree they will change or modify or relax those emergency powers once the degree of danger is reduced or has dissipated. You know, as a student of history – I was mostly an English teacher, but I certainly taught social studies as well – something that's fascinating is to see different versions of emergency powers being invoked in different countries at different times in history and how that might have shaped or helped to mould what came next in terms of historic events and so forth. The great pandemic of 1918-1919 had tangible effects on democracy and political developments in the immediate years after, through the 1920s and so forth. Again, looking through the lens of history and looking back – right? – something that started to develop at least here in the province of Alberta, sort of the nucleus of our public health system that we have and hold so dear today, was having a public health department. This is something that came from the influenza epidemic in 1919 right here in this very province, probably emanating from this very Chamber right here. Same desks as well, that you need to make sure you wipe down. So there was a positive development, you know, from what was an emergency edict, probably, that started off here in this Chamber, and then people realized the utility of that and the value of that, and it evolved into the public health system that we have here in the province today.

Again, looking at that and then this emergency amendment that we have before us here this morning – right? – I think that we did shop this around a little bit, and the 30-day period seemed to be a practical compromise to what is being presented here in this bill. You know, the suggestion in this amendment to scope down the time frame to 30 days came from the RMA, in fact, once again an outside government giving us some constructive criticism to make a bill better and to do that in an expeditious and reasonable sort of way.

You know, we believe that in the spirit of compromise and in the spirit of looking at the people that we managed to consult, the RMA and so forth, it was incumbent upon us to bring this amendment forward. We believe that it's in the best interests of the circumstances that we have here today, and we appreciate the way by which we can come together and build a better Bill 13, which would be an amendment to the Emergency Amendment Act.

I appreciate the time and the opportunity to say a few words on this. Thank you.

**The Chair:** Are there any other speakers on amendment A1? The hon. Member for Calgary-Mountain View.

**Ms Ganley:** Thank you very much, Madam Chair, and good morning, everyone. Like my colleague before me, I'd like to begin

by acknowledging the circumstances in which we find ourselves, which are incredibly challenging for a lot of people, but in particular I would like to acknowledge and send my best wishes to those who have lost loved ones in this horrible pandemic. I think there are probably many people out there in Alberta grieving right now, and I would like them to know that our thoughts are with them.

We are here to deal with the Emergency Management Amendment Act, 2020, and that act makes a number of changes. The amendment which is before us on the floor would limit the time period of a local state of emergency. Presently the state of play is that the time frame for a local state of emergency is seven days subject to renewal, and the government has, I think rightly, indicated that for municipalities, particularly where councils are having to meet remotely because they don't want to bring everyone together in one room, which I think is very wise of them, those councils are meeting remotely, so it can be challenging for them to have to renew those states of emergency.

The proposed amendment is to lengthen that, but I think the question that we have been asking – and to my knowledge, although admittedly I didn't quite make it to the end last night, no answer has yet been provided – is why the 90-day time frame was chosen. This amendment, moved by one of my hon. colleagues, would decrease that period. The proposal in the government's amendment, which is before us, is 90 days, and this amendment A1 would alter that to 30 days.

Now, of course, I think it's worth noting that in a state of emergency the powers of the entity declaring the state of emergency are significantly heightened. That's one of the reasons that constitutional experts worry about states of emergency, because those states of emergency allow the state, the central government, kind of enormous powers over the people around them. For instance, I think of the provincial state of health emergency which has been declared. That gives the province some pretty extraordinary powers. They can take over private property. They can essentially press people into service. They can take anyone who is useful and sort of press them into service for whatever the need is.

Now, presumably, these things are meant for sort of medical experts or, in the case that things get out of control, people to be used as some sort of militia, and, you know, obviously the taking over of private property is intended to create hospitals. But they are extraordinary powers. I think everyone would agree. They might be useful in a pandemic and when the overall goal requires us to take on those powers. I think there can be circumstances in which they are justified, but I think the conversation we're having right now is about: in what circumstances are those justified, and how long are those states of emergency?

Now, obviously, that's the provincial state of emergency. The local state of emergency sort of gives the municipality extraordinary powers. The conversation we're having: yes, it is challenging for a municipality to have to renew that every seven days. It makes sense to extend that time period from seven days because seven days is quite a short time, particularly when you're having to sort of meet remotely as well as deal with – you know, all orders of government are dealing with an extraordinary number of things right now.

9:20

Obviously, my memory of this sort of brings me back to when our government dealt with the very tragic fires in Fort McMurray. There was a lot going on. There were a lot of decisions that needed to be made every day. There were a lot of big decisions but also sort of small, logistical decisions around how things are going to play out. Those decisions have impacts on the lives of everyone in the

province, so they're very, very important. That keeps folks busy, so I totally understand the desire to extend that time frame.

I think the question is: how long are we going to extend that time frame? Obviously, the proposals before us are 90 days or, alternatively, 30 days. Weighing against the considerations that we have in terms of, you know, people at the municipalities being very busy – they don't need to be getting together remotely every seven days to renew this – is the fact that it does grant extraordinary powers. How long do we want those to be able to go on without some further action on behalf of the body? Again, we're sort of weighing different considerations. I think it's a worthy conversation to have. I think it's worth while to sort of consider what that time period ought to be, and I would urge my colleagues to think about this.

You know, here in the Legislature we are in some respects engaged in governance. I mean, the government itself generally governs, but in the Legislature we're engaged in some aspect of that, so I think that puts upon us a responsibility to consider these questions. I have no doubt that cabinet has considered this question. I have no doubt that perhaps proposals were considered and dismissed. Perhaps there are excellent reasons why this was the conclusion arrived at. It would simply, I think, be easier for us in the opposition and probably private members on the government side as well if we were given some of those reasons so that we might understand it. Like I said, I don't think there's a clear answer. Maybe that is the answer. Maybe the answer is that there isn't a clear answer, and that's fine.

But, presumably, when cabinet deliberated, they arrived at the time frame of 90 days for a series of reasons, so having those reasons, I think, might be helpful to us. Again, these do grant extraordinary powers, and now the state of municipal emergency, because this was a change we made previously, can subsist at the same time as a state of provincial emergency. There are a lot of municipalities, so there can be a lot of this sort of thing going on throughout the province, potentially, without an enormous amount of oversight. I think that that would weigh in favour of a shorter time frame.

Those are definitely the considerations on this bill. Certainly, I understand that municipalities have asked for this, and I understand the reasons why they would have asked for this. I'm still a little bit unclear as to whether or not municipalities asked for all of this or just this one provision, because I think we've heard varied responses. Sometimes that doesn't mean anything. Having heard varied responses on an issue sometimes doesn't mean anything. Sometimes it just means that the different folks who are speaking on behalf of government just happen to have different information because the government caucus itself and even cabinet are fairly large. It's possible for information to not flow consistently.

But I think that as opposition certainly one of the things that you ought to do when you're sort of given kind of varied or unclear responses is to ask those pointed questions about: "Okay. Let's be really clear about who's asking for this, why they're asking for this, and what it was exactly that they asked for." I think that, again, as decision-makers those are relevant factors, and they are factors that we ought to take into consideration. You know, certainly, legal experts will vary on this, and there's been a considerable amount of conversation, I think, around Bill 10.

Again, as I say, I find myself somewhat surprised to land on the same side of the issue as Mr. Carpay from the Justice Centre for Constitutional Freedoms, but I do think that the changes that were made in Bill 10 were an expansion of the powers. Just to be clear, the debate we're having about that expansion of powers is not about whether or not those new powers give cabinet the ability to essentially write legislation by way of ministerial order. The debate

we're having is on whether or not cabinet had that power already or whether the changes that were made recently granted them that power in times of state of emergency, not at all times, only in times of state of emergency. Again, there are good reasons for that, but when something is that broad and vests that much power in one single individual in our sort of free and democratic society, I think it's worth considering whether that is justified in all circumstances, and it's worth ensuring that there are checks and balances in place on the use of that power.

Those are the reasons that I think this amendment is worthy of consideration, and with that, I think I will let the next speaker speak. Thank you very much, Madam Chair.

**The Chair:** Any other members wishing to speak to amendment A1? The hon. Member for Edmonton-Meadows.

**Mr. Deol:** Thank you, Madam Chair. I rise to speak to amendment A1 to the bill, the Emergency Management Amendment Act, 2020. First of all, before beginning to provide my input on the amendment, I just wanted to bring my condolences to all of the people who lost their loved ones in the COVID-19 pandemic. My thoughts are with all of those people that are facing this challenge and going through the isolation and taking all of the protective measures to help control or curb the spread of the coronavirus.

I didn't have a lot of time to look at or go through the bill, Bill 13, the emergency amendment act, but in recapping some of the information I gained through the brief debate I was able to listen to yesterday, I do understand what the intention of this bill is.

The whole world, actually, right now is going through a very, very difficult and challenging time, and the update of news every single day coming from across the country, the province, and around the world is very, very frightening and worrisome. People are really worried.

I do understand, you know, that to deal with this kind of situation, a situation that is so unique and, I will say, unprecedented probably in the recent history of the province, the government and the House, the government specifically probably, need some of the mechanisms. That change can be helpful for them to deal with this difficult time, I will say, more effectively.

But, as I said earlier, while listening to the debate yesterday in the House, one of the concerns that really struck me and that I think was quite important was when a friend of mine, my colleague from Calgary-Buffalo, brought to our attention that that was part of the consultation.

**9:30**

As to my understanding the minister of municipalities also in the way of that admitted that they had some kind of compromise when it comes to, you know, consulting the matters with the professionals, with those that are going to be affected by this bill and are going to be part of the change. The government has very limited ability and capacity to go to all those people, professionals, and listen to them and be able to benefit from the information they could get to make this bill stronger and better. I'm looking at this as basically the concerning point that we're trying to address, and as we are viewing it, we are not, you know, having any doubt that we need to act. We do need to make some changes and come to the point where we need certain changes to allow the government, in case of emergency, to have the ability to address the challenges we are facing but seemingly without the lack of probably – I would consider the lack of consultation or professional feedback.

What we see: the one major aspect of this is that the bill is proposing the emergency powers from seven days to 90 days. That is a bit concerning. Ninety days is – you know, when we are looking

at the recent democracy, the current democracy, the institutions of democracies, it took, like, hundreds and hundreds of years to come through and then step-by-step develop through it. Probably everyone would agree that the system of parliamentary democracy, the way the powers are given to the different levels of government – so we really needed to make sure that it does not impact the concept, the mandate of that modelling. That is the biggest concern I see, that this amendment A1 that we have is trying to address in the bill. This amendment basically is asking to limit the time period that the local state of emergency could be effected. The bill is actually proposing the time from seven to 90 days. The only thing we're asking through this amendment is that the time limit, 90 days, is too long.

