



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Tuesday afternoon, June 16, 2020

Day 32

The Honourable Nathan M. Cooper, Speaker

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

Second Session

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United Conservative: 63

New Democrat: 24

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Legislative Assembly of Alberta

1:30 p.m.

Tuesday, June 16, 2020

[The Speaker in the chair]

Prayers

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

Please be seated.

Members' Statements

Education Funding

Mr. Carson: Mr. Speaker, this week the Edmonton public school board released their budget, which includes 611 layoffs. This is a direct result of the UCP's policies. The UCP has chosen to attack public education and download costs on parents. They will always say that they have not cut the Education budget. They cite lines in their budget which do not recognize the changing population and realities of our province to make it appear that everything is fine while ignoring the on-the-ground realities for staff, students, and parents. With decreases to PUF funding and the firing of 20,000 educational assistants, which we are starting to see are not just temporary layoffs, what choice do students with special needs have? These changes to education create further uncertainty for students and parents.

It seems that the communication plan of the UCP is to make it difficult for Albertans to realize how damaging these changes will be by using political spin and deflection, but there is no way to spin the budget that the Edmonton public school board just released. They have less to work with. To make matters worse in these uncertain times, schools will require more resources, not fewer.

I listened to the Minister of Education yesterday, hoping for answers for my constituents but, sadly, did not get them. If students go back to school and need to physically distance, how is it possible to do so with increasing class sizes? If students are separated to different classrooms, how is that going to be managed with fewer staff? Even before the pandemic I attended a school council meeting where they were being forced to choose between their librarian and their music teacher. This should not be a choice that parents are forced to make.

My office has been inundated with phone calls and e-mails about the UCP's cruel attack on education. I've been listening, and I hope that the UCP is listening as well. It is wrong for the UCP to take federal handout money to pay for their partisan work while taking money away from the students who need it most. The Education minister wants to walk the stage with these students, but her budget and her record do not deserve a passing grade.

The Speaker: The hon. the Member for Fort McMurray-Lac La Biche.

Public Service Week

Ms Goodridge: Thank you, Mr. Speaker. I'm happy to recognize Public Service Week, which celebrates Alberta's public servants from June 14 to June 20. This is a time to give thanks and to

recognize the tens of thousands of dedicated public servants who proudly serve Alberta every day. Public service workers in Alberta are essential as they contribute so much to our province. During this week we give a voice to those who work tirelessly behind the scenes.

During the COVID-19 pandemic we have seen how incredibly important their contributions have been to our province and our country. As the MLA for Fort McMurray-Lac La Biche I would like to sincerely and profoundly thank all of the dedicated first responders, emergency management personnel from the regional municipality of Wood Buffalo, Lac La Biche county, Buffalo Lake, and Kikino for their amazing work over the last few weeks during our floods. These public service workers worked around the clock to ensure that Albertans were able to stay safe during the recent flooding events. They have made sure that our day-to-day lives are running smoothly, and they work at all hours to make life better for all Albertans.

Even though these last few months have been challenging for many, given the COVID-19 pandemic, the downturn in the economy, the collapse in oil prices, as well as the devastating natural disasters we've been experiencing across our region and the province, these dedicated public servants continue bringing innovation and excellence in their jobs every day to serve Albertans. Albertans have needed assistance in so many different ways during these challenging times, and public servants have been there to help them.

To all public servants: I know that most Albertans will agree that you take great pride in the work that you do each and every day and continue to do for all Albertans. We could not have survived this pandemic without public servants, and I know that many Albertans would not be able to get through without the necessary supports they provide.

Thank you.

MakeWay

Mr. Sigurdson: Mr. Speaker, for more than a decade our province has been a target for environmental radicals who seek to shut down our largest industry and impair the economic prosperity of Albertans. What's worse is that these radicals are often backed by foreign dollars seeking to interfere in our economy. Many Albertans know about the Tides Foundation, one of the central players in the Tar Sands Campaign to land-lock Alberta oil and gas.

Well, Mr. Speaker, get this: after years of the Tides Foundation smearing our energy industry and attacking the well-being of hard-working Albertans, Tides Canada is now rebranding, claiming that their name has been smeared by Albertans. It's ironic that after years of indiscriminate demonization of our province, Tides is crying foul that Albertans started fighting back. Frankly, what Albertans have done is shed the light of truth on the work of Tides and their sources of foreign funding.

In that spirit I'd like to remind the House of the facts when it comes to Tides or MakeWay, as it will now be known. Let's start with their funding. Between 2000 and 2010 Tides Canada and projects undertaken in Canada by the U.S. Tides Foundation saw more than \$55 million funnelled from U.S. foundations to attack our industry. What have they done with this money? Here are a few examples. They sent tens of thousands of dollars to West Coast Environmental Law to fund legal action to constrain the expansion of our oil sands and attempted to delay critical pipeline projects with endless lawsuits. They sent thousands more to Sierra Club BC to fund activism meant to stop the export of our resources from the B.C. coast. They even funded a Greenpeace website that attacked Alberta's tourism sector.

Mr. Speaker, the actions of Tides Canada and their radical U.S. allies are shameful. Albertans will not forget their attacks on our

economy and our prosperity. They can change their name to MakeWay or anything else, but unlike the previous NDP government, who stood with organizations like this, our government and the people of this province will continue to fight back.

The Speaker: The hon. the Member for Edmonton-City Centre.

Rural Physicians

Mr. Shepherd: Thank you, Mr. Speaker. On May 29 all nine of the doctors who practise in the town of Athabasca announced that they would resign from their local hospital. The Minister of Health tried to deny this was happening, but this week the mayor and council of Athabasca wrote him a letter. I'd like to read a few paragraphs from it.

The council of the Town of Athabasca supports the doctors' demand that the government reopen negotiations for a mutually agreed contract . . .

We are proud of the work our doctors do and their commitment to the health care of all our people. Many have been here for . . . years but we do have a few new doctors and we are concerned that they may leave. Any reduction in medical services will have a deleterious effect on patient care and we wish to avoid that at all costs.

The letter goes on:

The Town of Athabasca is not the only community where rural/small urban doctor groups have made this decision. Indeed there are, at last count, 45 communities that have received this type of letter . . .

We highly doubt that there are enough doctors to man all [of] the emergency departments in those areas where service has been suspended and the result will be a loss of care for those of us living outside the main cities.

The minister said that he fixed this problem in April. He claims that he wrote a \$100,000 cheque for every rural doctor in the province. Well, Mr. Speaker, it seems that there are more than a few rural doctors who haven't received theirs yet. Perhaps they'll arrive in due course.

In the meantime I think the Premier needs to go to Athabasca and find out what his Health minister and the local MLA are not telling him. Indeed, the Premier could visit any one of dozens of rural communities and hear the truth, unless this crisis in rural health care is the Premier's chosen policy, to chase doctors out of rural hospitals and then close the emergency rooms and the delivery rooms behind them. All these doctors are asking for is their constitutional right to contract arbitration, and they'll likely get that from the courts eventually, after this government has wasted millions of Alberta taxpayer dollars in legal costs, but by then permanent damage to rural Alberta will already be done. I urge the Premier to go back to the table with doctors, and perhaps he can start by going to Athabasca.

The Speaker: The hon. Member for Sherwood Park has a statement to make.

School Re-entry Plan

Mr. Walker: Thank you, Mr. Speaker. I have heard from many families in Sherwood Park that students and parents alike are eagerly anticipating the return to in-school classes. The school re-entry plan released last week by our government gives parents and schools the information they need to prepare for reopening while prioritizing the safety of students and staff.

1:40

Our plan offers comprehensive guidance for school authorities to prepare for three possible scenarios in September while addressing

a wide range of operational issues, including hygiene and health requirements, student learning, transportation, diploma exams, and mental health and psychological supports for students and staff. Our school re-entry plan was crafted in consultation with the Alberta School Councils' Association, who received more than 66,000 survey responses from all 61 school divisions in the province.

As a recent survey conducted by the Alberta Teachers' Association indicates, teachers are concerned about the health and safety of themselves, their colleagues, and their students. We have made sure to consider and address those concerns. Our plan includes measures to mitigate the risk of COVID-19 outbreaks by mandating enhanced cleaning and disinfecting, including daily cleaning of all areas of the schools and cleaning high-touch surfaces several times a day.

Should circumstances call for the need for more stringent measures to reduce the spread of COVID-19, we have prepared scenario 2 to provide the necessary rules and guidance for school authorities to put in place additional health measures. Our new normal after COVID-19 calls for all of us to stay vigilant and maintain health precautions. It's what Albertans expect, and it's what our school re-entry plan will deliver.

Thank you, Mr. Speaker.

Education Funding

Mr. Schmidt: Last week I tabled a petition signed by thousands of Albertans that urged the members of this Assembly to fund K to 12 education according to enrolment growth. This petition was started by two parents in Edmonton-Gold Bar, Sarah Dickey and Amber Giesbrecht, who were very concerned about the funding reductions made to their children's schools last year and wanted to take action to prevent further reductions being made this year.

To all the parents who signed the petition: I have good news and bad news. First, the bad news. The UCP has made funding reductions to school boards across the province, and they don't even have the courage to admit that they've done so. When asked, the UCP denies they've done it, they deflect blame to the NDP, and they denigrate people asking the questions as enemies of the state. This strategy of deny, deflect, and denigrate is designed to keep people silent. They hope that after signing the petition, you'll just go back to being silent, but we know it won't work because here's the good news. To everyone who signed the petition: you're not alone. There are thousands and thousands of Albertans just like you who see the importance of well-funded public education and are willing to take action to defend it. With numbers come power.

The protests in the United States have demonstrated clearly that when thousands of people work together to demand change, they can make that change happen. I urge everyone who signed the petition to stay in contact with each other. Organize in your communities to take further action. If you work together, you can make this government reverse these decisions.

You have the power to change the future of public education in Alberta. Use it. We in Alberta's NDP will have your back.

The Speaker: The hon. the Member for Lethbridge-East has a statement.

Red Tape Reduction

Mr. Neudorf: Thank you, Mr. Speaker. I rise in this House today because Alberta's historical prosperity has been no mistake. We have in this province unleashed the power of free individuals and businesses to a greater extent than any other peer jurisdiction.

For many years the Alberta advantage meant that we were the best place in all of North America to live, work, and do business.

That simple phrase had a lot of backing, but years of damaging policies, increased regulations, and red tape creation have taken their toll on our reputation.

This government's commitment to reducing red tape is not only helping job creators do business here; it's helping everyday Albertans. Red tape reduction is about getting rid of unnecessary intrusions. For example, this government recently loosened regulations on the sale of homemade local goods. The government has no place regulating the sale of cookies and jam to a neighbour.

Mr. Speaker, I won't sugar-coat it. Albertans' can-do attitude and spirit has been battered recently. Between four years of a regulate it, tax it, subsidize it NDP government and an international economic crisis brought on by COVID-19 and an oil price war, Albertans have had enough.

Here is an example of the foolishness, Mr. Speaker. The previous government used Albertans' own money to buy new efficient shower heads, thermostats, and insulation, not to mention that government employees would install many of the new appliances. Many people saw this as an employment opportunity. But make no mistake, this program did not create jobs; it created costs. These taxpayer-funded employees did not add any new value to the economy; they just spent Albertans' money during a downturn. That is why our government tabled Bill 22, which, when passed, will speed up approvals and timelines for important projects, making it easier for nonprofits and businesses to operate in our province.

It's time we looked to the simple maxim: sometimes less is more. Less government spending is more money in the pockets of Albertans, less red tape is more jobs, and less interference is more freedom. In this case, less is more. [interjections]

The Speaker: Order. [interjections] Order. Perhaps less would have been more there. I'm not sure.

The hon. Member for Brooks-Medicine Hat.

Firearms Policies

Ms Glasgo: Thank you, Mr. Speaker. Many people in our province are frustrated with how disconnected Ottawa is in matters of importance to everyday Albertans, and I'm frustrated, too. With the stroke of a pen, Justin Trudeau made criminals out of hard-working, responsible, law-abiding Canadians. It is clear that Ottawa has arbitrarily deemed certain guns illegal based on nothing more than how they look. What is also clear is that Ottawa has no problem interfering and taking legally obtained private property from Canadians for no other reason than to push an ideological agenda.

Even more concerning, Mr. Speaker, is that this gun grab was enacted by an order in council: no debate, no consultation, and zero justification. The federal government used a tragedy in Nova Scotia for political gain, and it is shameful. This nonsense legislation does nothing to address the root causes of gun violence or trafficking, and to make matters worse, the Trudeau government is actually entertaining the idea of allowing municipalities to ban handguns. This is a blatant and obvious overreach as municipalities fall under provincial jurisdiction. Everyone knows that.

Albertans have had enough of Ottawa's meddling. I hear about it all the time. This government was hired in record numbers on our platform to get a fair deal for Alberta. From the time I've been campaigning, I have heard not only from the wonderful constituents of Brooks-Medicine Hat but from people right across this province that private property rights are of the utmost importance. That includes the right to responsible gun ownership, Mr. Speaker.

It is a great honour and privilege to be asked to chair the Alberta Firearms Advisory Committee. In fact, we had our first meeting on

Monday. Engaging with people across the province will provide valuable feedback so that this committee can compile recommendations for our government to better assert provincial jurisdiction. This committee will also collect input on how a chief provincial firearms officer can strengthen the firearms program in Alberta. I look forward to working with the talented and capable individuals on this committee and to developing policies that reflect Albertans, not Ottawa.

Thank you, Mr. Speaker. [interjections]

The Speaker: Order. Order.

The hon. the Member for Calgary-East.

Small Business

Mr. Singh: Thank you, Mr. Speaker. The spirit of entrepreneurship in local business plays a vital role in the liveliness and atmosphere of my constituency. Besides the obvious economic benefit and the jobs they provide, there are many more key contributions that small businesses provide for both their local community and our province as a whole.

This is not to discount the vast contributions that major companies provide our province in terms of raw economic gain, but there is something different about stepping into a local mom-and-pop shop as you will feel the attachment with them. Knowing that the restaurant down the street or the convenience store around the corner is owned by a friend, family member, or neighbour in your community keeps spirits high and boosts morale in the neighbourhood. It also gives consumers a sense of belonging and pride, knowing that every one of their purchases in these local restaurants and shops is going to support someone in their community. Neighbourhoods feel livelier and more personal when you walk into a store and the owner, who you're quite familiar with, greets you by name.

I'm honoured that my constituency of Calgary-East is the home of International Avenue, which offers an abundance of locally owned restaurants, stores, and services like mechanics, autobody shops, and accounting firms. Many of these small businesses have been struggling over the last couple of months, and I would like to strongly encourage Albertans to shop in and support their locally owned businesses to ensure that they continuously operate and remain to offer goods and services with a touch of Alberta culture.

Thank you, Mr. Speaker. [interjections]

The Speaker: Order. Order.

1:50

Oral Question Period

The Speaker: The hon. Member for Edmonton-Gold Bar has the call.

Bill 22

Mr. Schmidt: Mr. Speaker, the UCP just can't help themselves. Bill 22 is loaded with language that gives more power to individual ministers, moving away from cabinet accountability. Apparently, cutting red tape just means getting rid of any transparency and accountability measures that make them answerable to the public. To the Premier: can you give us one concrete reason why the Minister of Energy should have sole discretion over royalty rates? If not, when did you decide that democracy was red tape?

Mr. Kenney: Mr. Speaker, one of the reasons that this government inherited a jobs crisis from the NDP was the massive increase in the job-killing red tape burden. Alberta had become the most

overregulated and slowest moving economy in Canada. According to the Canadian Federation of Independent Business Alberta was the only province in Canada to get an F on red tape. That's why this government was elected with a clear mandate: to reduce by at least one-third the regulatory burden on Alberta to get our economy growing again. Bill 22 is a key part of that.

Mr. Schmidt: Mr. Speaker, these royalty agreements determine the value that Albertans get for the resources that we all own. Every Albertan has a stake in this. Right now these decisions are made by cabinet, so the changes are public, and Albertans can see what the government is doing. The only reason to pass this bill is because the government doesn't want Albertans to know what's going on when it comes to their resources. Is the Premier planning to sign sweetheart deals for Alberta's resources behind closed doors, and if not, will he prove me wrong and commit to making all royalty agreements and changes public?

Mr. Kenney: The answer to the question is no. We have no such intention.

Mr. Schmidt: Well, Mr. Speaker, I am shocked that the Premier is so bold in asserting that these resource deals will be signed behind closed doors.

Mr. Speaker, this is exactly why no one trusts the Premier. Using red tape legislation to remove government accountability is shameful. The minister's press secretary told CBC, quote: this legislation is not intended to make changes to our royalty structure for oil and gas. But it does. It gives the Minister of Energy the ability to change royalty rates with no public reporting. Premier, explain to us: if this is not about changing royalties, why make this change at all? Is it that your definition of red tape is public accountability?

Mr. Kenney: In a perfect illustration of the bad faith that characterizes the NDP in general and that member in particular, I said that, no, we would not be making such commitments behind closed doors and secretly, and then he reinterpreted the no as a yes. Mr. Speaker, black is white. They just reverse everything, they distort facts, they divide people, and that's one of the reasons Albertans fired them as the first government in the history of the province to be fired by voters after just one term. [interjections]

The Speaker: Order.

The hon. Member for Edmonton-Gold Bar for the second of questions.

Mr. Schmidt: Mr. Speaker, if it helps the Premier work through his issues, I'm happy that he's projecting his own failings onto us.

Environmental Monitoring

Mr. Schmidt: Mr. Speaker, yesterday the government announced that they would let the public health emergency in our province expire, yet we still aren't conducting proper environmental monitoring, which the AER claims to have shut down due to the same emergency. So far this Premier has ignored the calls of indigenous Albertans, biologists, and now, as it turns out, even the Chief Scientist of Alberta. Can the Premier tell this House when he plans to order the AER to resume monitoring? How much longer can he use the pandemic as an excuse?

The Speaker: The hon. Government House Leader and Minister of Environment and Parks.