The thing is that because this bill is giving extraordinary powers, enormous powers to the government not to consult – and without the consultation of the councils they can make laws and they can force laws. This is a little bit concerning point, deeply concerning, I would say. It's not only that this is the view of our caucus; it's also the feedback of the professionals, the feedback of the people. They did not have the ability or the opportunity to participate in the consultations. They were set forward by the ministry for putting forward this Bill 13.

We are hearing those voices and hearing those concerns by different levels of government, and there's no doubt about it. There is one consensus among all those people. We need to address this by changes that the situation and the conditions that we are going through, the impact of this COVID-19 pandemic, are going to have on our society, on our province. Government needs to have enough resources to deal with these challenges, but at the same time we need to be very, very careful that it does not have a great effect towards some of those, you know, achievements, I will say, we have worked hundreds and hundreds of years to get to.

That was one of my major concerns, that the 30 days is not a small period of time, specifically when we are moving from one week to over four weeks. That is enough time for the government to, you know, deal with some of those challenges, that the bill is intended to bring the changes to give the power to the governments.

I would say that maybe this is not the time, that if we wanted to further delay and open up the, you know, consultations, to be able to open up to the stakeholders that really wanted to participate or the local governments or the professionals – in Bill 10 we did really have the advice, I will say, the minds behind. They were suggesting to us. They were professional people. In this case there are a lot of stakeholders, the parties. They are going to be affected. I think that either it requires more consultation on this or this bill, if we really needed to get this legislation through the Legislature – and I think the 30-day proposal is quite reasonable, to go ahead to seek the consent of the House.

By my closing remarks what I wanted to say is that we see this bill and we understand the situation, but we just wanted to strengthen the bill with providing some of the proposals, offering some of our feedback. By fixing the bill, that would probably be acceptable not only to the members of this House on both sides of the aisle but also, probably, the public at large, the governments at large in the province.

That's all I wanted to say, Madam Chair. Thank you.

9:40

**The Chair:** The hon. Member for Edmonton-McClung.

**Mr. Dach:** Thank you, Madam Chair. It's appreciated, and Nellie would be happy that you remembered that riding name as well. I often wonder what Nellie would think about the various debates in this House. Having been a leader of debate in this nation on various

topics – women's rights and suffrage and democracy and democratic issues – I'm sure that Nellie McClung would have had a very definite opinion on this piece of legislation that's before us this morning, and that's the amendment to the Emergency Management Act, amendment A1.

I would first like to begin my remarks as well by acknowledging and recognizing and providing solace to those families who are suffering the loss of relatives in the pandemic crisis that we now face. I believe the number is approximately 29 Albertans that have lost their lives as a result of this horrific disease, that is very, very stubborn and presents a challenge to the world that we haven't seen since 1918 in terms of a pandemic crisis.

I note that this morning on the news we heard that there is a further number of – I think the number was 11 – infections in the Kensington seniors' accommodation complex. This is in private apartments. Certainly, to the family members of those individuals who are there, we express our concerns and our hopes that they are able to receive the care they need. I know that there's a lot of attention being focused on trying to maintain the health of those individuals and contain the spread within that particular complex. That's one of the things we're very, very concerned about in this province right now, the spread of COVID-19 in seniors' lodges, because our seniors are one of the most susceptible populations, susceptible to this particular infection and virus, amongst the most at risk to die from the disease.

Of course, I have my soon-to-be 85-year-old mother hunkered down at home with care and, since I've resumed duties here in the House, have taken it upon myself to not reside there. I've sought alternate accommodations so that I have no risk of bringing home that infection to someone as frail and elderly. I'm sure there are lots of families who have found themselves in the same position, where they're working and they may have an elderly parent in the home. What in the world do they do? How do they protect themselves in the situation where we find ourselves?

I know that in times like this, governments seek to put in place emergency powers that allow them to deal with the emergency at hand and protect the public during the course of the emergency, but one thing that we should always be keeping in mind when we're thinking about delegating emergency powers to municipalities, which the amendment deals with, is the relative duration, historically, of various different types of emergencies that this type of legislation purports to govern through. If you look at a time frame of various different types of emergencies or the nature of the emergencies that we typically face, that a government would respond to with an emergency measures declaration, in this country it typically will be weather-related: fire – a forest fire, wildfire that threatens our population – a flood as a result of spring runoff and breakup, the flooding of our rivers. Heat emergencies are more common these days than we've seen ever before, and we've seen numbers of deaths as a result of that. Emergency measures have potentially been invoked during heat emergencies.

Conversely, ice storms have caused governments to consider invoking emergency measures as well. During those ice storms and heat emergencies we've suffered in some cases utility outages, which required rationing of power and perhaps emergency measures invocations. There are other, more localized emergencies, which might involve municipalities versus provincial. I'm thinking of things like chemical spills or a road accident or a railway accident, which is a more local incident but nonetheless very emergent for those citizens who happen to be in the vicinity and exposed to that danger. So a municipality as well as a provincial government or a national government will face a range of different emergencies.



I think the decision that is made by a cabinet or a government in looking at how long these measures should last should err towards the minimum rather than the maximum, knowing that typically these measures can be extended should the need arise. However, the time frame shouldn't be such that it goes beyond to err on the side of the maximum. You know, I can imagine what some of the discussions might have been in trying to land on what the time frame is, the 90 days, which is the government's solution. There may have been individuals in that debate asking to have it capture the totality of what might happen: "Let's go for 90 days" – I can imagine some arguing for that – "because that'll cover any exigency that we might think would happen given the past history of different types of disasters and emergencies that we've had to invoke emergency powers for in the past in this country."

However, simply extending that time frame to 90 days is, I think, a mistake because it extends it beyond the time frame which is typical for the duration of many of the disasters that we face in this country. I fear that the longer that these powers are in place, the deeper is the tendency to have them continue. I see that there's a history in this country and others of the residual nature of emergency powers becoming powers that are incorporated into the norm. I think of measures that were taken – forgive me for not knowing exactly the time frame. We all pay income tax, and that measure was taken as an extraordinary measure during an emergent time, and it's still around.

There are other more personal examples that I can think of which it would be interesting to know the exact historical details of. Of course, in this province we are very much aware of the risks that forest fires present on an annual basis, and this has been ongoing forever. I know that the small village of Thorhild burned down in 1929 as a result of ground fires that got whipped up in the spring after they were burning underground for the wintertime. The whole village had to evacuate, and the whole village burned to the ground. So that's an example, a family example. I mean, my great-grandfather's farm was gone. The grain elevators and all the train cars in that village were burned. Paint cans were blowing up. It was a total disaster.

Forest fires have been a significant reason for emergency powers to be invoked for the protection of citizens. I know that the *Edmonton Journal* put together a convoy of trucks to provide emergency relief to all the villagers in Thorhild. In fact, my mother still has the chairs that were donated to my grandparents during that 1929 emergency relief provision. They're part of the kitchen chairs. They're over a hundred years old now. It's a memory that I have every time I visit there that emergency powers and emergencies from forest fires are something we live with every season in this province. We've already entered into the forest fire season again this year.

#### 9:50

There was another event regarding forest fires that is really quite germane to the debate at hand over the extension of powers and how, as I've mentioned, they can become residual powers that get incorporated into regular law. That happened after I graduated from high school. I was finishing a camping trip at Gregoire Lake and decided to hitchhike to Fort McMurray to seek employment. Of course, it was the forest fire season in June of 1975, and it was common knowledge in Alberta then that if you were employable but not employed and you were asked by a peace officer, forest fire officer, forestry officer, or police officer, somebody with the proper delegated authority, to get in their vehicle and fight a forest fire – you did have a choice in the matter, two choices actually. You got in the car and went with them to fight the forest fire or you went to jail until the fire was out.

That regulation, that authority that peace officers had in 1975: I'd have to check to see if it's actually on the books. I know it's not used anymore because, of course, we require now that our forest firefighters are trained and are properly advised in safety and have better equipment and so forth. Back then there was none of that. It was basically hanging around until the helicopter arrived and they gave you a shovel and you jumped on the helicopter and they dropped you off and you just started to work. There was really no training at all that went on there. What gives rise to me recounting this story is to note that the powers that were granted to peace officers to basically second labour so that they could have a labour force to fight forest fires arose from an emergency power that ended up becoming legally enshrined and a long-standing measure on the books in this province.

So we have to be super careful about what we put on the books as emergency powers because they can become actual long-standing laws just by happenstance. They can get left on there, and ultimately they get changed when society comes across them. Perhaps in this instance parents would say: "Guess what? I don't want my teenager plucked off the highway to go fight forest fires in a dangerous situation without any training." In my case I was 17. I actually shouldn't have been taken off the highway, but I had to verify that with my learner's permit and finally was released from the camp once I verified that I was not 18 yet. In any case, things got changed, and that power no longer is exercised, but it may actually still exist. We do have to be careful when we're implementing legislation that would allow emergency powers to exist in the first place and determining their duration.

As I noted, the time frame for most of the emergencies that are facing us in this country, I would argue, is much less than a 90-day period, and it would be wise, I think, to consider a period of time that is more in the middle as far as the time frame or duration of the types of emergency situations we face in this country, whether they be a fire, a flood, a pandemic, a heat emergency, a utility outage, an ice storm, a more local chemical spill, or a road accident. None of these things typically, from my recollection, have been of a duration of 90 days, and given that the local states of emergency that municipalities would invoke would probably be of an even shorter duration than 90 days, the powers that we look to grant to them should reflect that, I think, knowing that it's wise to err on the side of the shorter period. Given that the municipality can reinvoke or extend the emergency declaration, it is still maintaining the safeguards that we want municipalities to have during an emergency, yet it doesn't invoke the power for such a lengthy time that there would be a tendency for a government to just adopt it as a measure that remains on the books for a long period of time.

It also is something that perhaps we want to consider in terms of the local emergency and the nature of it being just that, a local measure to fight a certain emergency. I'm thinking of something that is a bit of a roaring debate right now in this country. It's the mask versus no mask in public debate. Of course, we had our chief medical officer of health nationally talking about the fact that it really wasn't of great value, that it may protect people who have the virus from spreading it to others, but it wasn't necessarily outweighing the risk of the dangers of wearing a mask that was improperly handled and disposed of. It may end up causing more transmission of the virus than you're preventing by wearing the mask. It also may present a false sense of security and cause people to no longer exercise physical distancing measures that are so important in keeping us safe during this pandemic.

I know that in this Legislature we're trying to do that by sitting far apart from each other, by wiping down the chairs that we sit on because we're using different seats in the Assembly, by self-distancing even as we walk to work or to our parking spaces.

Definitely all of us have handwash and sterilization available to us, that we use regularly in an effort to keep ourselves and other staff members safe at work and not bring the virus home to others and try to prevent the spread.

The debate over the wearing of the mask is something that is pretty prevalent today. I know that just a day or two ago the federal chief public officer of health, Dr. Tam, relented somewhat and said: "Look, it's all right to wear them. You may actually prevent the spread if you have the virus yourself. It may give some secondary protection, but still be aware of the risk and the dangers of doing that." In a local situation you may find a municipality wanting to make a particular order of its public given circumstances that exist at the time during whatever particular emergency there is. The duration of that time frame is not something that you want to be excessive. You might want to have the municipality consider extending a particular order rather than creating a lengthy order, over a period of 90 days, that would be unnecessary.

To grant these powers to a municipality for a period of 90 days is not a necessity. I think it may have been a measure that was considered to be easy to adopt just because it enveloped the full range of disasters that we typically faced in this country where emergency powers have historically been invoked. But just because it was simple and it encompassed the whole range of the period of time of natural disasters we typically see, I think it's too simple a reason. We should be looking at erring on the side of the minimum that is required, knowing that the emergency measures granted to municipalities can be extended.

I know that during the last pandemic, in 1918-1919, ultimately people realized globally that physical distancing and not coming into contact with the sick or the deceased – of course, there were 50 million deceased globally.

**10:00**

**The Chair:** Are there any other members wishing to speak to amendment A1 on Bill 13? The hon. Member for Edmonton-Riverview.

**Ms Sigurdson:** Well, thank you very much, Madam Chair. I'm pleased to rise today and speak to amendment A1 on the Emergency Management Amendment Act, 2020 (No. 2). The amendment reads: that Bill 13, the Emergency Management Amendment Act, 2020 (No. 2), be amended in section 6 by striking out "90 days" and substituting "30 days." I'm certainly happy to speak in favour of this amendment and certainly will do that in my remarks.

I do want to first of all begin today by offering my condolences as well to the 29 Albertans who've passed away, their families, their friends, those who worked closely with them before they passed. I mean, it's such a challenging time in our province right now. We know that the vast majority of those who have passed are 80 years old and older. You know, that gives us deep concern for seniors in our community, but it's not only people who are older that have passed, because we have two deaths in the age group from 20 to 39. It can strike very severely, and it is a dangerous, dangerous disease.

I just want to also thank the health professionals who are on those front lines, our doctors and nurses, social workers, psychologists, you know, support staff, that are working so tirelessly. I know that many are doing double shifts and really putting themselves in harm's way, and we're very grateful to them. Besides all that, it's important to also think about caregivers, people who are in their own homes caring for perhaps a spouse who may have Alzheimer's, for example, and aren't receiving the supports anymore, the regular supports or the respite care – the burden and the responsibility on those people are tremendous, so I also want to really give my support to them and thank them so much for being selfless in their

care of their loved ones – workers in grocery stores, truckers who are bringing us our food, people who are still working and working even more tremendously than they did before because of the situation we are in.

Then, finally, I just really want to thank Albertans in general for following the orders of the chief medical officer of health, staying home if that's where you're meant to be because of what the orders have said, self-isolating, making sure to keep two metres apart, following all of the orders about washing hands and things like that. I just really want to thank all Albertans for what they're doing to make sure that the spread of COVID-19 goes down and that we can be past this very difficult time in our lives here in Alberta and, of course, globally. I'm just very grateful to Albertans for stepping up to do that.

Of course, that just brings up the question that my caucus has brought up repeatedly, the question of: why we are here? Why are we here today? We're in a situation that the chief medical officer actually has ruled against. We shouldn't be more than 15 people congregated together. I think that our time could be much better spent supporting our constituents and, you know, not creating risk factors for our own communities when we go back to them. This is a deep concern for me, especially since this bill, Bill 13, and what we're looking at today – really, the powers of Bill 10, which we passed last week, have the emergency powers already that this government thinks this other additional bill has. They're giving themselves even grander powers, but it isn't necessary. Bill 10, the public emergency measures act, has those powers. Again, I just really think there's deep concern about why we're in this Assembly at this time debating this when the government already has their powers.

Indeed, we are here. We are here today to speak to this amendment. This amendment came, actually, not so much derived from our caucus but what we heard from stakeholders and, specifically, the rural municipalities association. This amendment says that local states of emergency could be implemented for a maximum of 90 days. Of course, our amendment is saying 30 days. Again, this is from RMA. Certainly, it seems like extraordinary power that the government is giving themselves regarding this, and it's not necessary. As I said before, Bill 10 does give enough powers to the government.

We know, too, that when decisions are made, especially in cases like emergency measures, the best decisions are usually made by people who are right on the front lines, who are in those communities, who know what's going on in their municipalities, who have the lived experience of being right there, understanding their own community. These people are the experts, the community leaders in the municipalities, and taking away their powers by giving them to the minister for quite an extended period of time certainly is questionable to me – and it's questionable to RMA; you know, it's an organization that is made up of those municipal leaders, and they know what's best – and, again, just the futility of us debating this here in the House, because, as I said, we passed Bill 10 last week, which has the equivalent powers.

You know, certainly, having spent quite a few years teaching social policy in university to social workers, one of the things about creating good legislation, good policies, good instructions on how to run things sort of on the macro level – and, certainly, this is the macro level, looking at things in the larger society – is that you always must understand the issue from people who have lived experience, people who are on the front lines. If you make policy on high without incorporating that, you often have a lot of unintended consequences that have to be fixed later and that can cause tremendous hardship for many people.

I think that some of the questions that we need to have answered by this government are: have they done the meaningful consultation with local leaders for this bill? Of course, it's a very difficult thing to do right now because we are, many of us, under self-isolation. You know, we can't gather together to really talk about issues like this. Besides all of that, I mean, people are really focused on supporting their communities with basic needs. People are in need. We know that sometimes people can't go out to get groceries, or they can't get their medicine. I mean, people are focused on this right now, and it's extremely challenging and disturbing for me to be here today because we need to be really supporting our communities, and we can't do a proper consultation. So I'm really concerned that the government has brought us back to do that. Another thing is: like, what are all the stakeholders – I'm not just talking about, you know, the obvious ones but making sure that people from all different points of view have an opportunity to speak and share their concerns about this bill.

We need to ensure that the new powers are reasonable given the context. That's another thing about, you know, a democratic government. We must make sure that there are checks and balances. When you win an election, it doesn't mean that you get to do whatever you want. There are other parties in this Legislature. We just have one other party, and it's the NDP. We're the Official Opposition, and our 24 member strong caucus reviews legislation, reviews this legislation, asks questions, brings in new perspectives, challenges the government view sometimes, sometimes agrees with the government view, puts forward amendments like we are doing now with amendment A1. It's important that government listen, and certainly good governments do.

#### 10:10

But when the government gives themselves tremendous powers, then every time that happens, democracy is eroded. Certainly, we are in extraordinary times. We are in extraordinary times, and emergency measures are needed. But are they needed to this extent, especially since last week we did pass Bill 10 already, which gives this government these powers? In this amendment we are asking that this 90 days, which seems quite excessive, is amended to 30 days so that, you know, we still have checks and balances. They can still go back to municipal governments to talk to them about that. Another thing that governments, when they want to create good legislation, should be – is there support? Is it conditional on the government honestly and transparently informing the House of all aspects of their requests for power? It's incumbent on us as the Official Opposition to be asking these questions.

We also want to know: like, you know, who has the government specifically consulted with? Have they spoken with all the mayors in the big centres? For example, Calgary, Edmonton, Lethbridge, Grande Prairie, Red Deer, Fort McMurray: have they all been consulted? How about all the local elected councils? Have they been spoken to regarding this legislation? And did the minister consult with the local emergency management leadership? Right now, I mean, it's pretty difficult. I'm sure they are much more focused on making sure their communities are safe because of what we're experiencing right now, the COVID-19 pandemic. Are the municipalities fully in support of the bill, and if not, then are there other ways that the government can adjust it or look at it?

Good legislation, you know, asks several questions like I've identified here, has robust consultation with the people it impacts, all of the stakeholders. It's concerning to me that that is very difficult to do during this time. Again, just in terms of having a healthy democracy, we must have checks and balances on power. These powers that the government has now said that they want, 90 days to be able to call in a local emergency, are sort of riding

roughshod over local leaders, who have their own understanding and expertise, certainly, about what is best for their municipality. We stand united in our NDP caucus regarding this amendment and certainly do speak in support of reducing the 90 days to 30 days. We feel it's excessive, that the government is giving themselves this additional power.

As I'll say one more time, having already passed Bill 10 last week, the public health emergency measures, which already does give them the authority, it feels disturbing that here we are again, especially in the current circumstances that we're experiencing, in a pandemic, when really it's not needed. But since we are here, then let's have good legislation. Let's have legislation that actually is respectful of the authorities of local leaders and isn't excessive and erodes their ability to make decisions about their local issues because we know that they are the experts on their local issues and they know what's best for them.

I just ask the government to seriously consider this amendment, this amendment we refer to as A1, as it is, I think, reasonable. If we want good legislation, we need to have checks and balances. We need to put some, you know, brackets around some of the authorities this government is giving themselves. It's not really needed because Bill 10 already gives them authority. And this is much more respectful of local leaders in our province.

I certainly want to speak in favour of this amendment, and I'll conclude my remarks.

**The Chair:** Are there any other speakers to amendment A1? The hon. Member for Peace River.

**Mr. Williams:** Thank you, Madam Chair. I appreciate the lively debate that we're having today. I understand it will continue on for some time, so I thought it might be worth while to contribute just a few thoughts on some of what I've heard this morning. Looking at the bill, we see that the nature of 90 days is relevant because of the nature of this pandemic. It is something that we can see lasts for a long time. Already we've been in it for over a month. We can see already, looking at the way the graph plots, with the algorithms and the information we have from our epidemiology specialists, that this will continue to go on for some time. We need the ability to deal with this.

The member opposite, my hon. colleague, asked: are we taking power away from these elected officials? Let's reject it outright, Madam Chair. It is clear that we are empowering these local officials. There are 341 different municipalities, more than that if you count settlements from Métis communities and First Nation communities, that will end up having access to the same legislation when they declare a state of local emergency, and what they will be able to do is choose whether they go for 90 days or four days. It is up to the local leaders. It flies in the face of all reason for members opposite to suggest that somehow we're taking power away from elected representatives.