Mr. Jason Nixon: Well, thank you, Mr. Speaker. As has been covered in this House many times before, the Alberta Energy Regulator is independent from the government. Alberta's Chief Scientist works for Alberta Environment. In fact, he works for me. Alberta Environment has not suspended any monitoring, nor has the Alberta government in any way. The Alberta Energy Regulator has made some safety changes, and as we relaunch – we're in phase 2 of relaunching the economy – the AER will adjust to the new realities that we face in the province.

Mr. Schmidt: Mr. Speaker, First Nations have said that the government violated their treaty rights by not consulting before unilaterally suspending environmental monitoring. It now turns out that the AER did not consult with the government's own Chief Scientist before suspending air, soil, and water monitoring requirements either. On top of that, biologists say that the government could have easily come out with regulations to adjust the work to public health protocols at the time. So if no one asked the Chief Scientist, the biologists in the field, or indigenous people, who exactly did the government talk to?

Mr. Jason Nixon: Mr. Speaker, Alberta's Chief Scientist was clear that he would not be consulted by the AER. He does not work for the Alberta Energy Regulator, who is independent from government. Alberta's Chief Scientist reports directly to me as the minister of environment, and the ministry of environment did not make the decisions in regard to the AER because they're independent from government. Here's the reality: 98 per cent of monitoring remains in place. There have been minor changes, as the Alberta Chief Scientist actually pointed out, to be able to help with safety issues, and as we relaunch the economy, we'll be making sure that one hundred per cent of monitoring is taking place across the province.

Mr. Schmidt: Well, Mr. Speaker, I will remind the minister that 80 per cent of statistics are made up, including those that he just presented to the House.

In a direct response to this government's inaction indigenous communities are now asking the federal government to step in and do their job for them. We already know that this government loves to get help from the Trudeau Liberals when they're in trouble. But right now Albertans are asking for Trudeau because he's more reliable than this Premier on this issue, Mr. Speaker, and that must be embarrassing. For how long will the government need to continue to ask Trudeau to do the Premier's work?

Mr. Jason Nixon: Mr. Speaker, again, 98 per cent of monitoring remains in place in Alberta, and all monitoring remains in place in the Department of Energy and the department of environment in the province of Alberta. But what is embarrassing is that member and the NDP Party, who have stood with Justin Trudeau for years to block energy development in this province and this country. That member himself has stood on the steps of this Legislature and chanted: no more pipelines. Shame on him.

Mr. Schmidt: Point of order.

Mr. Jason Nixon: Albertans know who Justin Trudeau's ally is when it comes to shutting down the energy industry; it's the NDP. This government is going to stand with Albertans and our largest industry.

The Speaker: A point of order is noted at 1:56.

The hon. Member for Calgary-*Buffalo*.

Calgary Storm

Member Ceci: Thank you, Mr. Speaker. The impact of the Calgary hailstorm is massive. Hail the size of tennis balls has caused more damage to homes in Calgary than the 2013 flood did. It's a disaster. Yet when he was asked yesterday to declare it a disaster and help Calgarians who are not able to afford repairs or pay their deductible, the Premier gave no phone number. He said: call your insurance agent. To the Premier. The mayor of Calgary made it clear that they need help with the costs, not the claim. Will you step up for the people of Calgary? Yes or no?

Mr. Kenney: Well, once again, deception coming from the NDP, a party of desperation, because they completely mischaracterized what I said yesterday. I said that the Alberta Emergency Management Agency is conducting a scientific review of the facts about the extraordinary hailstorm to determine whether or not it meets the statutory definition – the technical, scientific definition – of a disaster. I'm advised by the deputy minister responsible for the agency that they expect to provide advice to the government within a few days. I've had a very good conversation with the mayor of Calgary about this, who did not ask for a declaration of emergency, who asked that the process be followed.

The Speaker: The hon. the Member for Calgary-Buffalo.

Member Ceci: Thank you. A devastating flood, two back-to-back recessions, a pandemic, and now the worst hailstorm in Calgary's history. It is not politicization to ask this Premier what he intends to do. We are both Calgary MLAs. The Calgarians I talk to don't want hydrology reports. They want help. It took 57 days for this Premier to announce help for Calgary businesses, money that still isn't flowing. How long are Calgarians going to have to wait this time, Premier, before you do the right thing?

Mr. Kenney: Mr. Speaker, let's be clear. What the NDP is asking us to do is to break the law. The law outlines a process for the declaration of a disaster . . .

Mr. Jason Nixon: Point of order.

Mr. Kenney: . . . in a way that is governed by regulation and statute, and that requires a scientific determination. This government will respect the opinion of our scientists in determining the disaster, not the political wishes of the NDP to create cheap headlines.

The Speaker: A point of order is noted at 1:59.

Member Ceci: What about the wishes of the mayor? Quote: I would be very shocked if this isn't a top-five insurable cost event in the history of Canada. Those are Mayor Nenshi's words, pegging the cost of this storm at around a billion dollars. That's tens of thousands of damaged homes, flooded basements, smashed car windows, and businesses closing yet again. Premier, Calgarians are watching. Are you going to provide disaster relief funding, or do you want them to grab a pen and take down more phone numbers, calling anyone who isn't you?

Mr. Kenney: Mr. Speaker, there is a legal process for the determination of a disaster. It requires scientific advice to the government. I know the NDP always wants politics to trump science. This government will respect the science and the law. There were 15 major hail events in this province during the NDP's disastrous tenure in government. None of them were declared disasters for the purpose of the disaster recovery program. I spoke to Mayor Nenshi for 40 minutes earlier today. We had a very

positive conversation. We're working very closely together. We look forward to advice from our officials.

The Speaker: The hon. Member for Edmonton-West Henday has a question.

2:00 Support for Businesses Affected by COVID-19

Mr. Carson: Thank you, Mr. Speaker. I see on the Order Paper that the government will be introducing the Commercial Tenancies Protection Act, and I sincerely hope that this act includes a ban on commercial evictions, as my colleagues and I have been calling for for nearly a month. The economic uncertainty of COVID-19 and the lack of clarity on the economic relaunch have led businesses to, unfortunately, close shop. To the Premier: before we get into the contents of the bill, what took you so long to act, and can you tell this House how many businesses were forced from their properties while you failed to take action?

The Speaker: I'll maybe just provide some caution to the hon. member given that he's highlighted that it is on the Order Paper and the long-standing rule of anticipation. But in this context we'll see if the hon. minister might like to speculate.

The hon. Minister of Economic Development, Trade and Tourism.

Ms Fir: Thank you, Mr. Speaker. Our government has participated, along with all other provinces, in the federal CECRA program. Applications opened for that just a few weeks ago. We wanted to take the amount of time needed to assess that program and find out what measures were still needed with that along with listening to hundreds, thousands of landlords, tenants, and businesses in addition to assessing the feedback from our online assessment tool to make sure that what, if any, additional measures that we brought in were the right fits, filled the gaps, and were the right needs. That's exactly what we'll be doing.

Mr. Carson: Mr. Speaker, in May the CFIB stated that half of small businesses could not afford rent in June, and 55 per cent of respondents said that rent relief could be the difference between surviving the pandemic or having to shut down. It has been over a month since the survey was released, and many businesses are facing closure. This government has done the bare minimum to support them, a small grant and a deferral of some costs, and at the same time they've dipped into taxpayer dollars to fund their own party operations. To the Premier: why do you believe the UCP's political operations deserve more support than Alberta businesses?

The Speaker: The hon. Minister of Economic Development, Trade and Tourism.

Ms Fir: Thank you, Mr. Speaker. Our government has provided amongst the highest level of support among the provinces, from the federal programs that we've participated in to the provincial supports and measures that we brought into place in the very early days of the pandemic to the small-business grant that we've announced, with details coming, to further information about commercial protection for renters. We have done a tremendous job of helping our businesses. Again, it's rich to hear the members opposite advocate support for businesses. This side of the House has always supported our businesses.

Mr. Carson: Mr. Speaker, the UCP's publicly funded political activities lately have included a social media birthday card campaign for this Premier. That's right. While the Premier felt the need to throw a Facebook party for himself on the taxpayer dime,

businesses were left to suffer, with no support to deal with COVID-19 and no guarantee of a ban on evictions. To the Premier. While you partied, we consulted with struggling businesses. It has taken this government months to take action and provide much-needed support. Will this Premier stand up and admit that this government was too slow to react and provide needed supports for Alberta's small businesses?

The Speaker: The hon. the Minister of Economic Development, Trade and Tourism.

Ms Fir: Thank you, Mr. Speaker. The member opposite may have difficulty hearing the answer, so I can repeat what I said. This government has provided amongst the highest level of supports, from our participation in federal programs, our provincial supports and deferrals, our announcement of a small-business grant, and what will soon be information about protection for commercial renters. The members opposite, as I said yesterday, can continue to spew their vitriol and negativity. We're celebrating the hard work of Albertans and moving the stage 2 relaunch a week ahead of schedule due to their hard work. We've always supported businesses, and we always will.

The Speaker: The hon. Member for Drumheller-Stettler has the call.

Commercial Tenancies

Mr. Horner: Thank you, Mr. Speaker. Our government has provided the most comprehensive suite of supports to job creators and small businesses among provinces in Canada. One issue that many businesses in my constituency have raised is that they have concerns around their ability to pay their rent as a result of the loss of revenue they experienced due to the pandemic. To the Minister of Economic Development, Trade and Tourism: can you tell this House whether the government is planning to take action to assist commercial renters?

The Speaker: The hon. Minister of Economic Development, Trade and Tourism.

Ms Fir: Thank you, Mr. Speaker, and thank you to the member for the question. On June 5 the Premier and I announced that we will be providing, in addition to a grant for eligible small businesses as part of our economic relaunch and recovery, further protection for commercial renters. We will have more to say in the House very shortly on this matter, and I look forward to the discussion.

The Speaker: The hon. Member for Drumheller-Stettler.

Mr. Horner: Thank you, Mr. Speaker. Throughout the pandemic I've seen first-hand in my own riding that there is need for action on this topic. Our government has introduced a variety of measures, including participating in the Canada emergency commercial rent assistance program, which our government is providing funding to. I've heard from local businesses that they find that this program has too high a threshold for application and that landlords aren't applying. Can the Minister of Economic Development, Trade and Tourism tell this House whether our government is addressing the shortfalls in the federal supports program?

The Speaker: The hon. the Minister of Economic Development, Trade and Tourism.

Ms Fir: Thank you, Mr. Speaker, and thank you to the member. The federal program does have some gaps, and we're continuing to advocate to the federal government for changes. Our government

has already announced that we will be taking action to address the shortfalls of the Canada emergency commercial rent assistance program. We have been listening to Alberta businesses and hearing their concerns, and based on that, we are taking action to help tenants whose landlords aren't participating in the program.

The Speaker: The hon. member.

Mr. Horner: Thank you, Mr. Speaker, and thank you to the minister. As I've already mentioned, our government has provided a comprehensive suite of measures to support businesses during the pandemic, and these are intended to help businesses as they relaunch and recover from the crisis. In many conversations that I've had with business owners, it has been made apparent that federal supports have left gaps, falling short of helping businesses meet their obligations. Can the minister explain why we've decided that further measures were needed and what consultations she's done on these measures?

The Speaker: The hon. minister.

Ms Fir: Thank you, Mr. Speaker, and thank you to the member for the question. Once the federal CECRA program launched, we undertook extensive engagement with small businesses to ensure that they were getting the support they needed from our government. In addition to the billions of dollars in supports that we have already announced to support small businesses throughout this process, I've spoken to industry groups and thousands of businesses, and this was a frequent and repeated request from them during the pandemic and the relaunch.

The Speaker: The hon. Member for Edmonton-Meadows is rising with a question.

Systemic Racism Prevention

Mr. Deol: Thank you, Mr. Speaker. Thousands of Albertans travelled to this Legislature to proclaim that black lives matter. Indigenous leaders from across Alberta have called for action after disturbing footage of Athabasca Chipewyan First Nation Chief Allan Adam being tackled and punched by RCMP officers surfaced over the weekend. There has been an admission of systemic racism in our society from both sides of the political spectrum. To the Premier a simple question: isn't it time that we conduct a broad public consultation on systemic racism in Alberta?

Mr. Kenney: Well, Mr. Speaker, I thank the hon. member for his question and the important sentiment that underscores it. I agree with him that it's a healthy development that we are having a widespread social debate on the evil of racism. Let me say that the government intends to introduce a motion before the Legislature condemning racism and all forms of bigotry and hatred, affirming Alberta's commitment to human dignity and the equality of all before the law, acknowledging the pernicious and durable nature of antiblack racism, acknowledging the tragic history of racism directed at indigenous people in Canada, and also urging the government to consider these issues in the context of the Police Act review.

Mr. Deol: Mr. Speaker, given that many Albertans are looking to this Legislature for leadership and given that last week our leader called for a task force to be established to conduct hearings across the province and to bring a report back with recommendations to this Legislature and given that we proposed that the task force include members of the Anti-Racism Advisory Council, provincial

indigenous leadership, and Black Lives Matter chapters of Alberta, to the Premier: if you won't establish the task force we have called for, how specifically are you engaging with these important groups? And I mean you as the Premier of the province.

Mr. Kenney: Well, Mr. Speaker, again, I appreciate the question, and I will refer the member to the motion that will be tabled in the Assembly later today. Let me suggest that it's the work of all Members of the Legislative Assembly to engage in those consultations, to have those conversations with their constituents and Albertans. The antiracism task force has developed a work plan in collaboration with the government on a number of important practical aspects of ensuring equality of all before the law regardless of race or other characteristics, and we look forward to that work.

2:10

The Speaker: The hon. Member for Edmonton-Meadows.

Mr. Deol: Thank you, Mr. Speaker. Given that I doubt Albertans will be pleased with all the answers given today in this House and given that the Alberta NDP opposition is willing to do more work to convince the government that our approach may lead to actual progress on combatting systemic racism and given that we have offered to help the government every step of the way with this important work, to the Premier: will you agree to our motion for an emergency debate on systemic racism this afternoon?

Mr. Kenney: Well, yes, and I would hope that the hon. member could take yes for an answer. I did cite from a motion the government will be tabling – and I do hope that the Official Opposition will support this motion – which seeks to speak for the Legislative Assembly in condemning racism and all forms of bigotry and hatred, recognizing the particularly pernicious and durable nature of antiblack racism, the tragic history of racism directed at indigenous people, affirming our belief in human dignity and equality of all before the law, and urging the government to take these matters into account in the review of the Police Act.

The Speaker: The hon. Member for Calgary-Mountain View is rising.

Judge Appointments

Ms Ganley: Thank you. Yesterday we asked the Minister of Justice about diversity on a new Provincial Court Nominating Committee. We got back some angry partisanship, but hopefully that was only the note his staff gave him. Our committee did include some New Democrats. Justice's panel includes Conservatives. But our panel was selected through an open, public process that invited all Albertans from all backgrounds to apply. Why did the minister hand-pick his panel in secret?

Mr. Schweitzer: Mr. Speaker, I'm going to give the member opposite a chance to apologize to the member that was appointed by this government, an indigenous lawyer who's a leader in his community, a person who mentors young people. I'm not going to take lectures from the NDP on how appointments are done when a \$25,000 donation to the NDP seems to be an entry fee sometimes. I have an orange folder here – I can't bring it up as a prop – very thick. On the top of it it says: NDP appointments. I'll gladly go row by row, department by department for that member.

Ms Ganley: Given that the question was about the Albertans who were prevented from applying, not those who ultimately got on, and given that our open process produced government appointees of

whom a majority were women and a majority were Albertans of colour and given that we must confront systemic racism as well as sexism in our justice system through real action, can the Minister of Justice answer a genuine question with a genuine answer and describe the diversity representation on his new panel?

Mr. Schweitzer: Mr. Speaker, I gave this member opposite an opportunity to apologize to the indigenous member of this committee. They refused.

Let's talk about NDP appointments. Let's start with – that member used to be the Justice minister – their appointments to the Alberta Human Rights Commission. That is something that's a foundation of what they're talking about here today, some of these elements. Jean Munn gave over \$13,000 to the NDP; Karen Scott gave almost \$2,000 to the NDP; Darryl Aarbo, almost \$2,500 to the NDP. [interjections]

The Speaker: Order. [interjections] Order. The hon. Member for Calgary-Mountain View is the one with the call.

Ms Ganley: Given that the handling of sexual assault cases in our justice system remains a major obstacle to survivors coming forward and given that one troubling example of this is an Alberta judge who told a sexual assault survivor that she should have kept her knees together and given that our panel specifically included an expert who had studied this particular problem closely and could advise, can the Minister of Justice tell Albertans who he appointed to this panel to ensure that this progress continues?

Mr. Schweitzer: Mr. Speaker, we continue to work closely with our judiciary to make sure that their training is up to date, to make sure that we have the proper guidelines, to make sure they have the proper training when new judges are appointed. That is key to this area.

The other thing I just want to highlight – and the NDP heckled me when I made this comment the other day – is that the vast majority of our most recent judicial appointments were women, five out of seven. I got heckled yesterday when I made that comment. I hope that we can take some of the partisanship out of judicial appointments and that we can learn from this going forward.

Driver's Licence Road Tests

Mr. Neudorf: Mr. Speaker, our government values the work of the chief medical officer and believes in the importance of heeding her advice. That is why our government has listened to this advice when it comes to issues such as road tests, which were suspended as of March 19 to protect both the examiners and the drivers. The problem now is that, as much of Alberta's industry resumes opening, more and more new Alberta drivers depend on the availability of these tests to ensure employment. To the Minister of Transportation: can you please update this House as to when Albertans can expect to be back on the road?

The Speaker: The hon. the Minister of Transportation.

Mr. McIver: Thanks, Mr. Speaker. The hon. member is right. We do need to consult with the chief medical officer of health, and that's just what we've been doing. This week we're contacting class 1 to 3 commercial drivers who had their road tests cancelled at the beginning of COVID-19 to let them know they can now rebook their tests. Next week class 4 to 6 drivers will be invited to rebook. We know Albertans are eager to get back on the road, and we're giving those Albertans that had their tests cancelled the chance first. It's our first priority, and we have more to do.