There's somewhere near 4,000 of these representatives across the province. They know their communities better than we do. These four members in the Legislature, on the opposite side right now, do not hold, you know, the licence and the ability, the best judgment of those 4,000 individuals in their hands. No. There are literally 1,000 for every one of you. They know better. How dare we be saying that they don't know, that we need to limit them even more in the middle of a pandemic. Like us, these elected officials have more important things to do than sit around spinning their wheels. They would much rather be serving their constituents, moving motions in their council chambers virtually that have an effect on their day-to-day lives. To have to renew thoughtlessly every seven days – and we know the pandemic will last longer. It's not a power

grab. It's empowering those elected officials to do their jobs. It's allowing them to maintain order and liberty in this time of local emergencies where they've been declared.

It's exactly the opposite. It's actually quite tragic for us to be spinning our wheels in this way, working backwards. The truth is that those elected officials know better, just as the members opposite said. The truth is that this legislation empowers those elected officials to use their best judgment. They can have this for as long or short as they like. This allows nuance, Madam Chair. This allows a judicious use of the legislation. Rather than going in like a bull in a china shop, this allows municipalities to have control over how they enact it. This allows us as a province with this legislation to not go in like a bull in a china shop but to use nuance in how we react to local municipalities in their states of local emergency. This is good legislation. This is emergent legislation in our current crisis.

Just as a quick interlude from the many hours of debate we've heard from the members opposite, I thought it would be valuable for the Chamber again to remember and focus on the real question at hand, which is not: is this a power grab? We all know that states of local emergency are necessary. We know they're necessary because to maintain that order of liberty that Albertans prize, we need to be able to have that power. The question is: is this the right amount of time? I believe it is absolutely the right amount of time. Do members opposite think that within seven days we're going to be done, through this pandemic? I believe not. I believe they listen to the updates as religiously as we do on this side every day. We know this will last for some time.

10:20

Giving these elected officials more opportunity to have control over what goes on in their municipalities is a good thing, Madam Chair. It's a good thing. That's why I implore every member of this House to take seriously the legislation and this debate and stand for it. I ask the members opposite to consider voting for this legislation, too. Regardless of any amendments you pass, I believe that everyone here can see this is emergent, necessary legislation. I think Albertans see that. I'll tell you that for the council members that I know, they understand the importance of making sure that they are doing valuable things with their time in their communities.

Of course, members opposite are welcome at any point to vote against the legislation if they believe that's in the best interests of the province in the middle of the pandemic. I know, for me and my side – well, I'll speak for myself – we're very confident that this is the right legislation, that it's important to be here, that it's important to be here debating the issues as honestly and truthfully as we can. That's why I thought it was important, Madam Chair, that I contribute just for this short time to the debate.

Thank you.

**The Chair:** Any other members on amendment A1 to Bill 13? The hon. Member for Calgary-McCall.

**Mr. Sabir:** Thank you, Madam Chair. I rise to speak in favour of this amendment, which is brought forward by my colleague the MLA for Calgary-Buffalo. I think that on this side of the House we fully recognize the nature of the pandemic, its seriousness, and the government's need to have the ability to deal with it, whether it's legislation, regulation, or emergency powers. At any time when government needs those powers which are needed to deal with this pandemic, I think the opposition will be here, and we will work collaboratively with the government to make sure that they have the powers that they need to deal with this pandemic and help Albertans who are going through this.

As my colleagues have mentioned, it's our view that this change that the government wants to bring forward through this Emergency Management Amendment Act, 2020, is an overreach, which is changing the legislation from seven days to 90 days. We are proposing a 30-day period. A colleague from the other side who just spoke earlier said that it's enabling rural municipalities . . .

**Mr. Williams:** Urban municipalities.

**Mr. Sabir:** It's giving powers to municipalities in general, urban and rural, so they can deal with it.

So a couple of things. I will note that RMA is a representative organization of rural municipalities across this province, and they are suggesting that the 30-day period is enough.

The second thing. My colleague the MLA for Calgary-Buffalo also brings a lot of practical experience with respect to municipal governments. Before becoming an MLA, he served five terms on the city of Calgary council, over 15 years. So he has been involved with and has first-hand experience of how municipal governments are run, and when my colleague is proposing that, he has done the homework. He has done the necessary consultations, and it's as a result of those consultations that we are moving this well-thought-out amendment, that Rural Municipalities of Alberta agrees with as well. It is exactly what municipalities are looking for.

The second thing is that as opposition we mentioned that our intent is to work collaboratively with government, to work on all those issues, all those pieces of legislation that they need to deal with this pandemic. At the same time, the role of the opposition is to hold the government to account. Our role is to make sure that the government doesn't overreach. Our goal is to make sure that the government is not ramming through legislation in the name of emergency powers which are not needed.

With this piece of legislation, as my colleagues have mentioned, we are of the view that this is not what the government needs. Last week the government passed Bill 10, and with the changes they made, they also reserved powers for them to suspend, to amend, and to even write new laws without legislative oversight. So if they needed to extend this emergency, they can rely on those powers that they already reserved for themselves in Bill 10. That is the reason that we think most of this power is not needed, and if it's needed, then we should keep it to 30 days.

Another thing that my colleague from Calgary-Mountain View already indicated is that the councils have the ability to meet through video conferencing and electronic means, and should they need to extend this power, they can do so without meeting in person. So it's a reasonable amendment.

The third thing. When we impose or invoke emergency powers, that has bearing on people's rights, people's basic and fundamental rights. If I talk about my constituency, my constituency is home to many prayer places: mosques, gurdwaras, temples, just as an example. There is a public health restriction on gatherings, that you can't have more than 15 people. I fully support that measure, but what I want to say is that that restricts their ability to congregate and practise their faith, practise their religion, their traditions as they used to. But we do understand that we are going through a very serious public health threat and that that is needed and necessary to keep people safe, and that's why we support that.

10:30

Similarly, any emergency that we invoke will have some bearing on people's rights. In particular, given this pandemic, where we are making sure that we can contain the spread, we are making sure that we don't have community contamination and all those things. These emergency measures have a bearing on their rights and

freedoms to assemble and to associate. These are basic and fundamental freedoms. When we make changes to this legislation or any legislation that has a bearing on people's fundamental rights, I suggest that it's our obligation, it's our responsibility to make sure that we are not overreaching and that the measures we are putting in place are appropriate ones and they are proportional to what's needed in the circumstances.

Some of these rights I'm talking about are Charter-protected rights. Even the Charter itself says in section 1 that if there is ever a need that those rights be interfered with, it should be done in a manner that is "demonstrably justified in a free and democratic society." Here we are talking about those rights. We are talking about a measure that will have a bearing on those rights, and I don't think that in a free and democratic society such a blanket provision, changing a seven-day emergency regime to 90 days, is justified. It's a government overreach.

[Mr. Hanson in the chair]

In order to make sure that all levels of government have the ability to deal with this pandemic, we are here to work with government. At the same time, it's our duty to make sure that what we are doing is not in excess, it's not disproportionate, and it's not overreaching and interfering with people's basic rights more than it needs to. In this case we think the change from seven days to 90 days – in making that change, the government has gone too far, and that is not justified for many reasons. It has a bearing on people's rights, so we should be very careful.

The second thing is that the councils have the ability to meet electronically, hold council meetings electronically, and renew a state of emergency if it's needed. There is nothing that prohibits a council's ability, any local government's ability, and even this government's ability to extend these emergency powers. Councils will have that option that if they think that they need to extend their emergencies, they can choose to do so through electronic means. And with respect to this government, they have those powers that are built in. Should they choose to pass this legislation as well, as I understand they will likely be able to, they will have these 30 days that they can renew as well.

Another thing is that I will remind all my colleagues in this House that whatever political stripe we come from, whichever side of the House we sit on, we should always make sure that our democratic traditions, our democratic institutions remain strong, that the basic freedoms and rights that we all enjoy and cherish are never interfered with lightly. That's, I guess, our role as legislators. Yes, we are going through a serious public health threat, and yes, government needs powers to minimize that threat, but we also need to make sure that the government is not overreaching in the powers they are acquiring, that the powers they are trying to get are not disproportionate to what the circumstances on the ground require.

This is one clear case where we are of the view and municipalities agree with us that 90 days are not needed. The RMA has suggested 30 days. My colleague is just bringing that amendment to make it 30 days. I think it will make it more reasonable. There is room that, should municipalities choose, they can meet and extend these emergencies. At the same time, it will show Albertans that their basic, their fundamental rights are protected and that they're not interfered with lightly and that governments are only taking those necessary steps that they need to keep Albertans safe, that they need to deal with this pandemic.

I would also say that in this pandemic there are many other things that Albertans would want this government to look into, and they already have those powers. For instance, first and foremost, when I talk to my constituents, they are concerned about their health and

well-being, so they want their government to make sure that their loved ones are taken care of. Over the last few days we have heard numerous concerns from seniors' centres across this province, and we have asked government to step in and to put in place a more co-ordinated approach to managing these centres, to put in place a more co-ordinated approach to staffing these centres, and to have surge funding there to make sure they have all the resources they need. We so far have not heard anything from that government. I think it's an emergency and the government has that power, government has the obligation to step in and do that.

10:40

We also have heard from many health care professionals many concerns with respect to changes to doctors' billing and all those things. Those are the kinds of things that clearly are not needed. Nobody is asking for them, and in the middle of the pandemic I think it's government's responsibility and we have an obligation to make sure that those who are on the front lines of this pandemic, those who are on the front lines of this emergency have all the help that they need to be able to fight this pandemic, to be able to support Albertans through this pandemic. Government has the powers to do all those things. So far we have not seen a moment, there's not a single day that passes by without doctors complaining about it, without doctors threatening to leave the province, to leave their practices, without doctors telling us that they may not be able to manage their practice. Those are the kinds of things that government needs to be focused on.

**The Acting Chair:** Thank you, Member.

Any other member wishing to speak to amendment A1? The Member for Lac Ste. Anne-Parkland.

**Mr. Getson:** Thank you, Mr. Chair. There is a lot of great debate taking place here. I've been kind of on the bench here for a bit listening, and my understanding was that there was some fulsome debate that took place into the wee hours of the morning as well. I was here for the original afternoon shift, and I thought, by the candour that was taking place, that it actually would have wrapped up a bit sooner than that, so I'm surprised to see everyone here working this long, talking about these items.

I had heard that the Member for St. Albert was very concerned at the time about why we were actually here, if some of the legislation that we are trying to bring to the House was relevant during this circumstance, and rightly so, wanting to lead by example of how the folks at home are dealing with these current issues.

I heard – let's put it in context – a lot of sensitivities. What I've noticed here, Mr. Chair, from being at home in self-isolation for the last couple of weeks is the difference in people's demeanour. Coming back to this House, there's a noticeable difference in the way that folks are carrying themselves. There's a noticeable difference on some of the external pressures, I believe, that are causing stress responses. Arguably so, it depends on people's circumstances how they respond and react to stress, how much they can shoulder and how much they can bear.

If we were to look at simple material engineering, if I'm going to temper a piece of steel, I can't take raw steel or raw iron and expect it to perform like high-tensile steel. It has to be tempered and controlled, plus the metallurgical makeup. The difference is that you have to have experiences to get you prepared for those different stresses.

Now, some of us have had – and arguably this House has lots of different areas on both sides, one side or the other, and they bring some very good experience to the table. Depending on the type of legislation, some of those experiences, in my opinion, are more

valid than others. Everyone is entitled to their opinions – no question – and everyone brings those things forward, but given someone's experiences they will have far greater depth and insight to the level of details of the legislation to be bringing forward.

Similarly, last night I stood and spoke just briefly to the human trafficking bill that we're putting forward because, again, I know that my depth isn't quite the same as some of the members opposite who have worked in that field. I was very appreciative of our process and to hear their insight into some of the nuances in the legislation that we were proposing to bring forward, because they had very meaningful changes and the context and connotations to it.

Understanding that, some of the sensitivities I saw, you know, from the Member for Edmonton-Gold Bar, a very boisterous debater, very solid in his skates – I have the utmost respect for him in that regard. I don't agree with him lots on personal issues, and I probably wouldn't be sitting in a cocktail party with him without having a massive argument, but in this House I do respect what he brings to the table, but even he was sensitive. I made a reference. I started out by saying a reference of: it's always interesting to hear his perspective because, to me, it's almost like going on a trip through Alice in Wonderland, through the looking glass, those different perspectives. He tried to call a point of order on it.

Again, that member after 12 minutes of length of some of the things that he was saying about us and some of the connotations of the parties: it was out of character for him to get offended by that. It was a bit different. To me, again, coming from the outside, in my observation, noticing the levels of stress, the Member for St. Albert was honestly and genuinely concerned. At the time I didn't know that she was that concerned about being here, being exposed, the potential impacts on other people, but I can see that now.

Again, my experience I'm drawing on is from running major projects. When you have 700 or 1,000 people on those sites, when you're making decisions for those crews and those activities, and when you're staged across the provinces and down into other countries and you're managing all of that, you have to really understand your workforce and your stakeholders and what you're dealing and engaging with.

Because of the Westray mine disaster anyone who is in those positions of management knows that if we make decisions that are incorrect, if the simplest person on that site in the lowest level of that organizational chart gets hurt, I am responsible, and I'm accountable for that person's safety. I go to jail. The barristers in the crowd here understand that. I've inherited that from day one in my career. Decisions that I make have an inherent impact on others, and I accept that responsibility.

When the Member for Edmonton-Glenora was passing me in the hallway – partisan politics aside and everything else, usually we're pretty cordial, but I'm not exactly a poster boy. Again, the Member for Edmonton-Gold Bar had mentioned that. He wasn't exactly happy to have me back here. My role on our team is very assertive, so arguably, if you're looking at the hockey rink, I'm probably the guy that would drop the gloves and take it in the corner if required, skate back to my side, maybe shoot the occasional hat trick, but that's about it. My job is not to carry those types of items. When I had the Member for Edmonton-Glenora – she's a friendly individual – out of character for asking me how I am doing, my response back to her, tongue-in-cheek, was, "Feeling strong and feeling dangerous." She didn't understand the connotations of that. She was honestly – and I saw it in her face – worried. She said: well, I'm not feeling that way. You can see those stresses.

Coming back to the timeline – the 30 days, the 60 days, the 90 days – what would be required to put in an act like this to effectively manage an emergency situation? Again, coming back to my

experience on major capital projects, 90 days goes by like this. We do daily reporting. We do that. When you're in an execution mode, within 90 days, to put it in context, that's the pipeline window. That's the window that we would be operating in the wintertime for winter construction. We would do two to three years of planning to have one of those spreads take place within that time period, within that 90 days. If you have a hiccup along the way and you've got to go back to square one with your planning or reapply for applications for permits and crossings and everything else, the whole thing is over. You don't have time to react.

The fact that we're looking at having something in place to give those municipal partners of ours and ourselves the latitude to be able to work within these circumstances to allow us to the right things – I don't know if that was the official, you know, pitch by the minister at the time – for me, that's why it's not raising any alarm bells. It's within reason. It's within a context of dealing with a circumstance.

The Fort McMurray fire, as tragic and as bad as it was, it was pretty much isolated, and the old laws kind of worked for it. The legislation that we had in the past – I wouldn't want to say that it's been here since antiquity, Mr. Chair, but it's been here for a long time – was dealing with those circumstances. We find ourselves in a unique circumstance right now on a global level to deal with what we have in front of us at the current time and to do a refresh on some of these items so that we can allow our leaders at present the ability to work within those parameters, to make the right decisions, to do the right things. That, in my mind, is why a lot of this is happening.

It's also interesting that in 1917 on this day our country came together at Vimy Ridge. They couldn't take that hill. They couldn't take that ridge. Canadians across the country pulled together, and they took that ridge. It didn't matter what your political stripes were. It didn't matter what you were doing. It was facing one goal, one objective, coming together in commonality.

The strength that we have on both sides of the House when we do that, when we pull together and we take that objective: that's the unifying point. If anything, right now this crisis should be unifying us. It should be pulling us together, and in a lot of ways, in my observation, again, from being away, it has. What I'm cautioning is: let's not get derailed. Let's not go back to being that person that comes off the bench, that goes out there and drops the gloves. I can and I would, but this isn't the time for that. We can get back to that later. Let's get over the problems that we have right now. Let's put on our big boy and big girl pants and deal with the issues that we have with this.

**10:50**

Let's look at it from the other side. The way I look at this in understanding the 90 days: I put it in context of my own mind. What if you guys had power? Would I trust you with it? That's the biggest litmus test here right now. It's the fact that you would have potentially an adversarial point of view or that partisanship, giving them the control to do it. In the same context, I'm still comfortable with that. If the hockey bruiser can come over from the side and say, "Here, I trust you," it's a pretty darn big leap of faith, to be quite honest, because otherwise I'd be going to the mat, tooth and nail, and I'd be ripping on you folks pretty darn hard. I'm not.

Again coming back to those reasons objectively for doing this project, for dealing with the items that we have in our power right now, you need the latitude to be able to execute, and that's what we're looking at. The comments coming back from the Member for Calgary-Buffalo: he may have had a great experience sitting on city council. He was our former Finance minister. I'm not going to head down there because I didn't exactly agree with his policies. But all

the experience he's had up to this point doesn't really amount to a hill of beans because unless he was around in 1918 with the Spanish flu, it wouldn't really count anyway because, again, we're having to base it all on exactly this moment. This is historical in the sense that we've never seen anything like this for a hundred years. The fact that we had to update some of these items to address it: inasmuch as we were addressing influenza before, this isn't influenza.

Some of the limitations we had to put on people's freedoms: I'm the last person you want to tie to the yard like a dog on a chain. My freedoms I hold so true and near and dear to my heart. King Leonidas wouldn't have anything on me when someone was trying to take my weapons. There's no question. Come and get them. The fact that you're looking at limiting my freedoms? Yeah, I'm knowingly doing that, and I sure as the heck hope it's for a limited timeline because we'll all get pretty darn bucky when that starts happening. Again, for us, the litmus test for me is looking at that legislation: what if I handed the control back to the NDP? To me, that's the biggest gut check, when you can put it to someone that is the opposite ideology of you and you can entrust them with that law that we're putting in place. That's really where my conscience kicks in. In this circumstance and given these measures in place: absolutely. In fact, I would hand the keys to you, and that's how much I stand up for what's been presented here.

What I would like to do instead of taking up too much time because – again, we're leading by example. We're showing all the truckers out there, all the front-line workers and the office workers that are out there, people working from home, everything else that we are taking this seriously, and we do respect everything that they do. I know that the constituents that gave me that job interview way back when and gave me the job here expect me to be here to do what I can. I proudly do that, and I proudly take the right measures in place to ensure that my risk of going back to my home is mitigated for my wife and kids, who are all there now. So yeah, we're doing the right things for the right reasons. Let's not get distracted by some of the nuances and the partisanship.

What I would like to say is that your amendment: I appreciate your points. I won't support it, and what I would like to ask you to do is put it to question. Let's put the amendment to question. Let's get back to the bill. Let's have that dialogue so we can get back on track and we can make the use of the time here accordingly that we have.

You're right. There was supposed to be a constituency break. There were supposed to be these other things. Times change. Things happened. But I would like to be able to take that time even though I'm still answering e-mails and dealing with things here on this end with my constituents. I would like to be able to do that time there in case this thing goes sideways and I need to be out on the front line, shoulder to shoulder with people that have to help out the seniors, that have to help out the lodges, that have to get the Meals on Wheels going and everything else. I think that's where some of our best foot forward isn't necessarily getting other people's backs; it's standing shoulder to shoulder with them. What I'm asking humbly from my colleagues: let's get on with this so that if I need to be in my community, I can be there with them on the front lines.

Thank you.

**The Acting Chair:** Thank you, Member.

Are there any other members wishing to speak to amendment A1?

[Motion on amendment A1 lost]

**The Acting Chair:** We're back on the bill, Bill 13. Are there any members wishing to speak to Bill 13? The Member for Calgary-Mountain View.

**Ms Ganley:** Thank you very much, Mr. Chair. I rise today to move an amendment. Would you like me to wait until it reaches the table?

**The Acting Chair:** Once it starts being distributed, you could speak to it, please, because it takes quite a bit of time to get it around.

**Ms Ganley:** Fair enough.

**The Acting Chair:** Go ahead, Member.

**Ms Ganley:** Thank you very much, Mr. Chair. As the amendment is coming around, I will let folks know what's going on. I'm moving this amendment on behalf of my hon. colleague the Member for Calgary-Buffalo. We move that Bill 13, the Emergency Management Amendment Act, 2020 (No. 2), be amended by striking out section 8. So that just removes that one section.

Just to return to section 8 of this act, the amending act, it reads as follows:

Section 24 is amended by adding the following after subsection (1):

(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 given to the Minister under section 19(1) in relation to the part of the municipality affected by the declaration of a state of local emergency, or

(b) by a person authorized by a local authority to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 19(1) in relation to any part of the municipality affected by a declaration of a state of local emergency.