The Speaker: The hon. Member for Lethbridge-East.

Mr. Neudorf: Thank you, Mr. Speaker, and thank you to the minister. Given that Albertans have done a tremendous job in their response to the global health pandemic and given that Albertans have dedicated themselves to flattening the curve, using proper PPE and following public health guidelines, and given that road tests are able to follow guidelines as set out by the chief medical officer, to the same minister: can you inform this House as to what is being done to ensure that Albertans are able to access road tests and get back on the road quickly and safely?

The Speaker: The Minister of Transportation.

Mr. McIver: Thank you, Mr. Speaker. We have a number of different protocols. As you would imagine, when a motorcycle person is taking their test, someone is not in the same vehicle, so that's a little bit simpler. But when two people are in the same vehicle, we have protocols, including masks and sanitization and other things, that will be put in place. Again, to continue along, we're contacting first those that have had their road tests cancelled because of COVID-19 and giving those Albertans the first chance to book their tests. We are planning to fully relaunch road tests for Albertans by the end of the month.

The Speaker: The hon. member.

Mr. Neudorf: Thank you, Mr. Speaker, and thank you again to the minister. As we enter phase 2 of Alberta's relaunch strategy and we see a return to the more normal summer of work, in rural communities many teenagers and young adults face the reality that a licence is a necessity to pursue any type of employment. During COVID-19 only class 1 to 4 testing was available, which allows you to operate a bus, a taxi, or ambulance but does not help our students and young adults achieving their freedom. Could the minister please update this House as to when everyone, regardless of licence classes, will be able to take their road tests?

The Speaker: The minister.

Mr. McIver: Thank you. The hon. member has been listening to his constituents, because those are the questions that we get all the time, exactly what he just asked. Mr. Speaker, we're doing the emergency people first, medical people, truck drivers, those that depend upon their licence for their job. Next week we'll be booking the tests for those that had their tests cancelled. In the last week in June we will finally open it up to all Albertans. We know every single person that wants a licence has a good reason for that, and we're going to move with great speed.

Mr. Speaker, we've got over 170 driver's licence examiners, more than the 70 that we had a year ago when the NDP crashed the system. So while we're starting out far behind, we will catch up faster because the system has been managed better.

Justice Policies

Ms Ganley: Mr. Speaker, our caucus doesn't support the creation of a second parole board. It does very little to address the serious questions currently being raised about our justice system. But one thing is clear. There is overrepresentation of individuals from the black and indigenous communities in our prisons. To the Minister of Justice: what consultation did you conduct with black and indigenous communities about the establishment of a second parole board? Please be specific.

Mr. Schweitzer: Mr. Speaker, I want to highlight action on the Police Act review that we're doing right now. When that member was the Minister of Justice, they just commissioned a report. The report came almost after the fact when they were in office. They had four years to act on this file. Our government is taking action today. Consultations are happening this week with indigenous leaders. Just today consultations are happening. We're taking action. We're going to get this done for the Police Act.

When it comes to the Alberta parole board, Mr. Speaker, that was a campaign commitment to Albertans. We consulted with thousands of Albertans on that. We're going to get that done for them.

Ms Ganley: Given that the government is raiding the victims of crime fund to pay for more police and prosecutors and given that it's now putting a second parole board in to hear roughly 50 applications a year, to the minister. Most police chiefs have been saying that the most effective way to increase public safety is to focus police on dangerous and violent offenders and provide other people with the supports they need. Can you detail for this House what measures, if any, you are taking to lower incarceration rates? Again, please be specific.

2:20

Mr. Schweitzer: Mr. Speaker, we are so proud of the work this government is doing on the victims of crime fund to grow it by 50 per cent. We're growing that fund by 50 per cent to fund things like drug treatment court. When that member was the Justice minister, they provided \$500,000 to funding for drug treatment courts. We're providing \$20 million to the enhancement of this fund. Why do they want to shut down drug treatment courts on that side?

Ms Ganley: Given that the minister's answers leave something to be desired and given that I can't find evidence of a broad consultation on the establishment of a second parole board, will you commit to support an amendment I will bring forward to enshrine representation from black and indigenous communities on the Alberta parole board?

Mr. Schweitzer: Mr. Speaker, if the Alberta parole board is approved by this House, we'll go through an open and transparent process for those appointments. [interjections] The NDP are heckling right now. I have to ask this House: do we want to have lessons on appointments from the NDP? Earlier in this session we heard loud and clear about the fact that we had people here that gave \$25,000 to the NDP that then were appointed to a board. We're going to have an open and transparent process that represents the best interests of Albertans.

The Speaker: The hon. Member for Edmonton-City Centre has a question.

Blood and Plasma Supply

Mr. Shepherd: Thank you, Mr. Speaker. Now, last week was National Blood Donor Week, and I heard several UCP members celebrate Canadian Blood Services and the donors who give the gift of life. Unfortunately, the Member for Fort McMurray-Wood Buffalo will soon introduce a private bill that would repeal Alberta's ban on the private buying of human blood. Does the Minister of Health understand that allowing private blood buyers into Alberta will divert donors and donations away from Canadian Blood Services and endanger Alberta's supply?

The Speaker: The hon. Minister of Health.

Mr. Shandro: Well, thank you, Mr. Speaker. Many Albertans have raised the issue of paid plasma with me since the last election, and while I haven't made up my mind yet on whether I'll support the bill, it is important for Albertans to know three key facts, all verified by Health Canada. First, plasma from paid and volunteer donors is equally safe. Second, 80 per cent of the plasma used in Canada is already sourced from paid donors in the United States, and third, Health Canada, as recently as 2017, has said that they've seen no data supporting the idea that voluntary donations are impacted by the coexistence of paid plasma clinics.

The Speaker: The hon. Member for Edmonton-City Centre.

Mr. Shepherd: Thank you, Mr. Speaker. Well, given that the minister seems quite open to the possibility and given that governments of all political colours in Ontario, Quebec, and B.C. have bans on private blood buying and given that Canadian Blood Services has refused to purchase products from companies like Canadian Plasma Resources, who buy blood in Saskatchewan and New Brunswick, and given that these blood and blood products are now unavailable for Canadians in those provinces, will the Minister of Health commit that he will not allow private blood buyers in Alberta to further undermine Canadian Blood Services?

The Speaker: The hon. the Minister of Health.

Mr. Shandro: Well, thank you, Mr. Speaker. This may be an ideological issue for the NDP, but it won't be for our government. I intend to speak to the hon. Member for Fort McMurray-Wood Buffalo before I make up my mind on how I'll vote. I encourage them to do the same. I intend to speak to Canadian Blood Services and health ministers from jurisdictions with paid plasma clinics to help inform what position I will take.

The Speaker: The hon. member.

Mr. Shepherd: Well, thank you, Mr. Speaker. Given that a single national agency, Canadian Blood Services, was the key recommendation of the Krever inquiry, which followed the tainted blood scandal that impacted tens of thousands of Canadians, and given that creating parallel systems, especially ones motivated by profit, create new risks, will the Minister of Health and his caucus join us in protecting Canadian Blood Services and rejecting the Member for Fort McMurray-Wood Buffalo's bill when he introduces it?

The Speaker: The hon. the Minister of Health.

Mr. Shandro: Thank you, Mr. Speaker. There is significant variation in how provinces approach this issue across the country. I'm aware of paid plasma clinics in Saskatchewan, Manitoba, New Brunswick, and I fully intend to weigh all the best available evidence before making up my mind on this issue and as to how I will be voting. I'm confident that members, at least on this side, will be doing the same.

The Speaker: The hon. Member for Calgary-Klein.

Red Tape Reduction

Mr. Jeremy Nixon: Thank you, Mr. Speaker. One of the key planks in our platform was our promise to cut the mountain of red tape that the previous government had snarled Albertans with. We promised to cut a third of unnecessary regulation that prevents our people and businesses from reaching their full potential in our economy and our society. To date we have cut more than 5 per cent

of the entire regulatory burden from the Alberta government, well on our way to our final goal. To the minister: can you name for this House the most significant piece of red tape the government has cut and how that is empowering Albertans?

The Speaker: The hon. the Associate Minister of Red Tape Reduction.

Mr. Hunter: Thank you, Mr. Speaker. It's hard to narrow it down to just one because if it's red tape, I love it all. Red tape reduction: just recently we gave Albertans an opportunity to turn their baking passion into a home business through changes to the food regulation. We've streamlined the process for parents applying for the child care subsidy, putting money in their hands faster. We've made aboriginal consultation more efficient by updating the proponent guide. But my favourite was working with my friend the Minister of Agriculture and Forestry to undo the disastrous NDP farm bill, Bill 6. We've reduced 37,000 regulatory hoops that hamper our job creators and Albertans, and we're just . . .

The Speaker: The hon. Member for Calgary-Klein.

Mr. Jeremy Nixon: Thank you, Mr. Speaker, and thank you to the minister for his diligent work. Given that this government is committed to restoring the Alberta advantage and given that a robust recovery for our economy is a key part of the government's relaunch strategy and given that unnecessary regulation slows and hinders job-creating Alberta businesses, to the minister: can you please give this House and Albertans details on how Bill 22 will further cut red tape and enhance government transparency?

Mr. Hunter: Mr. Speaker, Bill 22 introduces 14 legislative changes, all of which cut red tape for Albertans and our job creators. It will make it easier for nonprofits to operate. It will reduce internal trade barriers for grazing leases and speed up oil sand regulatory approvals, which will have a direct impact on jobs and the economy. It will provide more timely access to statistical information, getting information into the hands of those who need it faster. These needed changes are just a sample of the 175 pages in this bill of pure red tape reduction awesomeness.

The Speaker: The hon. member.

Mr. Jeremy Nixon: Thank you, Mr. Speaker. Given that this government is dedicated to fulfilling its platform promises and given that Albertans gave this government an overwhelming mandate, eclipsing the party opposite with a full million votes, and given that Albertans have seen change for the better with the elimination of red tape, or should I say orange tape, much of which was created under the previous government, to the minister: what steps beyond Bill 22 will this government take to ensure we fulfill our platform promise to cut a third of the regulatory burden to ease the strain on Alberta jobs and businesses?

Mr. Hunter: Mr. Speaker, beyond Bill 22 we are collaborating with every ministry across government on their red tape reduction plans. During the COVID-19 pandemic we brought together our industry panels, who did a deep dive in how we can restart our economy. We've put together a post-COVID red tape reduction plan to remove barriers for industry struggling with the slowdown of the economy. This will result in economic growth, shorter wait times, and getting Albertans back to work.

The Speaker: The hon. Member for Edmonton-Rutherford has the call.

Missing and Murdered Indigenous Women and Girls Working Group

Mr. Feehan: Thank you, Mr. Speaker. Last year provincial governments across Canada were tasked with 2,380 truths of family members, survivors, and national experts, resulting in 231 individual calls for justice directed at governments. Alberta formed a Joint Working Group on Missing and Murdered Indigenous Women and Girls in direct response, yet no collaboration is highlighted on the government's website between this panel and law enforcement in Alberta. To the minister: why is it that the Human Trafficking Task Force is able to lobby and collaborate with organizations in government, but this committee is not?

Mr. Schweitzer: Mr. Speaker, I can inform this House that just earlier today I had a conversation with an indigenous chief of police. Those conversations are going to be ongoing. Earlier this week we talked with all the chiefs of police in Alberta. We're going to be consulting as well with indigenous leaders across Alberta to improve our Police Act. We're going to listen. We're going to get this right. Racism is real. We need to take action and listen.

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

Mr. Feehan: Thank you, Mr. Speaker. Given that the final report highlights the importance of transformative legal and social change to resolve the crisis in indigenous communities and given that testimony from survivors highlights the surrounding context marked by intergenerational trauma and marginalization, data collection is needed to understand the scope of these issues that the working group is helping the government address. To the minister: why is data collection not prioritized when policies are being made for action, or is it just consultation that the government sees a benefit in?

The Speaker: The hon. Minister of Indigenous Relations.

Mr. Wilson: Thank you, Mr. Speaker, and thank you for this very important question. Our government does take violence against indigenous women extremely seriously. A few initiatives that we've already taken in response to the calls to justice include combatting human trafficking and preventing domestic violence. During this pandemic we've increased supports for community mental health and addiction recovery. We've also increased supports for emergency women's shelters. Our government recently announced the Human Trafficking Task Force, and last fall our government passed Bill 17, the Disclosure to Protect Against Domestic Violence (Clare's Law) Act, so that there can be more protection for those at risk of domestic abuse. These actions reflect our commitment . . .

2:30

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

Mr. Feehan: Thank you, Mr. Speaker. Given that experts and knowledge keepers spoke to specific policies that are contributing to women's vulnerability and given that the language surrounding the murdered and missing indigenous women working group doesn't provide the ability to actually direct policy for government, to the minister: what work is being done to ensure that the mandate reflects the ability of the group to do more than merely provide advice and to actually recommend specific policy just like the other task force?

The Speaker: The hon. the Minister of Indigenous Relations has risen.

Mr. Wilson: Well, thank you, Mr. Speaker. We recently took the time to honour the one-year anniversary of the release of the report on murdered and missing indigenous women and girls. It was heartbreaking and unacceptable to see that indigenous women and girls continue to face violence in our country. I was deeply moved last year when I was at the ceremony in Ottawa. We set up a committee. We've appointed three indigenous members and three Alberta government MLAs to the Alberta Joint Working Group on Missing and Murdered Indigenous Women. They are hard at work examining how the recommendations from the report can be put into action here in this province.

Education Funding for Students with Special Needs

Ms Hoffman: Last week an Alberta mom wrote an open letter:

I cried today . . .

I cried hard . . . for my child.

I cried [hard] after being told my child would not receive the support she needs in her class next year . . .

I cried as I was told she may not receive any speech time next year.

To the Minister of Education. You've tried denying that you're cutting supports for students with special needs, and you've tried blaming local boards, but here's a parent at the receiving end of your cuts. Amanda is watching right now. What do you have to say to her?

The Speaker: The hon. the Minister of Education.

Member LaGrange: Thank you, Mr. Speaker. I continue to say again and again that the program unit funding remains as a vital part of our new funding formula, our new funding model. Kindergarten students continue to receive supports under the new specialized learning supports grant. PUF funding continues, remains unchanged, and the funding cap remains at \$25,000. Students with severe learning delays will continue to receive the funding at the same level as they do today. It was true yesterday. It's still true today.

Ms Hoffman: Given that Amanda Keen goes on to write:

I cried for the parents who have children with more severe needs than my own.

I cried for the teachers who are tired and uncertain and can no longer hide the worried looks from their faces.

Minister, do you understand that your cuts are harming families and many others, and will you reverse them today?

The Speaker: The hon. the Minister of Education.

Member LaGrange: Thank you, Mr. Speaker. School boards will continue to receive the funding they need to ensure that every student – every student – whether they are in ECS or the rest of K to 12 education, will continue to receive the supports they require. We have also matched the speech and language funding to actual need, ensuring that students continue to receive the supports they require to succeed. Under the new model we are able to provide that sustainable, predictable funding that school boards asked for.

Ms Hoffman: Given that Amanda's story is one that tens of thousands of families are experiencing right now across Alberta and given that parents of students with special needs understand the system, understand that the cuts the minister is making have a lifetime of consequences for their children and our society: Minister, can you please put down your speaking notes and speak directly to Amanda and apologize to her and these families? They know the impact of the cuts, and I'm sure the minister does, too.

The Speaker: The hon. minister.

Member LaGrange: Thank you, Mr. Speaker. I will speak to all Albertans. Under our new funding model we went away from 36 grants down to 15 grants, still maintaining the excellent education system we have. The new model drives more funds directly to the classroom, ensures that school divisions are able to deliver better outcomes for our students. It gives them the maximum flexibility to do what they need to do for their students. I'll quote one of the school divisions, the Canadian Rockies school division. "For many years we have been asking successive governments to review the funding formula, as it has significantly disadvantaged small rural school divisions . . ."

The Speaker: The hon. Member for Calgary-Cross has the call.

Registry Service System Upgrade

Mr. Amery: Thank you, Mr. Speaker. Registry offices serve an important function for Albertans. The services they provide, including licences and vehicle registration renewals, are legal requirements in order to drive in this province. Yesterday I saw that this service will be unavailable for a number of days this week while the systems are being updated. To the Minister of Service Alberta: how are people supposed to renew their licences if there's no access to the system?

The Speaker: The hon. the Minister of Service Alberta.

Mr. Glubish: Well, thank you, Mr. Speaker, for the question. We know that a number of Albertans have documents that are going to expire between June 19 and June 22, and that's why we made this temporary shutdown public yesterday. My department has contacted every Albertan who will be affected by this temporary shutdown to notify them of this. We encouraged them to renew early. This is an incredibly important update to a decades-old system. This is going to allow us to modernize our registry system and to bring about more choice and convenience to Albertans. This is long overdue.

The Speaker: The hon. Member for Calgary-Cross.

Mr. Amery: Thank you again, Mr. Speaker. Given that the shutdown will result in an updated system, as the minister has just mentioned, and given that this minister has toured the province talking about registry services and improvements that people would like to see and given that the importance of ensuring that our IT systems are current as technology continues to improve, again to the minister: how will this new update benefit Albertans?

The Speaker: The hon. Minister of Service Alberta.

Mr. Glubish: Thank you, Mr. Speaker, and thank you to my colleague for the question. We know that Albertans want more online services. They want more convenience. They want more choice. This is something that I heard loud and clear when I did my summer tour last year talking about registry services all across this province. You know, I was shocked, when I first became minister, to learn that we were the worst in the country for access to online services. I want to take us from worst to first in the country. This update will help to position us to develop the online services that Albertans want such as online renewal of drivers' licences.

The Speaker: The hon. member.