(1.02) 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.

(1.03) The Regulations Act does not apply to an order made under subsection (1.01) or (1.02).

Essentially, what that section, the one which we are striking out by way of this amendment, does is that it gives the Minister of Municipal Affairs ability to override the powers of the municipal order of government being exercised during a state of local emergency.

My understanding from my hon. colleague from Calgary-Buffalo is that this is something that has been requested by at least some municipalities. So we made amendments – gosh, I can't even remember now whether it was last week or the week before – to the act, all of us here in this House, which had essentially altered the state of play so that the declaration of a provincial state of emergency didn't cancel municipal states of emergency.

Previously it was the case that if you had local states of emergency and then the province declares a state of emergency, it sort of cancels out all the municipal states of emergency, so then everything rolls up to the provincial level of power. Because that can be quite a challenge to manage, especially in our province, alterations were made so that some municipalities could continue their local state of emergency so that the municipalities were essentially managing certain aspects of the emergency for their areas while the province managed the overall emergency. That's actually been working, I would say, quite well. It's my understanding that declarations have been continued in the two large cities, Calgary and Edmonton, and then in a few other places.

My understanding is that having the province manage the overall province and then sort of relaying with those few municipalities that still have their states of emergency ongoing has actually been a system that's worked reasonably well. Everyone seems to be sort of happy with the way that's been progressing, and I think that's good. You know, I think the idea that we can work together, particularly in light of the fact that in an emergency this large – it's a lot of burden on the Provincial Operations Centre, particularly because the centre was supposed to be upgraded and then those upgrades were cancelled, so the space itself is a bit small for its purpose, shall we say, which can be challenging, especially when we're trying to achieve social distancing.

11:00

I think that this is a very good amendment because it enables – presently everything is working fairly well. Presently it's the case that everyone knows what their piece of the puzzle is. Everyone is working together. The emergency is being managed reasonably. So what that means is that I don't think that there's any particular need for the province to grant itself the power to kind of step in in certain places and override what the municipality is doing.

I think that the previous amendment, which the government brought forward, which gave the municipalities this ability in the first place, has been working quite well. I don't see any particular reason to alter that state of play. It is clear that some municipal councillors also don't see any particular reason to alter that state of play. I mean, I would love to hear if the government has in mind some sort of particular example, if there is, like, some issue that this is solving, because right now it feels like what is often referred to as a solution in search of a problem.

I would be very interested to hear if the government thinks that there is something that the municipalities are presently doing within their area of power that they don't like or if there is something they expect them to do that they don't like. Like, what is the thing that they feel they need this override for? That might be helpful to us, right? Right now it's just a general power. We look at it and all we see is that they can sort of step in and take a piece of the pie away from municipalities. Presently the way that things are divided up is working well, so the question arises: why would you need that power? Essentially, what it would do is limit the ability of the Minister of Municipal Affairs to modify orders issued under a local state of emergency.

I think we need to keep in mind that right now we're modifying the act for the emergency which is before us. These amendments that we are making to legislation: they aren't like the ministerial orders that are issued by ministers, which can override legislation right now. Those things are time limited. These amendments, so coming into the House and doing an amendment in this way, are amendments which will stay with us indefinitely, into the future.

It is the current state of play that there is a provincial emergency and there are local emergencies ongoing and that things are being co-ordinated, and again I think that's going fairly well, but my understanding is that this would have an impact where only a local state of emergency is declared. That's a bit of a concern because it means that in the future, if there isn't a provincial state of emergency, so if the province isn't stepping in to take those powers and there's just the local state of emergency, the province could step in and alter declarations by the municipal operations centre and the municipality in instances where there is only a local state of emergency.

That's a bit of a concern because even though we ought to consider this in the context of today and what we're doing today, we should also consider it in the long-term context because the joy of legislation is that it stays with us for a very, very long time. The

process of amending legislation is, as we're all presently very aware, a bit arduous, so it doesn't get amended that often. I say that, and now I'm realizing that we've amended the Emergency Management Act, like, a lot of times in the last three years. Usually that's the case: let's put it that way. Usually that's the case. The last several years have maybe not been the best example, and hopefully, going forward, we will not be seeing states of emergency with the same level of frequency.

The other thing to say about this is that I think the indication, or my understanding of the indication, from the government has been that all of the amendments contained in this bill were asked for by municipalities. I don't know whether they were speaking with one voice or through the AUMA or the RMA or whether it was just some municipalities. It's not totally clear to me, but it has definitely been made clear to me that at least some municipalities would like this amendment. What that means is that the amendment in the government bill was not something that they felt they were asking for. Again, that could simply be by way of oversight, right? There are a lot of things going on right now and a lot of people talking to each other, and that's why we have a check and balance in the form of the Legislature.

Those are the reasons that I think this amendment is extremely reasonable in the circumstances. They are the reasons that I will be supporting this particular amendment. I would urge all members of the House to consider this carefully because I think this is a big power that the province is granting itself, the ability to take from municipalities. I certainly know that, you know, municipalities are another order of government, and I think that they have their area, just like the province has our area and the federal government has their area. Now, it's true that unlike the divide between the provinces and the federal government, this is not a constitutional area. Municipalities are essentially creatures of statute, to a certain degree, whereas the division of powers between the province and the federal government are outlined in the Constitution.

There have been some very famous examples, particularly here in Alberta, where I think we have a bit of I don't want to say an independent streak. That doesn't sound positive. I think it is a good thing. We like to be masters of our own destiny, which I think is a very reasonable state of affairs for a province. But there have been some very famous examples throughout history of Alberta fighting back against federal overstep, fighting back against the federal government sort of stepping into what we perceive to be our arena – obviously, I'm on this side of the issue – what I think is, in fact, our arena and ought to be our arena.

So there have been those instances, and I think what we're hearing from municipalities is that they feel the same way. They feel sort of the same way towards the exercise of provincial powers as we in the province feel toward the exercise of federal powers, which is to say: "That's fine. You exercise your powers in your area, but when it comes to our area, please stay out of it, and let us make decisions based on the local facts on the ground." I don't think that that's an unreasonable thing in general for municipalities to say. I actually think it is a very reasonable thing. We have some very large and very sophisticated municipalities. It is their area. In my view, they are entitled to operate in their area, and it is only with a very light touch that we ought to remove from them those powers, much like I think that it is only with a very light touch that the federal government ought to intercede into our jurisdiction as Alberta.

I think that that's a very good reason to support this amendment. I think it's a very good reason to proceed forward with this. I would be happy to hear from the government if they have in mind a specific example, if they have a specific reason for this, what is arguably a sort of step into the jurisdiction of another level of



government, because perhaps there is a good reason. We just, to the best of my knowledge, haven't heard it yet.

So I will be supporting this, and I urge all members to do the same. Thank you.

**The Acting Chair:** Thank you, Member.

Any other members wishing to speak to amendment A2? The Member for Peace River.

**Mr. Williams:** Thank you, Mr. Chair. I appreciate the opportunity to rise and speak on this amendment and Bill 13. Again, I thought it would be valuable briefly to lay out a few of the facts and an understanding of the legislation, why it is the way it is and why we in government support this legislation as it is. I want to take a roundabout way of getting there.

A while back I was in university, and I had a rental place, as many university students do, and I wanted to hang a picture on the wall. I had very few tools at my disposal. I had a nail, a finishing nail, but for the life of me I couldn't get it into the wall. I tried banging it in with a can at first. I bent it, so I needed to straighten that nail before I continued on.

11:10

I went into the basement of the rental property to see what I could find. They didn't have pliers, didn't have a vise. It would have been a simple fix. I had a sledgehammer, though, so I took the sledgehammer, and I'm out front on the pavement trying to straighten it with one hand with this, you know, nine-pound sledgehammer. It's not working out for me. It wasn't working, Mr. Chair. I couldn't straighten the finishing nail with a sledgehammer, and that is our lesson today on this amendment. Let's not use a sledgehammer to straighten a finishing nail.

The tools at the disposal of the minister are sweeping right now in the current legislation. The minister can use his sledgehammer. He could take out an entire wall. He has the ability to completely rescind the entire actions of a council in a state of local emergency. This needs to be stated to the member opposite, who was just in her speech explaining how this is somehow interfering in the jurisdiction of municipalities. It is not interfering. What we're doing is that we're giving the minister a pair of pliers and a vise. He wants to be more nuanced in his approach. He wants to find an ability to be judicious in how he applies his authority rather than running roughshod over a municipality.

I tell you, Mr. Chair, that, hell or high water, I was straightening that finishing nail. I was. I was doing it, just as the minister will make sure he uses his authority, that he has entrusted to him by the province of Alberta. As the member opposite stated, these municipalities are creatures of the province. They're under our jurisdiction, under our legislation, and as such, the minister has ultimate authority to make sure that they're governed and act responsibly. Ultimate authority.

Our legislation, which the opposition has no problem with, currently allows that. The problem is: let's only let the minister use a sledgehammer. That is craziness, Mr. Chair. What makes sense is giving the minister the appropriate tools, allowing the minister to take action in a way where he's not a bull in a china shop, where he's being nuanced and sophisticated in his approach, especially in the midst of a pandemic.

Mr. Chair, this legislation, as the member opposite pointed out, is not going away afterwards. She asked for examples, and I'll allow the minister and other government members to speak more to that, but in this speech I want to talk about all the ways in which we don't know why this is so important. We don't know the next pandemic. We don't know if it is a pandemic that will be the next state of local

emergency for these municipalities. We don't know if they will have the expertise, the nuance, to be able to make the regulations and decisions that they need to in that time.

A great example right here is that I don't know of a municipality, as sophisticated as they might be, that has epidemiologists on staff. Does the opposition know if the city of Edmonton or Calgary has epidemiologists on staff? I'd be interested to know. I'd assume not. I'll tell you one thing: Mackenzie county, where I live, does not have an epidemiologist on staff.

There are reasons why the provincial government and the authority given to the provincial government by the Constitution to govern should have the ability to thoughtfully and in a nuanced way take action in response to a municipality's state of local emergency. That, Mr. Chair, is why we're here today, to make sure that the municipalities and the province work together collaboratively. This allows that. Instead of two, you know, jurisdictions playing chicken with each other, saying, "Are you going to go all the way or not?" it allows them to say, "Oh; that makes sense; thank you for taking that limited approach to your response" instead of having to use a sledgehammer to straighten that finishing nail.

Mr. Chair, the example was used by the member opposite that we're taking a piece of the pie from these municipalities. It's the whole pie or nothing right now. Let's allow a little slice of saskatoon pie to be taken with some nuance. Let's allow the ability for municipalities to work with us rather than pitting us against every municipality in these moments. That should be the foundation of the question that we are debating in Committee of the Whole right now surrounding this amendment.