Mr. Amery: Thank you, again, Mr. Speaker, and thank you to the minister for that answer. Given that many of my constituents work

long hours and the weekends may be the only time that they have a chance to visit a registry office and given that now there are only a few days left to renew: Minister, what steps are being taken to aid these people who can't make it to a registry office by the end of the day Thursday?

The Speaker: The hon. minister.

Mr. Glubish: Well, thank you, Mr. Speaker. This is a very important question, and I thank the member for raising it. As I said before, we did notify every Albertan who would be affected by this temporary shutdown to ensure that they had time to prepare in advance, to renew early. But for those who maybe didn't have an opportunity, there are still a few days left, and if they can't make it into a registry, I want to just inform them, through you, Mr. Speaker, that registry services are still currently available remotely through phone or secure e-mail. I would just encourage those Albertans who have renewals they need to make from June 19 to June 22 to contact their registry to make sure that they can get this done on time.

Thank you.

Drug Treatment Courts

Mr. Stephan: Last Thursday was a great day. I was in Red Deer with my friends, our mayor, and the ministers of Justice and Mental Health and Addictions to announce a drug court service in central Alberta. I am excited about this announcement. This service will greatly and profoundly bless individuals and families. It will provide opportunities to support our neighbours choosing a better way, a path towards recovery and freedom from addictions. To the minister: please share successes we have seen from this valuable service.

Mr. Schweitzer: Mr. Speaker, I want to thank that member for being there. It was a powerful day in the city of Red Deer. This government has doubled the size of the drug treatment courts in Edmonton and Calgary. We've launched some new initiatives in Lethbridge and Red Deer, and we're just getting started. These drug treatment courts save lives. They're important initiatives.

What I can't figure out, Mr. Speaker, is why the NDP oppose drug treatment courts in the province of Alberta. They will not support necessary amendments to the victims of crime fund that will allow us to grow it by \$20 million. That money is going to these courts.

Mr. Stephan: Given that in March Albertans received the report on supervised consumption sites and given that the panel listening to local businesses and families reported that a fixation on drug consumption sites led to profound damage to local businesses and the tearing of social fabric in our communities, to the minister: how do drug court services provide a contrasting positive course correction, supporting and respecting businesses and families in our wonderful communities?

Mr. Schweitzer: Mr. Speaker, I think this contrasts the points of view of people on this side and that side. We're here coming up with treatment options through drug treatment courts, a multipronged approach to help give people treatment and help them recover. That is so powerful. When we heard the people giving the presentations at this announcement, graduates of the program that reconnected with their family – they got their children back in their lives, were able to get back to work. Many of them now have been working for over a decade. They have their children back, and their children now are going on to university. It's powerful. These drug treatment courts work. I would encourage all members of this House to support them and support the changes to the victims of crime fund.

2:40

Mr. Stephan: Given that the best way to support our neighbours suffering an addiction is to love and support them in becoming free from addictions and given that fixation on drug consumption sites supports individuals in their addictions and given this government's focus on supporting and loving our neighbours becoming free from addictions, to the minister: how will more drug court services inform a principled course correction away from supporting individuals in addictions to loving and supporting our neighbours in becoming free from addictions?

The Speaker: The hon. minister.

Mr. Luan: Thank you, Mr. Speaker. Drug treatment court programs are great examples of our recovery-oriented continuing care that this government talks about. Our approach to addiction is fair, firm, and compassionate: fair to the community, firm to the disease, and compassionate to people who suffer from addiction. We're going to continue to help Albertans get out of addiction and live a life that is healthy and constructive as positive and engaged citizens.

The Speaker: Hon. members, in 30 seconds or less we will return to presenting reports and petitions.

Notices of Motions

The Speaker: The hon. Government House Leader.

Mr. Jason Nixon: Thank you, Mr. Speaker. I rise to give oral notice of Government Motion 24 to be put on the Order Paper in the hon. the Premier's name as follows:

Be it resolved that the Legislative Assembly

- (a) condemns racism and all forms of bigotry and hatred,
- (b) affirms the commitment of Alberta to human dignity and equality of all before the law,
- (c) acknowledges the pernicious and durable nature of antiblack racism,
- (d) acknowledges a tragic history of racism directed at indigenous people in Canada, and
- (e) urges the government to consider these issues in its ongoing review of the Police Act.

The Speaker: The hon. Member for Edmonton-Meadows.

Mr. Deol: Thank you, Mr. Speaker. I wish to give notice that at the appropriate time I will move a motion pursuant to Standing Order 42. Would you like me to read it out?

The Speaker: Hon. member, you can read the motion for the record, and then I'll call upon you at the appropriate time to go ahead and continue.

Mr. Deol: Thank you, Mr. Speaker.

Be it resolved that the Legislative Assembly urge the government to immediately establish an advisory panel

- (a) to conduct a hearing throughout the province to examine and make recommendations in respect of systemic racism in Alberta,
- (b) that it consist of members of the Anti-Racism Advisory Council, provincial and business leadership, and Black Lives Matter chapters of Alberta,
- (c) to publish a report of its findings and recommendations no later than October 1, 2020.

Thank you, Mr. Speaker.

Introduction of Bills

Bill 23

Commercial Tenancies Protection Act

Ms Fir: Mr. Speaker, I'm honoured to rise today to introduce Bill 23, the Commercial Tenancies Protection Act.

This bill will protect eligible commercial tenants from evictions and rent increases while we continue our economic recovery from the COVID-19 pandemic. Alberta has among the most generous support models for small and medium-sized businesses in Canada. However, we've heard from businesses that there's more that can be done and that the existing supports, particularly when it comes to federal commercial rent programs, are not enough.

Mr. Speaker, we're listening to the needs of businesses across Alberta and are responding to their needs with this made-in-Alberta solution. If this bill is passed, it would further strengthen our provincial supports, filling existing gaps in the system and helping businesses to reopen and rehire their staff during this critical time. Therefore, if passed, this bill would protect eligible commercial tenants from having their leases terminated due to nonpayment of rent and protect commercial tenants from late fees and penalties associated with nonpayment of rent as well as from rent increases.

The legislation will give commercial tenants, particularly those who have seen a sizable decrease in revenue or those closed due to public health measures, the support they need. It will also ensure that landlords don't miss out on deferred rent by requiring that tenants and landlords work together to develop a rent payment plan for missed payments that works for both of them.

We must continue to support our small and medium-sized businesses as we relaunch our economy. This legislation will provide the additional support businesses need to survive these difficult times and will help them thrive.

Thank you.

[Motion carried; Bill 23 read a first time]

Tabling Returns and Reports

The Speaker: Are there tablings? The hon. Minister of Justice and Solicitor General has a tabling.

Mr. Schweitzer: Mr. Speaker, the requisite copies of proposed questions for review by a standing or special committee regarding citizens' initiatives as well as recall initiatives for election matters.

The Speaker: Are there any others? The hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Mr. Speaker. I have the requisite number of copies of a tweet made by the now Premier and then Premier on May 13, 2019, responding to the Alberta Party. The now Premier says, "I respect the role of smaller political parties, and the voters they represent. But political parties should be funded by their supporters voluntarily, not by forcing all taxpayers to pay their bills."

The Speaker: Are there other tablings? Seeing none.

Hon. members, we are at points of order. At 1:56 the hon. Member for Edmonton-Gold Bar rose on a point of order. The hon. Member for Calgary-Mountain View.

Point of Order

Factual Accuracy

Ms Ganley: Thank you very much, Mr. Speaker. The point of order as called in this instance was with respect to comments by the Premier in response to a question from the hon. Member for Edmonton-Gold Bar. You'll forgive me. I don't have the benefit of the Blues, but I wrote it down at the time. It said something equivalent to: that member – clearly referring to the Member for Edmonton-Gold Bar – stood on the steps of the Legislature and chanted “no more pipelines.”

I'm rising, Mr. Speaker, on the ever-popular 23(h), (i), and (j). I know there are many disputes of fact in this House, and I know that the Government House Leader is likely to stand up and say exactly that, but there's a point at which a dispute as to the facts, a dispute as to a characterization treads into something else which I cannot say itself, but essentially making a statement which is not correct and which the person may know not to be correct. This is a very specific allegation. We're talking about that, specifically, he stood on those steps out there in front of this Legislature and said those specific words: no more pipelines.

Mr. Speaker, I can say with absolute certainty, and I have discussed this with the member, that the Member for Edmonton-Gold Bar has never ever done that. I think my frustration is that this is an allegation which is levelled against many members of our caucus. It has certainly been levelled against me, and to be clear, I also have never ever done that. I think at a certain point continuing to make this same allegation knowing that no such thing ever occurred starts to stray not only into imputing motives to the members on our side of the House which are contrary to our explicit statements in this House and our explicit support of pipelines, our support of pipelines in government, our support of pipelines since government.

Mr. Speaker, I think it's done to create disorder in this place, and I think that the government members should rise and apologize and that they should cease and desist in this course of conduct because they know that it isn't factual, we know that it isn't factual. The fact that it continues to occur over and over and over again in this place cannot be for any other reason than to continue to create disorder, because we've been extremely clear in our position.

Thank you.

2:50

Mr. Jason Nixon: Well, Mr. Speaker, “been extremely clear.” I do agree with the hon. member. They've been extremely clear in their anti oil and gas position. Quite frankly, the Member for Edmonton-North West famously did stand on the steps of the Legislature – google it, Mr. Speaker; I know you've seen it – with the podium in front of him and the microphones up and chanted over and over: no more pipelines. That's a fact, not something that is up to debate. Though, from my perspective, this issue the hon. member is raising is up for debate.

In regard to the hon. Member for Edmonton-Gold Bar, on February 27, 2020, – and I would be happy to table the pictures, Mr. Speaker, and the video, even though I don't know how to do that; we'll figure that out, though – he was on the steps of the Legislature – I have the picture right here in front of me – at a union protest that was taking place. You can see the signs that are all around him talking about no more pipelines. You can hear as the protest turns into an antipipeline protest. The reality is that he was there on the steps protesting pipelines. And that's not the only time.

The hon. Deputy Government House Leader brought it up. This was in the context that all of the members on that side of the House don't participate in this. The hon. members for Edmonton-Whitemud,

Edmonton-Highlands-Norwood, Edmonton-Glenora, Edmonton-City Centre, and Calgary-North West also on August 28 were with Emma Jackson, Mr. Speaker, who famously hung off a bridge to block the Trans Mountain pipeline. That's who they support. That's, from our perspective, a fact but certainly a matter of debate if that means that they're antipipeline.

But I would say to you that when they're using the words “stop pipelines,” and they're against pipelines, that, in fact, is a fact. I understand that they're ashamed of that. When they're in the House, they want to pretend like they're pro oil and gas, but when they're out with their friends and Extinction Rebellion and their unions, then their true nature comes out. In this case it's on camera and on video. [interjections]

The Speaker: Order.

I appreciate the submissions by both the hon. Government House Leader and the Official Opposition deputy House leader. Is there anyone else that would like to make a submission? If not, I am prepared to rule.

It is difficult for the Speaker to know where all people have been at all times and whether or not they participated or said things – well, in fact, I'm most often aware of what they've said inside this House; I'm rarely aware of what they've said outside of this House. As a result, this is a matter of debate.

But what I would say as well is that in *Beauchesne's Parliamentary Rules & Forms*, sixth edition, 494:

It has been formally ruled by Speakers that statements [made] by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident.

I think that is an example of what we have here today.

Hon. members, I consider this not a point of order. This matter is considered dealt with and concluded.

The hon. Member for Edmonton-Meadows rose during Notices of Motions to provide notice under Standing Order 42, for which the time has come.

Motions under Standing Order 42

Systemic Racism Advisory Panel Appointment

Mr. Deol:

Be it resolved that the Legislative Assembly ask the government to immediately establish an advisory panel:

- (a) to conduct a hearing through the province to examine and make recommendations in respect of systemic racism in Alberta;
- (b) that consists of members of the Anti-Racism Advisory Council, prevention and business leadership, and Black Lives Matter chapters of Alberta;
- (c) to publish a report with its findings and recommendations no later than October 1, 2020.

Mr. Deol: Thank you, Mr. Speaker. I rise pursuant to Standing Order 42 to request that the ordinary business of the Legislative Assembly be adjourned to debate a motion in regard to a matter that is urgent and pressing.

Why is this urgent and pressing, Mr. Speaker? We are all hearing from our constituents about the pressing need for discussion on how to address systemic racism here in Alberta. The historical and ongoing protests in this province and around the world grew out of Minneapolis due to the unjust death of George Floyd. These events

have resonance with Albertans, especially Albertans that have been systematically oppressed for centuries.

We should never forget our own history with indigenous and black peoples in Canada and the people of colour. The last residential school closed here in 1996. We have an entire generation that is still dealing with the unjust abuse and ethnic cleansing they have faced even after 24 years since its closing. We should equally not forget that one of the vehicles to oppress indigenous people during this heartbreaking time in our history was law enforcement. There's a history that still needs to be acknowledged, and it is disturbing when you have people in the highest positions of law enforcement here in Alberta denying the existence of history being tasked to provide support and assistance to these communities.

All of these issues facing these marginalized communities have resulted from this historical and systemic experience ingrained in our society, and if we can't recognize those issues and if the RCMP commissioner can't recognize these issues, then we are not listening. Given that a prominent chief in our province has made international news due to a police dash camera catching evidence of indigenous and black Albertans' history with law enforcement, this further provides proof that these issues in our history have not been addressed.

In order to understand the gravity of this issue that has existed for centuries, we need to work with members from these disenfranchised communities to ensure a collaborative approach is taken. That is why today we are calling for the establishment of an advisory panel.

This panel would conduct hearings throughout the province to examine and make recommendations in respect of systemic racism in Alberta. Panel membership would consist of the Anti-Racism Advisory Council, provincial indigenous leadership, Black Lives Matter chapters of Alberta, and other marginalized community members can be added.

Giving this group of marginalized communities the power and space to be able to conduct hearings will allow them to frame and centre discussions around . . .

Speaker's Ruling Speaking to Urgency

The Speaker: Hon. member, I'm hesitant to interrupt because of the gravity of the subject matter which you present. However, Standing Order 42 doesn't allow you the opportunity to debate the importance of the issue, albeit very important, and I recognize that, and I'm sympathetic to that position. The purpose of your remarks now should be about the urgent and pressing matter, not the subject of the debate that may follow if unanimous consent is granted. So I encourage you, to the best of your ability, to guide your comments towards the urgency of the issue.

Debate Continued

Mr. Deol: Thank you, Mr. Speaker. I was just trying for some background, actually, behind the purpose of this motion. I was not really, actually, providing the debate in my argument on this. But thank you for the time.

I have provided the 95 copies to the Assembly. I ask this Assembly to show their support for all of these communities that need it right now and grant unanimous consent to debate this urgent and pressing motion.

Thank you, Mr. Speaker.

3:00

The Speaker: Thank you to the hon. Member for Edmonton-Meadows.

Standing Order 42 requires unanimous consent of the House to be granted in order to proceed to the waiving of other standing orders to provide this debate to take place.

[Unanimous consent denied]

The Speaker: Hon. members, we are at Ordres du jour.

Orders of the Day Government Motions Firearms

20. Mr. Jason Nixon moved:
Be it resolved that the Legislative Assembly
- (a) recognize that the criminal use of firearms primarily involves unlicensed individuals often using illegally smuggled firearms;
 - (b) express its opposition to the government of Canada's recent decision to amend regulations to the Criminal Code to prohibit the possession, transportation, and sale of certain types of legally acquired firearms by licensed, law-abiding citizens; and
 - (c) urge the government of Alberta to take all necessary steps to assert provincial jurisdiction in connection with these matters including replacing the Chief Firearms Officer having jurisdiction for Alberta as designated by the federal Minister of Public Safety and Emergency Preparedness with a chief firearms officer for Alberta designated by the government of Alberta in accordance with the Firearms Act (Canada).

[Adjourned debate June 15: Mr. Rutherford]

The Speaker: The hon. the Minister of Health.

Mr. Shandro: Well, thank you, Mr. Speaker. I'm very happy to be able to rise and speak to Government Motion 20. As you know, Government Motion 20 is separated into three clauses: (a), (b), and (c). I'd like to thank my colleagues who've spoken before me, I think very articulately, on all three of these subclauses.

I'm going to dedicate my time to speaking to clause (b), that says: Express [our] opposition to the government of Canada's recent decision to amend regulations to the Criminal Code to prohibit the possession, transportation, and sale of certain types of legally acquired firearms by licensed, law-abiding citizens.

As you know, Mr. Speaker, this decision of the government of Canada was by an order in council which has the unenviable name of the regulations amending the regulations prescribing certain firearms and other weapons, components and parts of weapons, accessories, cartridge magazines, ammunition and projectiles as prohibited, restricted, or nonrestricted.

[Mr. Milliken in the chair]

Now, this order in council does three things, Mr. Speaker. The first is to list and make prohibited a series of military-grade firearms. The problem is that these firearms that are listed have already been prohibited for decades under the controlled goods regulations, which are enacted under the Defence Production Act, and have been prohibited since 1978, perhaps even earlier than that. If they were already prohibited, why would they be included in this order in council, and why have Canadians not been provided with the accurate information? Why hasn't the federal government been honest with them about the motives behind prohibiting these firearms that are already prohibited?

The answer might be in the other two things that the order in council is prohibiting, whether there is information that is being conflated, whether they are trying to confuse, or whether they're trying to sneak something else into this order in council. The first of these other two things is found in section 95 of the order in council. I'd like to thank my colleague the hon. Member for Peace River for, I think, very articulately speaking to this section of the order in council. This section, section 95, of the order in council prohibits any firearm with a bore diameter of 20 millimetres or greater, et cetera, et cetera.

The problem is that the federal government knows that this is measured as the widest point of a barrel. If you take a shotgun and pull out the choke, which you would have to do if you were to take a measurement, and if you throw a micrometer into the barrel, it will always be over 20 millimetres; for example, a 12-bore shotgun. Most shotguns are overbored from factory. The point of that is because of what happens when you pull the trigger. You want to have a slow exit of the pellets out of the casing. It's bigger so that you have less recoil, Mr. Speaker, so from factory they're over 20 millimetres. The result, I suspect, is that the federal government may have effectively banned perhaps as many as a million shotguns in the country.

The second issue that I have with the order in council and why I will be voting in favour of Government Motion 20 is at section 96 of the order in council, which prohibits any firearm capable of discharging a projectile with a muzzle energy greater than 10,000 joules. My concern is that we don't know yet how that is to be calculated if section 96 says, again, "any firearm capable of discharging" at more than 10,000 joules. You can rebarrel many bolt-action firearms, and they will be capable of discharging projectiles at more than 10,000 joules. In fact, any medium-calibre bolt-action rifle can be rechambered such that they can exceed a discharge strength of 10,000 joules. The result, Mr. Speaker, is that if we take this order in council and section 96 at face value, many, perhaps even more than 80 per cent of bolt-action rifles in this country may now be prohibited if we take this wording in this order in council at its face value.

[The Speaker in the chair]

My opposition to the order in council and why I encourage all members to vote in favour of Government Motion 20 is especially because of sections 95 and 96, which, for all we know, may make millions of legally acquired firearms prohibited for, to my mind, no good evidentiary reason. For what cost, Mr. Speaker? How many billions of dollars will be required to buy, you know, 12-gauge shotguns, medium-calibre bolt-action rifles to be able to comply with these sections of this order in council?

Why aren't Canadians being told how many of these firearms are going to be captured in sections 95 and 96? Perhaps more importantly, how will the RCMP interpret these sections when they update the firearms reference network and the firearms reference table? Since neither of these documents is published publicly, how will law-abiding citizens, law-abiding citizens who already will have these firearms in their possession, know whether they are even complying or how to in the future comply with the order in council? The fact is, Mr. Speaker, that they can't and they won't. That's why, in my submission, all members should be voting in favour of this motion and express their opposition to this order in council.

Thank you, Mr. Speaker, for allowing me to speak to Government Motion 20.

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

Seeing none, is there anyone else that would wish to speak to the motion?

Mr. Hunter: Mr. Speaker, I won't take long. I've listened to the debate on this issue. I just want to tell you and I want to tell the members in this Chamber that those who know me know that I hail from – my grandfather came from Ireland. He came over in a boat. He came from Donegal, Ireland. I wanted to find out where my history came from, so I took the family over. We went over to Donegal, Ireland. I told them my name, and I said, "I'd like to be able to figure out where our family comes from." They said: "Actually, you don't come from here. You come from a certain place in Scotland: Ayr." So we travelled over the channel, and we went to Ayr, Scotland. There we found our crest, and it was the crest of our family. In fact, we actually found a whole group of people in that area that have my same name.

It was interesting, Mr. Speaker, because the name, my name, actually comes from the king's hunters, so it's a heritage thing for me to be able to provide for my family, my kids, to be able to teach them how to hunt. This is something that – you know, we do this honourably and honestly. We follow all the rules. Unfortunately, because of a hasty decision made by our Prime Minister, they're taking the culture, a cultural history from my family, away from me, and I think that that's deplorable, that the Prime Minister would do that for political points.

Mr. Speaker, I am very much in favour of this motion, and I hope that all members will support it.

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

Seeing none, is there anyone else wishing to speak to Government Motion 20?

If not, I am prepared to allow the hon. Government House Leader the opportunity to close debate, and I'll do so now.

Mr. Jason Nixon: Waived.

The Speaker: That has been waived.

[The voice vote indicated that Government Motion 20 carried]

[Several members rose calling for a division. The division bell was rung at 3:10 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Aheer	Long	Rutherford
Allard	Lovely	Sawhney
Amery	Luan	Schow
Dreeshen	Madu	Shandro
Ellis	McIver	Sigurdson, R.J.
Glasgo	Milliken	Singh
Glubish	Nally	Smith
Guthrie	Neudorf	Stephan
Hanson	Nixon, Jason	Toews
Horner	Orr	Toor
Hunter	Pitt	Walker
Issik	Rehn	Williams
Kenney	Rosin	Wilson
LaGrange	Rowswell	Yao

Against the motion:

Ceci	Irwin	Pancholi
Ganley	Loyola	Shepherd
Hoffman		

Totals:	For – 42	Against – 7
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[Government Motion 20 carried]

Government Bills and Orders Committee of the Whole

[Mr. Milliken in the chair]

The Deputy Chair: I'd like to call the committee to order.

Bill 17 Mental Health Amendment Act, 2020

The Deputy Chair: Are there any comments, questions, or amendments to be offered at this time? I see the hon. Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you very much. This is my first opportunity to rise and speak to this bill. I think it's a bill which ultimately hits on some very fundamental rights and challenges in society. What we're dealing with here are circumstances in which an individual can be detained under the Mental Health Act. We're talking about detaining someone not because they've necessarily committed a crime or violated a law in any sort of way; we're detaining them on the basis that it is in their best interest or there is some concern generally for public safety.

Now, the power to do that detention itself is, in my view, very important in our modern society. However, there need to be significant safeguards because, again, we're talking about a person's very fundamental rights. We're talking about their liberty. This bill comes forward in relation to a court case in which provisions of the act were overturned.

3:30

Again, it's a really sort of fundamental area of law. What we're really talking about is whether someone is capable of making decisions in their own best interests, and that's really, really challenging because it is often the case that people do things that we might disagree with or we might think are not in their best interest, but they have every right to do those things. For instance, people smoke all the time, right? That's arguably not in their own best interest, but we don't consider it a significant enough harm to detain that person in any way. That line that we're talking about, where you're acting contrary to your best interest, not in the past but potentially at some point in the future, posing a danger to public safety: that's a pretty significant thing.

I'm a little surprised that we hadn't seen more consultation, more input from experts. I mean, I ideally would have liked to see a committee of the Legislature work on this bill, go around the province, talk to experts in mental health, talk to police who interact with this all the time, talk to lawyers who are experts in the Constitution and the instances in which someone can be detained in order to ensure that what we're doing here is the best possible thing.

Right now one of the provisions that has been replaced is the admission certificate provision, section 3 of this act, which amends section 2 of the Mental Health Act. Section 2 is repealed and replaced with the following:

When a qualified health professional examines a person and is of the opinion that the person

- (a) is suffering from mental disorder,
- (b) has the potential to benefit from treatment for the mental disorder,
- (c) is, within a reasonable time, likely to cause harm to others or to suffer negative effects . . .

and I underscore the term "suffer negative effects,"

. . . including substantial mental or physical deterioration or serious physical impairment, as a result of or related to the mental disorder, and

- (d) is unsuitable for admission to a facility other than as a formal patient,

the qualified health professional may, not later than 24 hours after the examination, issue an admission certificate in the prescribed form with respect to the person.

My questions around this. We have "suffering from mental disorder." I mean, there are multiple ways in which that could potentially be defined. I think, you know, if you look at the history of the amendments to the *Diagnostic and Statistical Manual* and what is considered a mental disorder versus what isn't, it's still a fluid definition. The science of this isn't really quite there yet. I'm not saying there's no science that underlies it, but what I am saying is that it's a bit of a fluid term, and historically it has been. I don't think we've reached the point where we know with a hundred per cent accuracy what is and what isn't at this moment in time because the science just isn't there yet.

"Has the potential to benefit from treatment for the mental disorder." I would say that's a pretty broad category. "Is, within a reasonable time, likely to cause harm to others." That part I'm not so concerned about, but "or to suffer negative effects": I don't think we define "negative effects" in here, so I'm a little concerned about the breadth and lack of clarity in that definition. Again, we're talking about someone who has not done something in the past. They have not committed a criminal act. We're concerned that they may do something in the future, and we're detaining them. We're detaining them, to my reading of this, without right to counsel. I think that that is, in my view, a pretty big concern.

I do understand that it is important for the state to have certain powers with respect to this sort of thing because in some instances we do need to intervene to protect people. But I think that when we're talking about the state having the power to take away someone's liberty, we need to use that in the most sparing way possible. We need to take the lightest touch that will achieve our ends, and I'm just a little bit concerned that this doesn't do that. Now, I'm not saying that I'm in a position to propose something that would do it better or that I have the solution to this problem. What I'm saying is that I think that there needed to be a lot more conversations around that. I think that a committee on this would have been very helpful.

I think that the lack of clarity in these definitions makes it really hard for me to support the bill because it's not entirely obvious to me what I'm supporting, and I'm a little concerned that what I would be supporting is a right to detain someone. We're talking about the opinion of a qualified health professional. You go into the hospital, potentially not even for a mental-related concern, potentially for a physical-related concern. You see a health professional, whether a doctor or a nurse. That doctor or nurse thinks that you're suffering from a mental disorder, that you might have the potential to benefit from treatment, that you might suffer negative effects otherwise, and that you do not wish to be confined and therefore are unsuitable otherwise for admission. Then they can detain you. That seems a bit broad to me.

Now, potentially we're going to see some of these things defined in regulation, but, I mean, the definition of mental disorder currently is very broad, and I think the "suffer negative effects" is very broad and very unclear. I think that, through no fault of their own, through no desire to do something wrong, faced with a definition of that breadth, someone can intervene in a circumstance where perhaps it is not actually appropriate for them to intervene.

For instance, I've never gone skydiving. Lots of people have. Arguably, it takes a certain level of risk for not a lot of – well, what

I wouldn't see as a lot of reward. Maybe someone else would see it differently. The point is that in making that evaluation for myself, I have made that determination. Someone might make a different determination. The fact that they have a different evaluation of the risk versus reward of that doesn't necessarily mean that they ought to be detained. That's probably not a good example, but there are a lot of things that people do that are dangerous, that some people think are too dangerous, and some people don't.

I think the challenge is that it relies a lot on our sort of implicit understanding of what rationality is, of what acting in your own best interest is. Certainly, this place is the prime example of people having very different views of what is in the best interest of individuals in this province. We all, I believe, have the same goal in this place, which is to make the lives of Albertans better. We have very different views of how one ought best to achieve that. People might very reasonably have different views on these things and people might have sort of different spectrums of what they consider rational, and that's why we need very clear definitions in this.

I think the other thing that concerns me about this is that my understanding of what the court asked the government to do was to narrow the definition because the definition was too broad. This does not appear to narrow the definition. Quite, I think, the opposite. I would love to hear from the government a response in terms of how they have responded to each step of the court ruling because, in my view, it doesn't appear that they have responded to each view. What if the Court of Appeal doesn't side with them? What happens then? Are provisions just completely struck?

I think, again, that there are some concerns. I think there are a lot of open questions with respect to how this will move forward, and I think that when we're talking about something this fundamental, we ought to be taking perhaps a little bit more time to consider that. I know that that is a refrain we hear often in this place – we ought to take more time to consider this – but, of course, the government has no doubt been thinking about this legislation for months and contemplating it and having those conversations. For those of us in the opposition we've seen this bill very recently. Not necessarily being medical experts or even experts in this particular area of the law, it's a bit challenging to be able to support the government in having gotten that balance right. We certainly have been reaching out to different stakeholders to try to sort of determine what people's view on this is, and I think I've certainly heard some concerns from the legal community with respect to the ability to detain people under this particular bill.

3:40

Having put those things on the record, I would be delighted, honestly, to hear from the government on this matter. I would be very, very interested to know because I feel like we've been around this bend a couple of times. With Bill 10 the same concerns were raised. It felt like it was overreach, but the government felt that it wasn't. Now we have to go back because it turns out that they've changed their mind on that. I think that the Legislature actually can improve legislation. I think that there is a space for rational debate to move positions or to clarify positions. Perhaps it is the government who will convince me rather than the other way about. It's difficult to say. But I would really like to see someone from the government side get up and explain how it is that these definitions that I see as fairly broad aren't infringing unnecessarily on the liberties of Albertans walking around out there in the public because, in my view, it appears that they are.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Any other hon. members wishing to speak to the bill? I see the hon. Member for Edmonton-Whitemud has risen.

Ms Pancholi: Thank you, Mr. Chair. I appreciate the opportunity to rise in Committee of the Whole and speak to Bill 17, the Mental Health Amendment Act, 2020. I've had the opportunity, actually, to speak to this bill twice already. This is actually my third time speaking to Bill 17. I actually echo a lot of the comments by my colleague from Calgary-Mountain View about wanting some feedback, and Committee of the Whole is very much the place, I believe, for this kind of discussion.

This is a very technical bill with respect to the changes to the Mental Health Act as a result of a decision of the Court of Queen's Bench in J.H. versus Alberta Health Services. Of course, we've already had some discussion in this Chamber about how the decision of that court struck down a number of provisions within the existing Mental Health Act on the basis that they were unconstitutional, yet we see a bill that's presented to us today, Bill 17, that is in most part meant to address the decision of the court in J.H. versus AHS, but it does not actually make all the changes that were recommended by the court.

Now, I will say that in second reading of this bill I raised initially some questions about perhaps why the decision was not incorporated, precisely as it was indicated in the decision, in this Bill 17, and I will say that the Minister of Health did rise at second reading and provide some comments. While I appreciated that feedback a great deal because it did help provide some clarity for me as to where I thought the government was intending to go with this bill, it didn't quite answer a lot of the specific questions. I'm not sure that what was intended by the minister, based on his comments, is actually what's set out in the bill.

This is truly, as my colleague from Calgary-Mountain View said, about trying to understand what's coming forward and having that fulsome discussion because this is actually not a partisan issue at all. This is not something that I believe either parties have ideological views about and differing views about which way they should go. I think we all appreciate in this House the need for the Mental Health Act and the need for careful consideration when we're talking about limiting an individual's liberty and detaining them against their will and providing medical treatment to them against their will on the basis of mental health conditions and an assessment done by medical professionals. We don't take that decision lightly. I don't think anybody in this House does.

I certainly would suggest that there are probably several members in the government caucus who believe strongly, as do many of the members in my caucus, about protecting the individual rights to make your own decisions about your own body and that that sanctity is so important to so many of us. The fundamental basis of individual liberty is to make those decisions about your own treatment and your own medical treatment and to not have that violated except in extreme circumstances and with absolute caution and procedural fairness and consideration for the condition of those individuals. I think this is absolutely not a partisan issue. This is one that is about making sure that we are being very careful and clear about legislation that is going to curtail individual liberties with respect to their own bodily autonomy.

One of the questions that keeps coming back to me – although I raised it and the minister did speak to it, his response has only, I believe, triggered more questions around this bill – is with respect to the broadening of the definition of who can issue an admission certificate under the Mental Health Act. As a reminder, Mr. Chair, the admission certificate is the certificate which is essentially an assessment performed by – at this time it's been a physician, but

Bill 17 is going to expand that. It's an assessment and an evaluation done whereby somebody makes a determination that an individual before them should be essentially detained at a medical facility for treatment.

Now, again, it's not a decision that's done lightly, and I do note that there have been some changes, with respect to Bill 17, to section 2 of the Mental Health Act that address this issue of who can issue an admission certificate, who's qualified to do that, as well as to the criteria by which they make that determination. This is key because if we are to look at the overall intent or, I think, the spirit of the judgment of the court in J.H. versus AHS, it is clearly about ensuring that procedural fairness is there and that we are very clear and specific in our legislation around when an admission certificate can be issued.

Therefore, to me, it is a little bit troubling that when the directions from the court seem to be to provide greater clarity and specificity about where and when these certificates can be issued and how they are reviewed and to provide greater procedural fairness to individuals, the response in Bill 17 is actually to broaden that, to broaden the criteria, to broaden who can issue them. I require some clarification, I believe, from the government as to why they would respond with a direction to provide greater fairness and specificity and detail by actually creating a scheme that is a little bit broader.

When I say "broader," you know, I do believe that the text of the bill suggests – it's very clear that it is broader. One way, which I've spoken to already, is the fact that, prior to Bill 17, in the current Mental Health Act it is really only a physician who may issue an admission certificate. Bill 17 introduces the idea of a qualified health professional, who is defined in Bill 17 as including

a physician or nurse practitioner or a person who is registered under section 33(1)(a) of the Health Professions Act as a member of a health profession or of a category within a health profession designated by the regulations for the purposes of all or part of this Act.

What we have, Mr. Chair, by my reading – and I think that the Minister of Health confirmed this – is that instead of just a physician being able to order this admission certificate, we now have a situation where it's already broadened to include physicians and nurse practitioners and any other health profession that is designated by regulation. What we don't have set out here, because the bill says that it's going to be done in regulation, is which other health professions will be designated and be able to issue these admission certificates.

Now, I gave some examples the last time I spoke to this bill. We know that the list of health professionals is extensive. We have, I believe, something like 30 – perhaps even more – health professionals who are considered regulated under the Health Professions Act. It includes people that I would assume the government has no intention of allowing to have the authority to issue admission certificates to detain somebody for mental health treatment. That includes, you know, individuals such as optometrists or opticians or naturopaths or dietitians or audiologists. I certainly don't think that that's where the government is going. But if we are already specifying in Bill 17 that nurse practitioners, for example, may be able to do this, I question why we can't also set out within the bill which other health professions are qualified to issue an admission certificate.

3:50

To me, it would seem logical, looking at the list of health professions, that certainly psychiatrists, who are a health profession that is regulated, would be included in the bill. That makes sense. I don't know why they're not explicitly included in the bill. I don't know why it's left open ended. I would assume that psychologists

perhaps could have a role in this although I don't know the answer to that.

I would question why the definition of qualified health professions is broadened in this bill, but we're not specific about who and which health professions are qualified to do so. I assume we would know that. I would assume that the Minister of Health would have a good idea about which professions should be qualified to issue such admission certificates, and I would suggest that that should be specified within the bill.

It also leads me to my other question, and this is truly a question. I would like to hear from the regulated colleges and professions that perform this work about why the government is choosing to, for example, allow nurse practitioners to issue admission certificates. The reason I raise that question is because under the amendment to section 2 of the Mental Health Act through the proposed bill, it makes it clear that a nurse practitioner, for example, on their own – it's not done in connection with or in a team with a physician – is, according to Bill 17, qualified to make a determination about issuing admission certificates.