I'm surprised, frankly, that the former councilman, as we heard from members opposite, the Member for Calgary-Buffalo, who proposed this amendment, would even suggest this as he knows the act so well and as he has been a councillor for so many years in Alberta. He, of all people, I think, as the member opposite rightfully pointed out, should understand the act that we currently have and that there is no problem with the minister having a sledgehammer, but somehow the opposition is implying: let's not give any members of government a pair of pliers and a vise to better solve problems.

So with that, Mr. Chair, I'm going to allow the opposition some time for debate as well and members from our side to contribute. I think it's important that we put this out there at the start of the debate on this amendment, exactly what the situation truly is.

Thank you, Mr. Chair.

**The Acting Chair:** Thank you very much, Member.

Any other members wishing to speak to amendment A2? The Member for Edmonton-Rutherford has the floor.

**Mr. Feehan:** Thank you, Mr. Chair. I appreciate the opportunity to speak to this amendment, which, of course, I support. Very interesting to be able to speak to it after two very contradictory speeches given by the same Member for Peace River in the same morning. It's fascinating to watch that happen as we move from one amendment to the other.

Over the last couple of days I've had an opportunity to ask what I thought were some very reasonable, serious questions about where we're going, and here I am, a couple of days later, still without the answers that I've been asking for. So I'm going to use this as another opportunity to ask again, not because I'm trying to start a fight here but because I simply cannot get an answer to the questions that I posed, and here we are in this situation.

In fact, yesterday I posed the question about: okay; you're taking some more powers, so tell us why you feel like you need to take those powers. *Hansard* tells us that the Member for Edmonton-

South West responded by mocking our side of the House and suggesting that we hadn't even read the legislation. And then he went on to say, "So this is really much ado about nothing for a provision that seeks to grant more power to municipal partners, that they have requested, not taking anything away from them, not enlarging the powers of the provincial government." It says that right in *Hansard* from yesterday. I simply had asked: we understand you're taking more powers, so just explain to us why you feel the need to do that. In turn, we get mocked for not understanding the legislation.

Now here today we're listening to the Member for Peace River explain why they need to take more powers and describe in a wonderfully colloquial way why taking more powers is helpful in having the provincial government exercise more nuance in terms of the exercise of powers. We can't have it both ways. We can't have the Member for Edmonton-South West one day mocking us for accusing them of taking more powers and then having the Member for Peace River the next day mocking us for not understanding why they need more powers. One way or the other.

**Mr. Williams:** Point of order.

**The Acting Chair:** Go ahead, Member for Peace River.

#### Point of Order Imputing Motives

**Mr. Williams:** Mr. Chair, I'm rising on a point of order under 23(i), imputing false motives. I was not mocking, nor did I intend to mock the opposition at any point during this.

**Mr. Feehan:** I will withdraw the word "mock."

**The Acting Chair:** Thank you very much, sir. Please carry on.

#### Debate Continued

**Mr. Feehan:** Thank you. The point I wish to make here is that I believe that I have been making reasonable requests, and the reasonable requests are that you just simply help us to understand the decision-making that went into arriving at the place we're at now. In the previous amendment the question was: why 90 days? And after two fulsome days of debate, not one member on that side of the House has stood up to explain. Why 90? Why not 27? Why not 43? It's a simple request, but each time I've asked them, they haven't had an answer to that. So we're left now saying: well, 90 days is some magical number gifted to us from God, and we're just supposed to accept it.

11:20

Well, we don't accept it on this side of the House because our job at a time when the government is making a decision to remove powers from citizens and bring that power into the hands of government is to ensure that that power is never excessive and does not undermine the democracy in which we live. It's a very reasonable question to be asked by an opposition during a time of crisis, and it is reasonable to expect an answer. I can't understand why, after this multitude of hours of debate, a simple response to, "Why 90 hours?" cannot be given.

Now we're here in the second set of discussions on amendment A2 asking a similar question. What is the nature of the oversight that will be used when we extend powers to the government that are normally powers in the hands of citizens? A pretty reasonable question in a democracy. Always, when we take powers away from citizens, we should be saying to ourselves: "Is this necessary? Is

this the right amount given the context or the circumstance under which we'll do it?"

We're not arguing that it doesn't have to be done sometimes. We certainly believe in the intervention of government in the lives of citizens in the province. Our party is in fact founded on notions of the appropriate role of government intervention, and we're very glad that this government has finally seen the light and has abandoned their previously misaligned philosophy of ignoring the role of government in society and is actually looking to define and shape and help us to create a circumstance where government is appropriately working on behalf of the citizens in the province of Alberta. We're glad that you're here. Now we just want you to explain why you've chosen what it is that you've chosen.

In this particular case, in spite of what the minister said yesterday about not increasing powers, we find ourselves actually reading section 8, which clearly says, "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." It says right in the bill that we have received from that minister that you are going to allow him to do all those things. That is an exercise of greater powers. Again, we're simply at the place of asking the reasoning for that, asking: why is it that you would choose to give greater powers?

It was only a few minutes ago that the Member for Peace River stood up and gave an impassioned speech about why we would deny the local authorities the right to be able to enact legislation that's appropriate to them, saying to us across the floor that somehow we didn't respect the people who are on the ground doing the things that needed to be done, the people in the right place at the right time, and that somehow we should show more respect for the local authorities. He said so with such vehemence and then sat down. Then moments later he stands up to defend why he and his government do not want to respect the decisions made by the local authorities and instead want to give the minister the ability to intrude, without coming back to the House and without the oversight of the democratic process, in the decisions by the local authority. Now, there's a word for that, when you say one thing at one time and an hour later say exactly the opposite, but I don't want to have to withdraw a second word this morning, so I won't use it. I'll say that it's contradictory. I think that's considered parliamentary. Contradictory.

Here we are, back at the same place that we've been essentially for 24 hours. You have brought us back into this House because you say that there is essential legislation that needs to be passed. We agree that that's exactly why the House should be recalled in spite of the fact that we know that we are going against the advice of the chief medical officer in being here and having all of these staff people and so on in this building. We understand that that needs to happen from time to time, so we've agreed to come back. The very point of our being here is to have you explain the reasons why we are here in the context of this pandemic. We provided you literally 24 hours of time to answer those questions, and here we are, more than 24 hours since we first began this conversation yesterday, having debated these things until past 4 o'clock in the morning, still without the answer.

The question is: on what basis did you make this decision? Help us understand why you are taking rights away from citizens in the province of Alberta in a way that we can justify and that we can support. If you are able to articulate your reasoning for these actions that you are taking, then we will find ourselves in a place of considering whether or not we will be able to support those actions. Right now, as you have made the decision to not directly address the questions that have been laid before you, we find ourselves in a place of having to introduce amendments that highlight and identify

the problematic areas in the legislation and, of course, ask you to change that legislation as you cannot defend the legislation that you have brought forward.

As such, I am here supporting this amendment, amendment A2, which suggests that we should not be giving an increase of arbitrary powers to a minister unless we have some mechanism of oversight, and we don't see any mechanism of oversight in this process. We used to have the ability to bring these kinds of decisions back into the House to renew the municipal powers every seven days, which gave us an opportunity for oversight, which the Member for Peace River yesterday described as being very effective in the Chuckegg fire in his jurisdiction. He talked about how many times they had reintroduced the seven days of powers given to the municipalities and how effectively it worked, and now he wants to take all of that away and is not able to explain why we want to do that.

This amendment is saying that arbitrary power is dangerous. It doesn't mean that government does not have a role. We appreciate the role of government, and we support the role of government, but it is also the role of government to submit themselves to review by the citizens of the province of Alberta, as is the nature of a democracy. That's all we're asking. How will this government submit itself for review? Just help us understand the process, and help us to get to a point where we can agree that these kinds of extraordinary, extensive, overreaching powers are necessary. If you feel like you have the answer, I certainly will sit and listen to the answer, but having requested that answer and having sat and listened to the debate in this House now, as I said, for over 24 hours, I'm feeling mildly frustrated that that answer is not forthcoming.

I think at this particular time we don't have the basis on which to be supportive so that it is a requisite for us as members of the opposition, then, to say that we cannot be supportive. I wish things were different. I wish there were an alternative that I could grab onto and feel comfortable with, but I don't see that alternative being presented in this House at this particular time. As such, I'm asking the members of this House to seriously consider this amendment, to withdraw the extraordinary powers being given to the minister until such time as they give us some greater clarity on either the reasons for those extraordinary powers or the mechanisms for removing those powers if we feel that they are being used inappropriately, which is a very reasonable and normal request in any democracy, and as such I would like to see us get to a better place on this. We seem to have spent an awful lot of time talking about a very short bill.

I certainly hope that the Member for Edmonton South-West could respond to my concerns without turning it into an attack, without, you know, denigrating the fact that we are asking questions, and just simply try to address the questions and assure us that they understand the question and that they have an answer which they believe will satisfy not, of course, the opposition but the citizens of the province of Alberta, who have a right to have questions asked of their minister and have a right to have those questions responded to in a respectful way.

Thank you very much for this opportunity, and I will cede any of the rest of the time I might have to the House. Thank you.

11:30

**The Acting Chair:** Thank you, Member.

Any other members wishing to speak to A2? The hon. Minister of Municipal Affairs.

**Mr. Madu:** Thank you, Mr. Chair. I have been listening to some of the debate around Bill 13, and I wanted to make sure that I provide my colleagues, on both sides of the aisle, once again an opportunity to understand that I still stand by the comments I made in this House

yesterday, that this whole debate on the part of the opposition is much ado about nothing. I fully respect their responsibility as Her Majesty's Loyal Opposition to hold the government to account, to debate bills, and to participate in the proceedings before this particular House.

But on this Bill 13, this is one bill that I do not anticipate this level of unnecessary partisan political debate, the reason being that with this bill, all it does is say to our municipalities that in a time of the COVID-19 pandemic, rather than you having to renew your local state of emergency every seven days, when we have asked people to stay home but the business of council must still continue and when we know that it is going to take us more than seven days to deal with this pandemic, you now have up to 90 days if you choose to declare a local state of emergency.

Mr. Chair, so that I am clear, this is a flexible tool, as my colleague the Member for Peace River eloquently stated before this particular House. It gives that flexibility into the hands of our municipal partners to make a determination as to whether or not to declare a local state of emergency for seven days, two days, one week, 20 days, 30 days, 90 days. The act preserves the municipal council's authority to end their local state of emergency. It also preserves their authority to, you know, amend to reduce that length of time.