That means that this bill is suggesting that a nurse practitioner is qualified to do the following assessment, and this is the criteria set out under the amended section 2 of the Mental Health Act put forward in the bill. It suggests that a qualified health professional, in this case a nurse practitioner on their own, without consulting with a physician, would be able to determine that an individual

- (a) is suffering from [a] mental disorder,
- (b) has the potential to benefit from treatment for the mental disorder,
- (c) is, within a reasonable time, likely to cause harm to others or to suffer negative effects, including substantial mental or physical deterioration or serious physical impairment, as a result of or related to the mental disorder, and
- (d) is unsuitable for admission to a facility other than as a formal patient.

Now, I pose this as an actual question. I don't know if nurse practitioners are qualified in and of themselves, without consultation with a physician, to make a determination, for example, as to whether an individual presenting with clear mental health disorders and issues has the potential to benefit from treatment for the mental disorder. I don't know that nurse practitioners are qualified. This is an honest question. Perhaps nurse practitioners would say that, yes, they are in a position. I would welcome that feedback. I would welcome hearing from nurse practitioners and perhaps other nurses as well and physicians, and I would suggest consultation, if it hasn't already been done, with the Alberta Medical Association, the College of Physicians & Surgeons to make this determination. Is it appropriate for a nurse practitioner to single-handedly, on their own – because the act is very clear that it does not require consultation with a physician. Are they qualified to make a determination that an individual has this potential to benefit from treatment and is suffering from a mental disorder?

By the way, I do want to point out that I do note that later in the bill it is clear that in order to actually be admitted to a clinic as a formal patient, the admission certificate does need to be signed off by a physician. But to first issue that certificate and make that assessment, which begins an entire process where a person is being held and a determination is being made about where they're going to be held: that can be done right now, according to Bill 17, by a nurse practitioner solo. I question and I would appreciate feedback as to whether there was consultation done and whether that's appropriate.

I also want to talk about the fact that one of the key issues that was identified in the decision of the court in J.H. versus AHS was that there was no definition of harm in the Mental Health Act. Of

course, I think my colleague from Calgary-Mountain View did an excellent job of talking about: what one person considers harm or risk is not the same as what another person might and certainly not for themselves or perhaps even for somebody else. A core component of a decision to issue an admission certificate and detain a person against their will and require them to receive treatment is that there is an element of harm that that person is either going to conduct on themselves or on another person.

In the decision the court said: while we agree that harm is a legal term that's been used often in many different contexts, given the gravity of the outcome and the circumstance and the breach of an individual's rights, we need to be very clear and the act should be clear about what harm means in this context. It was one of the things that the court directed legislators to come back to, to include a definition of harm within any amendment to the Mental Health Act, but as I noted in second reading of this bill, there is no definition of harm put forward in this bill. When asked that question, the Minister of Health responded that that's because the criteria in section 2 has been changed slightly to remove one of the criteria for detention under an admission certificate, that the individual may harm themselves. He indicated that that's why they no longer need to define harm.

However, harm is still a key component of the test to be admitted under an admission certificate. As I indicated when I read out the proposed amendment to section 2, one of the criteria for a qualified health professional to consider when issuing an admission certificate is whether or not that individual "is, within a reasonable time, likely to cause harm to others or to suffer negative effects." The idea of harm is still core to the determination that an individual should be detained against their will and without their consent.

I question why that wasn't considered as that was a clear direction from the court, to actually address that issue of harm. Again, as it is Committee of the Whole, you know, I think – I don't want to belittle the fact that I know it's a challenging thing to do to define harm. But the court has made a clear direction as to what should be done, and there are other circumstances in other bills and other legislation where harm is defined. It's specific to the context of those other pieces of legislation. I'm not saying that it's an easy task to do, but when we are talking about using that as a fundamental criteria for detaining somebody and submitting them to treatment without their consent, I think the direction of the court should be taken seriously.

I would invite the government to consider that issue and perhaps provide comments. I'm hopeful that we will hear from some government members or from the Minister of Health again on that issue of why it was felt that it wasn't necessary to define harm and whether or not what's proposed here in Bill 17, in their view, meets the challenge put by the court that struck down these provisions.

There are a number of other questions. I'm not sure how much time I have left, but there is one other piece I want to talk about as well, which is the transparency of the review panel process in the Mental Health Act, which was, again, something that was critiqued by the court in their decision, which was the procedural fairness. I see that there are a number of provisions that are in Bill 17 that do purport to provide some procedural fairness around the review panel process, but what it does not address within the bill that I can see is any transparency around the decisions made by review panels.

I know that I have heard from and my colleagues have heard from and, I'm sure, maybe the Minister of Health and some of the members within his ministry have heard from health law professors, who have talked about the need for transparency and public accountability on decisions made by review panels. Of course,

again, we're talking about panels that are considering fundamental human rights, individual rights, and there is a bit of a cloak of secrecy right now around those processes and around those decisions.

Part of that, of course, we understand. Certainly, the issues and the rights of confidentiality of those individual patients who are subject to this process should be protected, and we should not be lightly sharing those decisions, because we want to protect the confidentiality of those individuals. But we have precedent from child protection decisions. We have precedent from court cases dealing with minors, for example, dealing with sexual assault, dealing with very personal matters where we can depersonalize, anonymize decisions in order to still provide transparency with respect to the decision-making, the processes, and the outcomes of hearings that fundamentally affect people's rights without disclosing or breaching their confidentiality.

I think that there is an opportunity here to, again, give full meaning to the decision of the court in J.H. versus AHS by making some amendments to provide some transparency around the decisions of review panel hearings. I think that it's in line with the spirit of the decision, which is about making sure that we have absolute procedural fairness, which, as many members will know here, includes not just the right of the process, but the decision that's made is part of procedural fairness as well. People have a right to know why the decision was reached and have a record of that decision. Certainly, if that's going to act as precedent for how the review panel will be making future decisions, there is a public interest, I believe, in having some of these decisions made publicly available.

4:00

There are a number of other questions I'd raised in earlier debate on this bill, which I will continue to raise in Committee of the Whole, and I suspect my colleagues will as well. I want to highlight again that this is about making this bill as good as possible. This is about making sure that we are being cognizant of that balance between the rights of individuals and the right to also make sure that we aren't in a situation where a person may harm themselves or another person because of lack of medical treatment that's available and perhaps in very extreme circumstances, which is what this act is meant to consider, where they might have to get that treatment against their will. We need to make sure that we are as fair as possible, and I think that we have good guidance from the decision in J.H. versus AHS.

We need to consider why some of the clear directions from the court were not incorporated into this bill, and if they are moved around into other sections of the bill – I've done a reading of that, and I can see how some of the elements of the decision made were in other areas of the bill, but there are certainly some clear directions from the court that were not addressed in Bill 17. I believe that we need to have a discussion about why that is and consider whether or not there are ways to make this bill stronger and better through amendment if possible, you know, if that's the best method to do that, which is what Committee of the Whole is about.

We certainly do not want to see the constitutionality of our Mental Health Act struck down again. We want to be in a position where we have a legislative scheme that we feel is defensible, constitutional, and protects the rights of individual Albertans to their bodily autonomy and also to have access to the treatment that they need in order that they're not a harm to themselves or to other people.

I hope that in the spirit of that discussion we can have a meaningful contribution and discussion on this, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

I see the hon. Member for Calgary-East has risen to join debate.

Mr. Singh: Thank you, Mr. Chair, for this wonderful opportunity today, for allowing me to speak here on the important topic and concerns around mental health and to provide my support to Bill 17, the Mental Health Amendment Act, 2020. Firstly, I would like to acknowledge the minister taking the initiative and important measure to ensure that the protection of patients' rights is improved in the mental health care system.

In relation to this bill, Mr. Chair, the government has committed \$137 million in funding to build a bigger and better emergency department and mental health unit at Calgary's Peter Lougheed Centre. Also, the government is providing a mental health and addictions community grant program amounting to \$25 million, and it's part of the \$53 million COVID-19 mental health action plan.

Mr. Chair, Bill 17 is proposing a number of changes to the Mental Health Act that will ensure that patients feel supported and respected. The bill will also address the decision promulgated by the Alberta Court of Queen's Bench last year, which should update and bring clarity to the Mental Health Act. Individuals with serious mental health conditions and their families will benefit from these proposed changes as they will strengthen patient rights and provide more responsive, accessible care.

Mr. Chair, this bill will also set out important changes for many facilities, including Alberta Health Services, the office of the Alberta Health Advocate, the Mental Health Review Panel, and law enforcement. It is finally the time to act and take action at the right opportunity to propose amendments to modernize the act, which had been neglected by the previous government.

These changes will also allow the reduction of red tape and improve the efficiency and supports that are in the mental health system. Patients that are diagnosed with mental health disorders and their families deserve these changes to better facilitate their needs and help.

Mr. Chair, the bill narrows the definition of mental disorder to eliminate the involuntary confinement of people who have irreversible impairments "caused solely by an acquired or congenital irreversible brain injury" such as a condition of fetal alcohol syndrome disorder or stroke. It is an important modification to ensure that the rights of patients are being strengthened. The significance of amending the admission criteria is that it will only allow individuals with those disorders which have the potential to be improved by the treatment to be admitted while reducing the number of patients that require care elsewhere, thereby allowing all patients with mental health disorders or brain injuries to receive the care they need at the appropriate facilities. Let me just emphasize that when a person suffers from an acquired or irreversible congenital brain injury, their required medical supports and specialists are different to what individuals with severe mental disorders require.

Mr. Chair, if Bill 17 passes, this will ensure that appropriate documentation by the hospital and health care facilities is being provided and that individuals and families are receiving accurate information about their health in a timely manner. Patients will be provided free, timely access to medical records, information about legal counsel, and information about the Mental Health Patient Advocate.

Mr. Chair, this bill will allow reports to be completed annually and submitted to the minister with the underlining reasons that justify why patients are being confined. The amendment to the act will also address the roles and responsibilities of the Mental Health Review Panel and the Mental Health Patient Advocate. By expanding the role of the Mental Health Patient Advocate, it will

help to better support and ensure patients have information about their detention and legal rights.

The minister would be advised to designate and classify facilities under the act, which ensures more support and will make it easier for the health system to respond to the emerging needs. With this bill, Mr. Chair, a treatment plan would be required that includes the criteria to be considered for release for patients that are staying 30 days or more in the hospital so that patients and families know what to expect. Timely and effective treatment is an important part of mental health care, and it will also allow a qualified health professional who is treating a patient based on their professional discretion to disclose information on the condition of the patient with one close family member, even without the consent of the patient. This will enable families to better care for their loved ones and help strengthen the needs for those individuals diagnosed with a mental health disorder.

It is important to know that one of the effects of some serious mental illnesses is that their consent may be informed or vitiated by the said health condition or that they could not fully appreciate the consequences of certain decisions or actions. Mental Health Review Panel decisions will allow patients to have more time to appeal a review panel's decision to the Court of Queen's Bench, from 14 days to 30 days.

Mr. Chair, as we know, nurse practitioners are highly qualified to perform vital assessments to be undertaken under the act. The bill proposes to allow them to provide such assessments and examinations while physicians continue to be an important part of patient care. The College and Association of Registered Nurses of Alberta, CARNA, has been consulted about the proposed changes to the legislation and has confirmed that nurse practitioners have the qualifications and training to perform these services safely and effectively. CARNA will develop standards of practice for nurse practitioners to provide these services. Physicians, who are an important part of patient care, will be working alongside with nurse practitioners that will be able to perform the required assessments and examinations and supervise individuals who are receiving treatment in the community.

To improve accessibility for patient care, Bill 17 proposes more ways of delivering care by having the option of video conferencing. A person's first assessment and examination would be offered at more locations, which will reduce travel times and wait times for many individuals. Bill 17 will also reduce red tape by allowing a reduction of forms and paperwork when a patient is moved from one Alberta Health Services facility to another Alberta Health Services facility, which will save time and resources in delivering effective care.

4:10

The bill will benefit everyone in the community as we try to maintain a peaceful and healthy society and will create awareness and support for families and patients. I know our government is ready and committed to improving mental health and addiction care in our province, to help more Albertans get on the path to health wellness.

Mr. Chair, I encourage everyone in this Chamber to support this bill and support all individuals that are dealing with the challenges of mental health issues and the families that are affected. Again I applaud the minister and all the staff and the team members that have been involved in the crafting of these proposed changes.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other hon. members wishing to join debate? I see the hon. Member for Edmonton-City Centre has risen.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity to rise and speak to Bill 19. Sorry. Bill 17. I got a couple of bills ahead of myself, just eager with anticipation, Mr. Chair.

I appreciate the opportunity to speak to Bill 17, the Mental Health Amendment Act, 2020. As I mentioned in previous debate on this bill, I had the honour of being part of the Standing Committee on Families and Communities when we did a review of the Mental Health Act, and specifically looking at many of the issues that are being amended here in this bill today. It was during that process that I sort of had my first exposure to the question of community treatment orders and learned quite a bit from that discussion and the many stakeholders that we had the opportunity to bring before that committee and talk through the many issues involved.

Indeed, as others in this Chamber have noted, Mr. Chair, this is a question of very profound impact on the individuals that it affects. We are talking about setting aside some of people's fundamental rights to their person, to their freedom and autonomy. It's a very difficult judgment to make to determine when someone, in fact, may be in a position where they are no longer capable of taking care of themselves, where they are indeed at risk of doing themselves harm. At that time we were looking at the consideration also of the definition of what it means that they may be of harm to others.

That's a very profound decision for any individual to make. There are many things that need to be considered very carefully in making an assessment of that individual once they have been apprehended, and they're brought into a medical facility, and we are determining whether or not that person should have their autonomy withheld and they should be forced in to some form of treatment.

Indeed, what we have in this case is a case in which one such individual was apprehended and was held, and this particular gentleman was held for an extensive period of time, quite an extensive bit of time. What has been found in this ruling is that that was inappropriate. The ruling is that that individual should not in fact have been held and that his rights under the Charter had been breached.

We have a number of recommendations that were brought forward in regard to how the legislation should be adjusted and a one-year timeline given in which to accomplish that, a deadline which we are now approaching, so the government has brought forward this bill. Now, of course, the government also did choose – that ruling came down in July of last year. The government chose in August of last year to file an appeal. The ruling on that appeal is not expected until September of this year, so we have this legislation now which makes some changes.

The legislation does change two of the sections that were referenced in the ruling. It changes section 2 and section 8(1). However, the ruling also identified issues with sections 4(1), 4(2), 7(1), 8(1), 8(3). All of those were struck down by the court, and then they also mention sections 38(1) and 41(1), yet this bill only amends sections 2 and 8(1).

I would be interested in hearing more from the Minister of Health as to the reasons for this. Perhaps the government is hoping that with the ruling in September, that may remove the need to address those other sections, or they feel that amending these two sections alone somehow encompasses all the other sections of the ruling. That is a question I would be interested in hearing a bit more on from the Minister of Health, as to the reasoning that went into taking only two sections of the six sections that were identified in the ruling as being concerning or problematic.

As I mentioned, Mr. Chair, when we had this bill before the Standing Committee on Families and Communities, there was much discussion about the definition of harm. Indeed, we had the opportunity to hear from front-line workers. We had the opportunity

to hear from police services from a couple of different jurisdictions. We did a callout and received submissions from a large number of organizations and advocates for individuals who are struggling with mental health or who may be caught under such a piece of legislation as well as those who have to administer the legislation and indeed are responsible for making the decisions. There were many and varying opinions on that definition of harm, particularly, as I said, in that it encompassed not only the harm that an individual might do to themselves but the harm that they might present to others in the community. Indeed, what we did hear from those individuals at that time was that they, in fact, felt there should be a clear definition of what harm entailed.

So often and as with so many pieces of legislation, Mr. Chair, the individuals who are asked to enact it often are asking for more clarity. For example, I think back to when we were introducing legislation to protect GSAs. We provided a very clear definition and a very clear instruction as to what teachers were and were not allowed to do in regard to a student's expressed sexual identity or orientation or involvement in a GSA. We made it very clear that a teacher could not reveal that information without that child's express permission. Teachers came out later and were very thankful for that because it provided a clear definition, much like the clear definition of harm that we know has been asked for here, that made it very clear that if they ran into individuals or people who questioned their decision or tried to force them to take that action, they had a very clear instruction as to where the boundaries lay. Now, unfortunately, this government chose to remove that and re-entered that ambiguity.

What we have here in this particular piece of legislation, again, is that concern raised around the definition of harm. Indeed, that was part of the ruling that was brought forward, but we do not see in this legislation any clarification of the definition of harm.

Now, I understand that the minister has stated that because it's not referencing any longer the portions that were talking about harm to others, that it's simply about harm to oneself, that provides enough clarity. Mr. Chair, I would disagree. I think the ruling quite clearly disagreed with that. When we are determining whether or not to take away someone's individual freedom, their very autonomy, when we are choosing to force them into some form of treatment, perhaps against their own expressed will, we should have a very clear understanding of what it means when we say: they are at risk of harm to themselves. What does that harm look like? What does that mean? It is concerning to me that the government has chosen not to delve into that or not to do the proper consultation or work with the experts that are involved to provide that greater clarity that was called for in the ruling.

4:20

One of my other concerns, which I spoke about, I believe, at second reading, Mr. Chair – and I would like to speak about it again because I feel it is important – is the removal of the review clause. Now, as I said, I had the opportunity, when I was on the Standing Committee on Families and Communities, to take part in a review of this legislation because it was prescribed in the legislation that that review must take place. As we can see by this recent court ruling, even after that review, in which we consulted with a wide range of stakeholders – experts, individuals who themselves had been subject to community treatment orders – even after that broad consultation and making a number of changes to improve the legislation and address concerns that had been brought forward, we still ended up with a court ruling identifying that there were further things that needed to be changed.

It seems reasonable to me that on a piece of legislation that can have such a profound impact on an individual's life, there should

be a regular review, period. I can't understand why government would choose to remove that. Is this perhaps part of their misguided pursuit of red tape? Let's be clear, Mr. Chair. Not every regulation, not every stipulation, not every requirement is red tape. At times there are actual prudent pieces that are built in, checks and balances. I recognize that this government is not a big fan of checks and balances, particularly on its own power, as we've seen in Bill 1, Bill 10, tearing up contracts with doctors, firing the Election Commissioner. But on this particular bill, on legislation which has such a profound impact on individuals' lives, why do we need to remove a requirement that that legislation be reviewed on a five-year basis? That's not onerous. That's once per term of government.

Given the number of things this government has decided it needed to hold a panel on, the amount of additional work that it felt it needed to do, sometimes for no more than the purpose of grandstanding on its own ideology for the benefit of its base, you would think that they would, within this piece of legislation, consider something which could take away the very freedom of an individual as something worth the work of government to review once every five years. So far I have not heard from the Minister of Health why he saw fit to remove that, something that was not, I would note, identified in the ruling. There are a number of pieces that were identified in the ruling which the government has chosen not to add, yet on this one piece, which the ruling did not in fact identify and did not suggest the government needed to remove, they have chosen to do so. I cannot think of a good reason.

I would give the minister the benefit of the doubt if he would rise in this House and would explain to us why he feels that that scrutiny should not be there, why there should be less transparency and less due diligence on a piece of legislation that has such a profound impact on already, in most cases, marginalized Albertans.

To that end, I've appreciated the thoughts that have been brought forward by my colleagues so far. You know, admittedly, Mr. Chair, this is a dense bill – there are a lot of pieces here – so I do appreciate my colleagues who have that background in law and legislation who have been able to delve into this a bit deeper in some respects than I myself have.

I certainly appreciate that there are some important changes that are being made here and some valuable changes that are being made here. Indeed, while the government on the one hand is lessening scrutiny and transparency and taking away the regular review, on the other hand they are expanding some of the opportunities for patients and giving them 30 days instead of 14 to appeal a review panel's decision. That's a positive step, Mr. Chair. Again, we recognize the right of individuals to have such a profound decision, that affects them so deeply and could have such a significant impact on their life – they should have the opportunity for that to be reviewed, and to expand that from 14 days to 30 days gives them more time to request that, to perhaps consult with legal assistance, perhaps to talk with others to better understand and prepare their case.

The bill also allows review panels to order a facility to issue a community treatment order instead of detaining a patient when doing so is more appropriate. Again, I've talked a bit about community treatment orders, and I apologize, Mr. Chair, that I may have been confusing in how I spoke of them. We should be clear that the community treatment order is, in fact, different from the actual apprehension and holding of an individual. The community treatment order is once that individual has been released and has been assessed and there are specific requirements under which that individual is allowed to go back out into the community and have their freedom. Those may be requirements that they continue to take a particular medication, that they continue to attend some form of

treatment or counselling or visit with a psychiatrist, other things along those lines, and that is a good thing as well.

An individual now that perhaps has been detained can apply for an appeal. Review panels have the opportunity, then, to order a facility to give that person an opportunity to have their freedom back, to put reasonable limits in place to ensure that that individual indeed will not be of harm to themselves and to make apprehension and detention the last resort, as I think it rightfully should be. Indeed, that was part of the issue that sparked the ruling which has led to this amendment, that that individual was held for too long, and the courts found that it was not an appropriate use of the powers of the legislation.

Indeed, now we have review panels able to order a facility to issue a community treatment order to release an individual with conditions and also, then, to order additional independent psychiatric opinions if needed, again, to bring in additional outside expertise to allow for that opportunity for further review, which, I would note, Mr. Chair, this government seems to feel the legislation itself does not need to have. But at least within the system of the legislation that they are determining, once it's passed, does not need to be ever reviewed again, unless courts happen to rule that that shouldn't be a set process, they are ensuring that the individuals have more opportunities for review.

Now, I also appreciate the changes that have been made here to allow the participation of nurse practitioners, to allow them to take a larger role in how this process takes place. Indeed, we recognize, Mr. Chair, that perhaps in not all parts of the province are the standard medical professionals that we would have available here in the city going to be available, particularly with some of the changes that this government has made to the physician compensation framework. We know indeed that we are losing many doctors and professionals in rural parts of the province. Having the ability to make use of a nurse practitioner to assess, examine, and supervise patients who are receiving community treatment, perhaps in those rural areas where, due to the changes forced through by the Minister of Health, they've driven doctors out of the hospitals and indeed out of the communities – instead, those patients in those areas who are receiving community treatment could work with a nurse practitioner to assess, examine, and supervise, provided that that nurse practitioner is also maintaining physician oversight where necessary.

Allowing people who are held under the act to be assessed and examined by video conferencing where appropriate: indeed, we've seen this government take some steps towards that, providing virtual codes for physicians, albeit with far more confusion, I think, than was necessary and far more accusations that doctors were not telling the truth when they expressed some concerns about how that was done. Regardless, the government is taking steps in that direction. Here we have in this bill also allowing the use of video conferencing where appropriate. Again, in those communities where they may have lost that expertise – and indeed I have heard from many psychiatrists across the province who were deeply concerned with some of the changes that were forced through by the Minister of Health and how that would affect their ability to serve people in rural areas in Alberta – at least, even if those individuals are driven out of providing services in those communities, we now have the option for there to be video conferencing with that expertise in our urban centres.

Indeed, this also allows them to offer initial assessments and examinations at more locations to reduce travel and wait times, which, again, is incredibly important for our rural areas. Indeed, I have been hearing from many about their concerns that the loss of doctors and other supports in their areas is going to force them to have to drive much greater distances to receive the care they need.

4:30

At least with this bill, with these options, hopefully, those individuals in rural areas who may be under a community treatment order and require that supervision will have other ways that they can access the care and the support they need so that they continue to remain in the community where they wish to live, perhaps near their friends, their family, other things that are important to them.

Now, Bill 17 is also proposing to, in the government's favourite phrase, cut red tape by giving physicians and patients more time to co-ordinate their examinations for the required six-month renewal of community treatment orders. You know what? That's a reasonable step, I think, Mr. Chair, to provide that opportunity and that freedom, to give more ways that they can co-ordinate that and do the required six-month renewal because, of course, with a community treatment order they do require that every six months that be reviewed.

The Deputy Chair: Thank you, hon. member.

Are there any other hon. members looking to join debate? I see the hon. Member for Edmonton-Highlands-Norwood has risen.

Member Irwin: Thank you, Mr. Chair. It's an honour to rise to speak to Bill 17, the Mental Health Amendment Act, 2020. In fact, I did have the opportunity to speak to this the other day, but I'm going to echo some of my comments because to date I've not received answers to some of the questions that I raised as well as some of the questions that my colleagues have raised. For folks following closely at home, forgive me if I do repeat a few of my points, but I think it's important to get them on the record. I think it's also important, you know, that I encourage government members to stand up and speak to this.

As I talked about the last time I rose in the House on Bill 17, this is important. I shared the fact that, you know, mental health is a concern for all of us. If you've not experienced mental health challenges yourself, you're one of the fortunate few. You know, I haven't always been able to speak about it, but I've certainly experienced my own share of mental health challenges in the past as well. I think we have a really important role as legislators, as tough as it can be, to be open and to be brave and speak about our own mental health challenges. I know my colleague from Edmonton-City Centre has been quite vocal and was when in government as well. Of course, I wasn't in government at that time, but I appreciated, you know, his openness and his bravery in sharing.

Ms Hoffman: Next time.

Member Irwin: That's right. Perhaps. Yes, exactly. Thank you to the Member for Edmonton-Glenora.

I also want to just, because I have this opportunity and this privilege to speak in this House, give a shout-out to all the mental health workers who are on the front lines right now. You know, we talk a lot about nurses, and we talk a lot about health care workers and just how much we support them, but we don't always think about mentioning the social workers and the mental health workers, who are doing so much right now and who, like I said, don't always get the accolades. They certainly don't ask for them either. I'm just, you know, so proud of the work that the NDP did in the area of mental health. Again, I can concede that I certainly wasn't a member of government but saw the investments that they made in mental health and the way that they prioritized it.

While I'm hopeful that this government is going to take mental health quite seriously as well as the issue of folks struggling with addictions, you know, I do think that they've fallen short in a few

areas. We know that, in particular, some of the attacks on education will harm young people who are struggling with their mental health: the loss of the educational assistants, the loss of indigenous liaison workers, the loss of . . .

Ms Hoffman: Success coaches.

Member Irwin: . . . success coaches – thank you; the Member for Edmonton-Glenora is offering some other ones – and the mental health therapists themselves. Yeah. In a lot of schools in my riding, you know, there are – like I said, one example is indigenous support liaisons, indigenous support workers; they've got various names depending on the school. But that's an example of someone working directly with kids who may be struggling with their mental health, who may be struggling with a range of issues. I worry, you know, that this government is going to use this piece of legislation as an example to claim to show that they are supporting mental health but not really backing it up with action.

You know, they've also fired some child psychologists, and I'm reminded of the time in the House not that long ago, although it seems like a while ago now, when I asked the Minister of Health about the importance of supporting children's mental health. In particular, that question arose from a constituent who had reached out to me and shared her child's struggles with mental health, a child who was about 12 when they started to have severe mental health challenges. This parent asked me: what's happening with the mental health facility focused on children's mental health that the NDP had committed to in 2019? So I asked the Minister of Health that question. In a video that's gone somewhat viral, he infamously noted that there was no crisis in children's mental health, which was unfortunate, because we know folks who work on the front lines. Any of us who have heard stories from their constituents know that there absolutely is a crisis in children's mental health. You know, I'm not going to continue to remind that member of the mistake that he made because he did later on kind of retract and clarify his statements, but I urge him to respond to those concerns and, again, to show with investments and with concrete action how he's supporting children's mental health.

You know, like I said, I've had a number of constituents reach out to me and share their own concerns and struggles with mental health. I also think about some of the front-line organizations that are doing really important work on this issue. What's interesting – and I gave a shout-out to mental health workers earlier – is that with a lot of these organizations, you know, the main focus of their mandate is not necessarily mental health, but they end up doing a lot of mental health work on a daily basis.

An example I can provide are the supervised consumption sites, that are primarily in my riding of Edmonton-Highlands-Norwood, but my friend and colleague in Edmonton-City Centre also has them in his riding. They're pretty close. They're the Boyle McCauley health centre and Boyle Street Community Services; the George Spady society is another example. These are places where, again, it's not just providing an opportunity, you know, a supervised consumption room; it's also providing educational supports. They're providing care for wounds. They're providing help finding shelter, housing, clothing, and they're also providing nurses, addiction counsellors, harm reduction support workers, and mental health supports, again bringing it back to mental health supports.

So you might say, "Well, okay; you know, you're speaking quite broadly to mental health right now," but this is all to contextualize what's in Bill 17. What initiated these conversations was an incident that happened in I believe it was 2014. A man who was a victim of a hit and run suffered leg and back injuries, and after being hospitalized for a number of months, he began to experience

homelessness. He lost his housing and became homeless. You know, he'd seen a doctor. Prior to him being detained, a doctor had noted that he was experiencing disorientation, that he had, quote, an unsteady gait. This man, who was identified as J.H. in the ruling, was not advised of his right to counsel or free legal advice. He was treated with medications that were not medically required without his consent, and he was held for a longer time than was fair. Neither he nor a relative was given a written reason for his detention within a reasonable time. These were all the findings of the justice.

4:40

Given this judge's ruling, this government has landed on what you see ahead of them in Bill 17. Like I said, the reason why I wanted to contextualize some of the issues that I see in my riding – you know, you've all heard me speak many times in this House. I'm so fortunate to represent the riding that I do, and one of the really neat things about my riding is that we have the bulk of social services agencies. We have the bulk of agencies that are providing shelter, that are working for folks experiencing homelessness. We know that with many of those folks experiencing homelessness – I don't have the numbers, but I know I've seen them at one point – the percentage that have mental health challenges is very high. I don't know if anybody knows the number, but it's quite high, at least in an Edmonton context. We also know that there are a number of folks who are indigenous as well that are on the streets here in Edmonton.

All that is to kind of paint a picture of the fact that we've got an opportunity to really get this bill right for folks who are already on the margins. I think it was my colleague from Edmonton-City Centre who mentioned that as well and that by getting this wrong, we risk further potentially marginalizing them, folks who don't necessarily have access to the justice system or who will encounter significant challenges trying to access and navigate the justice system. The last time I spoke in this House, it was about our concern that without proper consultation, without proper conversations around Bill 17, we could potentially do more harm. This is why we had proposed an amendment to refer this to committee, so that it could have a more fulsome debate. Unfortunately, the government members did not support that motion, and again I would like for them to weigh in on some of the issues that have been raised to date in the House.

You know, I have no shame in freely admitting that this bill is a big one and that there are a lot of pieces that I am not fully understanding and that I grapple with. I've tried to read it as best I can, but I do acknowledge that I lean heavily on the lawyers in my caucus. The Member for Edmonton-Whitemud as well as the Member for Calgary-Mountain View have raised some really significant concerns. As the Member for Edmonton-Whitemud pointed out, we've also heard, she and I and other members, including the Member for Edmonton-Manning, who I should also give a shout-out to for her hard work in the area of mental health and addictions. We've heard from folks in the legal community as well who have raised some very specific but pertinent concerns, some of which are around the lack of transparency and accountability in relation to the work of the review panels, just a lot of questions around how this will lead to the intended improvements in transparency and accountability if not fully considered in this House. Again, without members opposite stepping up to speak to this, I'm quite concerned.

I've gotten some specifics here from my hon. colleague from Edmonton-Glenora. I just had noted that we know that there's a very high number of folks who are experiencing homelessness who struggle with mental health challenges, and she pulled this up for me. In fact, the statistics from the Canadian Mental Health Association

point out that 80 per cent of those who identify as homeless live with mental illness and most also deal with addiction issues. There you go. I'm assuming that's from a Canadian context – yeah; she's saying that it is – but I can be quite certain that we can extrapolate those findings to Edmonton, and perhaps we might even find that those numbers are higher.

Again, I wouldn't say that if I didn't have some certainty. I know that because one of the things I do is walk through the tent cities in my riding. I walk through areas where folks are experiencing homelessness along the Stadium LRT line. If anybody in this House – and I'll extend this offer to members on the government side as well – is interested in hearing from folks who are experiencing homelessness, who are struggling with addiction on our streets here in Edmonton, I'd love to take you on a tour and talk to some of them. You'll find that they have some really heartbreaking stories, but they're also generally really willing to talk and to share their concerns.

I know that just after COVID broke out, I went to the big tent city, that's now mostly been dismantled, in the McCauley neighbourhood in my riding and asked them, like, "How are you doing? How are things going?" because, of course, they didn't have masks or anything at that point, and physical distancing was just starting to be a big conversation. What was so interesting is that I asked them how they were doing, and right away a lot of them said: "Oh, we're good. How about you?" Just so kind and so considerate, and it just really struck me to think about how folks who have next to nothing were worried about my well-being, about my own mental and physical health when, you know, I'm admittedly someone with a lot of privilege.

Again I extend that offer to anybody if they'd like to just walk around and talk to folks, because it's certainly eye-opening – right? – and we all have the benefit, the privilege of having a home to go home to every night even if it's a temporary home in our city here, for those folks who are from out of town.

All right. Let me get back to some more specifics around Bill 17. As I said, I pleaded with the members opposite to think about referring this bill so that we could have more consultation, and this was one of the challenges or one of the issues that a number of us have identified with Bill 17. It's not clear who was consulted on this piece of legislation. I would like to know, and I'd like to see sort of a list of names of folks – if you can't provide names, that's understandable – perhaps kind of a rundown of the diversity of voices that were consulted.

On an issue as important as mental health, I would hope that folks with lived experience had their stories heard. I would hope that folks who are working on the front lines, not just in Edmonton – obviously, a lot of my examples are very specific to Edmonton and Edmonton-Highlands-Norwood, but there are mental health workers all across this province who are doing incredible work. Mental health challenges aren't limited to urban areas. That's a fact, right? We know that one of the challenges right now in addressing mental health is similar, actually, to the issue of domestic violence in that a lot of rural areas don't have the resources and folks don't know necessarily where they can turn when looking for supports.

I'd like to ask those members opposite: why was it that this information hasn't been widely shared? I'm just asking to put it on the record: who has been consulted on this legislation?

The other piece that I wanted to touch on, that a few of my colleagues have mentioned as well, is around the definition of harm. You know, my colleague, I believe, from Edmonton-City Centre spoke about the fact that there was a great deal of conversation on revising the criteria around the definition of harm and that it was suggested by the Standing Committee on Families and Communities in its 2017 report that there be a clear definition, but as we see in

Bill 17 in front of me, the Mental Health Amendment Act, 2020, there's no definition of harm.

As that same member noted, of course, anyone who's been involved in broad consultations knows that it's a challenge trying to land on a definition of something because everybody has a perspective. As the member also noted, you know, it's more broad when you think about harm to themselves, harm to others, right? There's a lot to grapple with, but that doesn't mean that it shouldn't be considered. I'd like to again put on the record to urge the members opposite to land on a definition of harm. Perhaps we can address that through an amendment or otherwise.

One of the other challenges or questions I should raise that might be problematic – I don't want to assume, but again we need to flag this as we're debating this in committee, that a qualified health professional is able to make a diagnosis. The definition of qualified health professional, as noted in the Health Professions Act, is any person who's registered under section 33 of that act. This could mean a wide range of professionals – and I'm not questioning their professionalism by doing that gesture – who might not have the background in working with mental health; for instance, audiologists, speech language pathologists, I believe my colleague from Edmonton-Whitemud noted naturopaths, a few others. They might not be, they might not feel qualified, yet under the definition as set out in the proposed legislation, this is the case. Again, I have no problem noting that I'm certainly not a mental health professional, so I'd love to hear from folks opposite why it was that they landed on that.