Mr. Chair, I just want to read – and I will table this at the appropriate time – a news release dated April 8 by the Alberta Urban Municipalities Association, our largest municipal association in this province. It reads:

Alberta's municipalities and AUMA fully support the provincial government's April 7 announcement about amending the Emergency Management Act. The extension of local states of emergency for up to 90 days are a necessary step to respond to Alberta's evolving situation.

We also expect that providing the Minister of Municipal Affairs with the power to modify a state of emergency, without terminating it, will remove unnecessary red tape during this time of uncertainty due to the COVID-19 pandemic.

We've been supportive of many of the provincial government's legislative modifications in response to the COVID-19 pandemic, including:

- amendments to the Emergency Management Act [made on March 20]
- virtual council meetings
- education tax relief . . .

and on and on.

The point I'm making, Mr. Chair, is that at this point in time the only option that I have, if I determine that a particular local state of emergency or a part thereof needs some tweaking, is to completely get rid of it, something that our municipal partners don't want. That's the only option. The Member for Peace River's analogy with the sledgehammer: I mean, that sums it up very well. At that point in time I expected this debate to come to an end. The only option I have right now is to step into a particular municipality where we have made the determination that it ought not be in place or where we think that it needed modifications and to completely end it, which would jeopardize or put into jeopardy at this point in time local residents and the safety of our communities.

Something that these municipalities asked for: why should that be a subject of this extra-heated partisan debate? Again, I am not surprised. The other members right beside me might be surprised, but the NDP: I know them too well. It's all for show, the optics of it out there, looking for a gotcha, clipping for Facebook and Twitter. The fundamental question is: to what extent will this particular debate or the amendment they've proposed ensure the safety of our people and our communities across this province? To what extent would the amendment they proposed provide the needed flexibility

that the municipal partners are looking for? They are not interested in any of these questions. For them, it's politics as usual at the time of a pandemic.

We have several of our front-line workers out there working so hard day and night to keep all of us safe, to prevent the spread of COVID-19. My heart goes out to each and every one of them and to those families who have lost loved ones. We pray for comfort for their families, friends, and loved ones.

But this is a tool that I think is much needed at this point in time. The Minister of Municipal Affairs, by the current Emergency Management Act, can even order conscription. That is the extent of the powers. But we are saying: no; this time is different. We want to work with our municipal partners. We want to reason with them. We want collaboration. This is a moment in our history where we need to be collaborative, to reason with one another, to make sure that they've got all of the tools that they need.

By the way, Mr. Chair, the provincial government already, under the current framework, has got 90 days, so we have not – I repeat: we have not – sought to enlarge the powers of the provincial government. I repeat: the part we have right now for the provincial government doesn't allow the flexibility for us to be able to reason and work with our municipal partners; hence, the provisions around our ability to be able to modify any aspect of a local state of emergency. The AUMA has, by this news release of April 8, confirmed that.

I know that the members opposite love to heckle and love to argue for the sake of arguing, but we are here for serious business. The members on this particular side of the aisle understand the unprecedented time that we are living in. All of our lives changed a few weeks ago, something none of us ever saw coming. But here we are. The question for us, then, and what the people of Alberta expect is whether or not their government is functional and whether or not their government is going to be there for them, to provide them with the tools to be able to make sure that we ride this rough period together and emerge stronger than ever.

They are hanging onto this 90 days, something that the provincial government already has. It's not a right that we are giving to the provincial government. It is something that we are giving to our municipal partners, not taking it from them to the provincial government. We are giving them more time rather than having to come back every seven days. You know, Mr. Chair, I just yesterday received a notification of the renewal.

11:40

**Mr. Eggen:** Mr. Chair, point of order.

**The Acting Chair:** Point of order noted. Thank you, sir.

**Mr. Eggen:** I just want to, you know, tactfully remind the hon. minister that we are in fact speaking on amendment A2, right? He's talking on A1, which is already past. The 90-day thing has already been done. We're on a different amendment here now. I think he just came in. Maybe he doesn't know which amendment we're on, but he's speaking on the amendment that was already defeated. I just wanted to point that out.

**The Acting Chair:** Actually, I'll interject there. You should have a citation, first, for a point of order. But I do believe that the minister is actually speaking to amendment A2, where it comes to powers being taken away or given to the municipalities, so I would say that this is not a point of order.

Carry on, Minister.

**Mr. Madu:** Thank you, Mr. Chair. You are absolutely correct. That is exactly what I was alluding to, but I wanted to provide some context.

I am talking about the powers of the provincial government versus those of the municipal government under the current Emergency Management Act and under the bills that we have put forward, under Bill 13. We have not sought to enlarge the powers of the provincial government. To the contrary, what we have sought is to give added authority to our municipalities to better manage their declaration of a local state of emergency. I was saying, before the member rose on the point of order, that just yesterday I received notification of this weekly renewal of a local state of emergency. In a time of this COVID-19 pandemic I would not want to have our municipal leaders and councils worry about that paperwork. I would want them to focus on the needs of our residents in their local communities.

The powers that the province has at this point in time, as I said before, Mr. Chair, are essentially contained in section 22(2) of the Emergency Management Act, which is that if I make a determination that any aspect of a declaration of a local state of emergency needs to be tweaked, I can't do that. I can't work with them to do that. The only option that I have is that sledgehammer that the Member for Peace River talked about: just kill the entire state of local emergency. I don't understand how the members opposite would want that to be the only option in a pandemic. I don't understand why they wouldn't want that particular flexibility for us to be able to work with our municipal partners if not for politics.

With that, Mr. Chair, that amendment: as far as I'm concerned, this is not a bill that requires an amendment. This is something that our municipal partners asked for. It is something that the associations fully support. I don't know who they are speaking to out there, but as I said last night, I had a town hall where we had 400 Reeves, councillors, mayors, and chief administrative officers, admin staff from municipalities. Not one person raised any issue on this particular bill. This bill was already tabled. I took the time to brief my colleague the critic on the municipal file, the Member for Calgary-Buffer. I took the time to reach out to AUMA, RMA on this amendment. Not one person raised any of the concerns that these members opposite are raising in this particular House.

With that, Mr. Chair, this amendment is uncalled for, and I will urge all members to vote it down.

**The Acting Chair:** Thank you, Minister.

Are there any other members wishing to speak to amendment A2? The Member for Calgary-McCall.

**Mr. Sabir:** Thank you, Mr. Chair. I rise to speak in support of amendment A2, which the Member for Calgary-Buffer moved, that "Bill 13, Emergency Management Amendment Act, 2020 (No. 2), be amended by striking out section 8." I think we fully understand that COVID-19 is a serious public health threat. We fully understand that we need to take it very seriously, and we fully understand that government needs to be able to do everything to deal with this pandemic. At any point that we need to come back to this House to deal with those matters when government needs those powers, needs to change things in order to address this pandemic, we are happy to be here. That's why we were asked to come here. At the same time, we are not engaging in any partisan political attacks.

Prior to this pandemic when bills were brought before this House, they were not always on this speedy route where you can introduce a bill and pass it before the end of the day. In my five years in this Legislature, other than the pandemic, I don't remember seeing that process followed. So if government is bringing something here, it should be closely related to and tied to their ability to manage the pandemic. Our role as opposition is to hold this government to

account, and that's what we are doing. It won't be the case every time that government will introduce a bill in the morning and get it out in the evening because that's not the process we follow.

If government wants to change their relationship with municipalities, I think the government of the day has every right to do that. When we were in government, we made changes to the Municipal Government Act. I remember that the then Minister of Municipal Affairs, hon. Danielle Larivee, went across this province, talked to municipal leaders, and brought forward a number of changes to the Municipal Government Act. That process almost took two years. City charters were a result of those consultations. What I'm saying is that when government wants to change those relationships, the government of the day certainly has the power. Certainly, it's their prerogative to do that. But in a democratic society how we approach those things: we do that in collaboration and in consultation with those who are impacted by these changes, those who are better positioned to know about those changes, to know about issues in their jurisdictions and in their municipalities. That's how we approached these changes.

We mentioned earlier – I will say it again – that legal scholars, even their friend John Carpay and the institute of constitutional freedoms, have said that the changes government brought through Bill 10 give them the ability to amend, change, and even write new laws to deal with this pandemic without the Legislature's oversight. Last week they acquired that power. Our government has the ability to make changes, to tweak laws, to write new laws to deal with these issues, to deal with this pandemic.

**11:50**

Now here we are. We are discussing another change to the Emergency Management Act. I do understand that government needs to act fast during this pandemic. They need to have that ability to respond to changing situations. Even earlier today we learned that 117,000 Albertans lost their jobs – 117,000 Albertans, and that number doesn't include the 25,000 education staff that the government laid off a couple of weeks ago. My thoughts are with all those Albertans, and I believe that what's of emergent nature is that government needs to be stepping in to make sure that those Albertans who have lost their jobs have the resources, the means, the wherewithal to get through this emergency.

On that front the government is less than forthcoming. They have a transition program, the emergency isolation benefit. Last Monday that website was closed, completely shut down. Those are the kinds of things that are of real, emergent nature that Albertans want and

that we want government to be focusing on: 117,000 Albertans losing their jobs. Along with this serious health threat this pandemic is also threatening Albertans' livelihoods as well. This is not one of those things that this government needs to deal with this pandemic.

The minister spoke about the amendment that was defeated by his colleagues on that other side, and my colleague the MLA for Peace River spoke passionately about how municipalities need to have that flexibility to deal with this pandemic. That's why they took that seven-day limit out and put 90 days there. All the arguments that were presented were that they are on the front lines, that they need to move quickly, and that they know better because they are on the front line. Those were the arguments made in favour of that amendment, sure enough.

Here what we are seeing is that "the Minister may, by order, restrict, prohibit or terminate the exercise . . . by a local authority of any power." Further, "the Minister may, by order, rescind, cancel or modify any bylaw enacted."

**The Acting Chair:** I'm sorry to interrupt, Member, but under Standing Order 4(3), the committee shall now rise and report progress.

[Mr. Hanson in the chair]

**The Acting Speaker:** The Member for Lac Ste. Anne-Parkland, please.

**Mr. Getson:** Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 13. I wish to table copies of the amendments under consideration by the Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** Does the House concur with the report? All those in favour, please say aye.

**Hon. Members:** Aye.

**The Acting Speaker:** Any opposed? Carried.  
The Minister of Justice.

**Mr. Schweitzer:** Thank you, Mr. Speaker. We've made some excellent progress here this morning. I move that we adjourn the House until 1:30 p.m.

[Motion carried; the Assembly adjourned at 11:56 a.m.]



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