4:50

I want to talk a little bit as well about some of the key changes and some possible concerns. Again, I don't mean to ring alarm bells, but I think it's important that we propose some of the possible challenges that we see in this legislation. The use of nurse practitioners . . .

The Deputy Chair: Thank you, hon. member.

Are there any other members looking to join debate on this bill? I see the hon. Member for Edmonton-Ellerslie has risen.

Member Loyola: Thank you very much, Mr. Chair. As has been stated by many of my colleagues regarding Bill 17, Mental Health Amendment Act, 2020, we're happy to see that this piece of legislation has come before us, but of course there are a number of concerns that we have with the bill as it's been proposed.

Part of that is the fact that it's concerning that out of the six sections mentioned in the court ruling that is leading to this bill, only two are actually addressed. We're also disappointed to see that further recommendations were either ignored or partially included in the legislation. This was an opportunity to really make a difference and address the issues as were brought up in this court ruling. It's puzzling to see this government: here they had an opportunity to get it right according to the court ruling but then have decided to – I don't know – just brush the other problems underneath the carpet. What's going on with that? I don't understand.

That's one of the beauties of our democratic system, the parliamentary democratic system, in how it has that check and balance with the judicial system. You know, there are other places in the world that don't have that benefit. Here in Canada, at least, like in other places that have been influenced by the Westminster parliamentary system, of course, there's this check and balance between the judicial system and the executive. So it's puzzling to me that here we have an opportunity to actually get this right, as has been highlighted with the problems that were highlighted by the

courts, and we're not seeing this government actually take advantage of that and actually include that in these amendments.

Of course, you know, mental health is a serious concern. I'm blessed with the fact that in my family we've never had an incredibly serious issue with mental health. I'll be honest with you. Up until I was probably about a good 25 years old, I never experienced anybody who had a mental health issue, but then I made a friend. It was actually someone that I used to study with. At first, this person didn't divulge to me that they had a mental health issue, because of course they wouldn't. I mean, there's the stigma around when people actually share that they have a mental health issue, and they're reluctant to do so.

Unfortunately, because of that and the fact that there is stigma related to it, then they don't necessarily get the supports that they need. This is something that continues to be a problem in our communities and in our society and here in our province and, of course, across this nation, and it's really important that we take the time to actually address these issues. I know that many of the members in the House take advantage of making sure to build awareness around these issues.

But it's in the pieces of legislation that we bring before this House that we actually have the opportunity to have this check and balance between the judicial system and the fact that we as a House have the responsibility of then correcting the wrongs. Again, I'm puzzled that this government and this cabinet have not taken advantage of the fact that they could have corrected so many other aspects that are within this bill as it pertains to the court ruling.

You know, getting back to my experience with a friend that had a mental health issue, of course, never ever having the opportunity to actually experience someone with a mental health condition, at first I didn't even notice. I don't know; maybe call it me being gullible, but I always choose to see the best in people. I never assume that, you know, they have some condition or something like that, and I treat people fairly as much as I possibly can, without discriminating against them for any reason. I try to be as fair as I possibly can with everybody I encounter and meet, as I'm sure many of you do as well.

Then eventually it became evident that this friend had an issue, and it fell upon me and other friends in his close circle, network, to actually get him the help that actually he needed. I'm reminded that not once, not twice, but probably three times this friend actually would go to the hospital. He was seeking help, and sometimes he wouldn't get it. You know, he was just told to go back home, but he was obviously struggling. I wish I could have done more to help out this individual, this friend. Unfortunately, though, we lost him to suicide.

I completely understand that it's difficult because we're trying to weigh the rights of the individual with the problems that they are having. Ultimately, I believe that our responsibility as legislators is to do our best to make sure that people are respected and that they can get help within the system, that they can get access to as many of the health professionals as they need when it comes to these grave, grave, grave issues.

When it comes to this particular piece of legislation, I have to ask myself why the government decided that they were only going to introduce some of the amendments as it pertains to all of the different aspects that were brought up. You know, only certain provisions of the act come into force upon proclamation as well, and I have to ask: when do the remaining sections actually come into force, and why is there this delay? Why are you choosing to define qualified health professionals in the manner that you have? These are just some of the questions that I have when it comes to this proposed piece of legislation.

5:00

One of the things – and it has been expressed by, I believe, all of my colleagues if I'm not mistaken – that we're all supportive of is the fact that you want to provide better access to care by allowing nurse practitioners to assess and examine and supervise patients receiving community treatment while maintaining physical oversight, where necessary; allowing people who are held under the act to be assessed and examined by video conferencing, where appropriate; other initial assessments and examinations at more locations to reduce travel and wait times; and allowing care providers to provide information to patients' close family members if it's appropriate. I think that this is something that we're all highly in favour of, and we applaud that the government has done this.

Like that, there are other aspects of the bill that we are highly in support of, but then again there are those other aspects that we don't have all the information on. We don't have all the information, and we were hoping that members from across the way could actually shine a little bit of light on some of the questions that we have regarding this piece of legislation.

I'll just kind of go over a few more of those questions that I have. In section 19 you add additional provisions for a peace officer to convey an individual after assessment. Is there a reason why a mental health professional or social worker could not be utilized? In section 37 who is the person supervising the community treatment order? It's another question that we have.

I think that there are a number of questions that have not been answered by members across the way when it comes to this particular piece of proposed legislation, and we'd like to hear a little bit more. Of course, at the end of the day, this is such an important issue for people in our community, one that is not necessarily understood by as many people as we would like it to be, and of course people with mental health issues continue to live with the stigma. There is a lot of misunderstanding when it comes to mental health issues, and I believe that we need to do better.

We need to do better to help individuals that are going through these challenges in order to make sure that what happened to my friend doesn't happen to them. I think it's pretty clear that we lost a good person. We lost a really good person. You know, he was an individual who was very idealistic, incredibly idealistic. I remember him being an individual that always strived to help others even with his condition. That's probably when he was the most at peace, when he was helping others even though he had this mental health condition and he was struggling. And I feel that. I mean, I've never had a severe mental health condition the way that my friend did, and I can't even assume or pretend to even understand what he was going through, but I think that we all go through times in our lives when we feel the pain of feeling isolated. Even though we could be surrounded by hundreds and hundreds of people, we can't connect to those around us in a meaningful way that helps us feel more human at the end of the day.

This is our opportunity to get this right because that's what this is about. It's about making sure that we help those Albertans who are going through these struggles, with the fact that their dignity is what's most important at the end of the day. I know that, like my friend, there are many that are going through these types of problems, and they need our help and assistance. I'm counting on all of us to get this right. Unfortunately, he's no longer with us, but I know that there are many, many, many other people going through this problem or problems similar to the one that my friend went through with his battle with schizophrenia.

I think I'm just going to leave it there, Mr. Chair. Thank you for your time.

The Deputy Chair: Thank you, hon. member.

I see the hon. Associate Minister of Natural Gas and Electricity has risen.

Mr. Nally: Thank you, Mr. Speaker. I move to adjourn debate.

[Motion to adjourn debate carried]

Bill 7

Responsible Energy Development Amendment Act, 2020

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill at this time? I see the hon. Member for Edmonton-Glenora has risen.

Ms Hoffman: Thank you very much, Mr. Chair. If you'll indulge me for a moment, I just want to express my condolences to my colleague for the loss. Thank you for sharing about your personal experience as it relates to grief and mental health and your friend. I'm sorry.

I was prepared to respond to that, but at this point I'll transition my debate to the Responsible Energy Development Amendment Act, 2020, as it's referred to, Bill 7. I have to say that I have some concerns around some of the posturing that's happening, I think, in this legislation and some of the contradictions between what's being proposed in the legislation and what's being asserted in this place and to the public as well through the media and through organizations like the energy war room that have been created by this current government.

Some of the things that I think aren't bad, though: let's start there. Let's start with some of the things that I think are hopeful. I think theoretically it's good to have shorter timelines for the AER. In practice I hope they are able to still produce quality oversight and fair assessments of the applications and that they are able to do so in a way that doesn't hinder further progress on applications that are deemed to be in the public interest, but I have some nervousness about putting a timeline in that some could perceive to be arbitrary rather than talking about process and how that process can be streamlined and made more efficient.

I think it is an important goal for us to be able to have clear and consistent processes and for them to be dealt with in a timely fashion so that we can have certainty for investors, certainty for employers, certainty for workers, and certainty for the province as a whole as the owners of the resources that we are here to consider in this bill and which play a significant role in our provincial treasury in terms of providing important programs and opportunities for all Albertans, but I worry that setting an arbitrary timeline could be a risk to us when we go forward with applications.

5:10

For example, I know that there were delays that frustrated probably all members of the NDP to an extreme degree when we were so excited that we'd get another step of approval towards the Trans Mountain pipeline and we would, of course, celebrate alongside Albertans on the significant accomplishments. Then a little bit later we would see appeals or challenges brought forward. That certainly was frustrating. I worry that if we put in timelines that sort of tie the hands of the AER on fair process, we could set ourselves up for more challenges that could cause even more long-term delays to get a short-term answer.

I also want to highlight that in question period last week and at many other times we'd regularly hear the government talk about the independence of the AER, but of course in this bill it is taking away much of the independence. For example, when it comes to

environmental monitoring, we'll hear the minister of environment talk about how independent the AER is, and then we'll hear in this Assembly, through this piece of legislation, that the government is setting very clear directions when it comes to applications and the timelines, for example.

Some of the questions that I hope we can grapple with a little bit in debate here this afternoon. I would welcome, obviously, clarity from any members of the government caucus or cabinet specific on plans around the timelines because the bill doesn't really seem to be clear on what the plans are with regard to that. The cabinet has the ability to put them in, but I'd like some clarity on the what and the how that relate to this question.

Also, what about projects that are shared jurisdictions, so projects that maybe have a municipal component, a provincial component within Alberta, or a shared jurisdiction being another province or another municipality? How will we work out those pieces and those challenges as they continue to arise? I think that's been one of my greatest challenges and frustrations when it comes to the approval processes, when we look at how there are multiple jurisdictions that, of course, have the responsibility to weigh in but how one jurisdiction can trump another. I think it's important that we sort of figure out some of that clarity between those multiple jurisdictions. That's one of the questions I hope to hear from government members on as well as how cabinet will make decisions around which timelines are appropriate or not appropriate.

Probably the one that I hope we get to grapple with the most here this afternoon is: how are we ensuring that the AER will be able to deliver an appropriate level of assessment in a shorter timeline? I think that's our goal, to have a faster, cleaner, more efficient process and decision but that we need to have a high level of scrutiny and confidence in the decision itself.

One question that I have that probably isn't directly answered in this bill but I think is answered in the budget to some degree is that we're asking the AER to move forward faster, better, cheaper, and at the same time we're cutting a significant number of positions from the AER. I believe it was 270 full-time equivalents since 2019. That is a lot more expectation and a lot more responsibility and under a tighter timeline with having fewer resources.

I know that any time we've done a construction project, usually a contractor will say to you: "I can do it fast, I can do it cheap, or I can do it good. I can probably do two out of those three, but I probably can't do all three at the same time." Right? I think that what we're doing here is that we're asking them to do it fast and to do it cheap, and I'm worried that we're going to impact the good.

How do we make sure that we have the right resources in place at the AER to support what I hope is a desire to have a swift, good turnaround on this? I think that we will only set ourselves up as a province for more frustration if we fail to have the appropriate resources for those who are to do these reviews and if we fail to set realistic expectations for those who are doing the work.

Are there any specific criteria that are being set by cabinet or through this process around these timelines and timeliness? Again, we're being asked to give more power and authority to cabinet, taking it away from others and from this very Assembly, so I would like to have some assurances around that and some clarity.

Some of the changes: striking out the time prescribed for making the written decision based on AER rules, giving the cabinet regulation-making powers to set timelines, and making clear that cabinet regulation – this is one that I find particularly questionable – trumps any rules set by the AER that might be in conflict. Again, we'll have one, often many ministers of the Crown talk about the independence, the confidence that they need to have and that all of us need to have in the AER, but at the same time this government is cutting their funding. We're setting expectations around timelines

and timeliness, and we're also saying that any time there's a conflict between cabinet and the AER, cabinet is going to be the ones who get to make the decision. That certainly does take away a lot of the defence around the independence argument that's given regularly in this place and outside of this place when it comes to the independence of the AER.

In terms of some of the specific sections, 1 through 4, striking out that the AER sets timelines for written decisions after completion of hearings, regulatory appeals, and completion of reconsideration, that's a big one.

Giving the cabinet in section 5 the power to make regulations and to set limits around process, around hearings, around decisions and the rules that are related to those decisions and also making clear that the regulations supersede any of the AER rules that could be in conflict – again, when we hear folks trumpet independence and independence is being written out through this bill, it definitely takes away that argument that's given in this place over and over again. If that's the intent, then own it, I would say. Don't continue to hide behind the AER when they're implementing decisions that this government is forcing upon all of us not just through this act but through decisions around monitoring, decisions around application processes, for example. If you're going to do so much to change the balance of power, own it, and defend that in this place.

I think that also section 6 clarifies that any of the rule-making by the AER is subject to regulation-making by cabinet, again, a small number of folks in the governing party, who happened to be elected by the majority, and then are selected by the Premier to have the authority to make these decisions that we are delegating to them in this place to trump every independent component that the AER once had and put them under the ownership of the Premier and cabinet.

Was this bill in the platform? That's a question we always sort of ask ourselves when we're going through this. I think the truth is that, yes, one could argue that it is in a couple of areas of the platform, but I think that it goes much, much further than what a lot of folks expected. You could argue, maybe, that this relates to some of the red tape that was talked about in the platform, but again I think that what some might call red tape, others might call fair process, others might call due consideration, and others might call independence. Are we going to cause ourselves in the long run more anxiety and more delays because of a desire to act quickly and push something through here around timelines? I expect that that's the case.

Page 31 of the platform also talked about a new board of directors. Again, really intriguing that the independence is often touted, but one of the main political campaign components was around firing people who worked in this organization and putting in new appointees.

5:20

I have to say that I want to ensure that we have clean air, clean water, and clean land that's safe for all of us, for this generation and for the next, and I also want to ensure that we have good jobs, a strong economy, and great opportunities for everyone, whether you're of working age now or of working age in the future, to be able to benefit from the prosperity that we have available to all Albertans. I want to make sure that we harness that prosperity for the benefit of all, not just a few, and that we do so in a way that is sustainable so that we can have a sustained economy that works for everyone. When I look at some of the decisions that I think this government is working to rush through quite quickly, I wonder if this is going to be the reality for future generations. I hope it is. That's what I think a lot of us talked about in our maiden speeches

in this place: how we got here and where we want to go, how we want to see Alberta thrive for future generations.

I hear a lot of people talk about the future when they talk about debt – that's fair – making sure that we don't unduly burden the next generation with more borrowing than is necessary. That's fair. I also hope that we don't unduly burden the next generation with an environmental calamity that we can't properly account for. I also hope that we ensure that the future generation has great education and health care systems so that they can live to their fullest potential and be able to succeed in a variety of sectors, including, of course, oil and gas. I am grateful that we have the resources that we have here in that area of the economy as well as other areas.

You know, growing up in my hometown, a lot of people worked in oil and gas. Even more, I think, worked in logging and in forestry. When I think about driving the highways in the north and seeing logs, I also knew that there were a lot of people going out and planting trees. Every single summer I had friends who were going out to be tree planters, and I met people around town who were working in that area as well. I think that is an example of how, when you have sustained development that balances extraction and replenishment and we work in a way that ensures vibrancy and good jobs for the short, the intermediate, and the long term, we can see a lot of success for all Albertans.

I do hope that we get some answers to the questions that I've raised in the last few minutes around the timeline piece, the accountability piece, and also, I would say, legal opinions as they relate to our ability to argue that the process moving forward is fair and judicious if we're working so quickly to ram things through in arbitrary timelines. I certainly hope that that isn't the case. As I've said, I think that being able to do things better and faster and cheaper is good, but I think we also need to do them well. Otherwise, I think we bite the hand that feeds us. Let's make sure that we have proper oversight. Let's make sure that we have proper regulations. Let's make sure that we set up systems that truly can be independent and can ensure success for all Albertans, not just for a few on a very tight timeline.

At this point I think those are the main pieces I wanted to add, and I'd be very happy to hear some responses to the questions we've asked by any members of the government, private members or cabinet. I hope that they've had an opportunity to ask these same questions and that they will give all of us the answers through this Assembly in a public way that supports good decision-making.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other hon. members wishing to join debate? I see the hon. Member for Edmonton-Decore has risen.

Mr. Nielsen: Well, thank you, Mr. Chair. I appreciate the opportunity this afternoon to rise and, you know, finally get the opportunity to speak on the main bill here, Bill 7, Responsible Energy Development Amendment Act, 2020. Of course, whenever I'm looking at pieces of legislation, my first thoughts are around: what's contained in it? What does the language say? What doesn't it say? What are any potential problems that could crop up by the way we're saying it? Are we crafting a piece of legislation that, when we're all gone from this House, somebody is going to be able to look back on and be able to interpret it quickly and easily?

When I'm looking at Bill 7, I'm finding some problems here with it. You know, I can't help but think back to the past, to when our Premier came out and said that he doesn't want to get bogged down in unnecessary consultation. That has stuck with me because when I'm looking at pieces of legislation, I'm looking for language that might prevent proper consultation from happening. Does it

eliminate consultation from happening, or is it going to be a robust process?

When I'm looking here at Bill 7, the very first thing that pops out at me is around the timelines with the AER. We have heard in this House from the Government House Leader that the AER is unequivocally an arm's-length board and that they are independent. He made that very, very clear today. As I'm looking at what the purpose of this is, it's around giving cabinet regulation-making power to set the timelines for the AER. Right there that's telling me that, well, you're interfering with the AER, that's supposed to be arm's length and independent. Do you actually think, then, that it's arm's length and independent? I have conflicting language here in Bill 7 around that whole process.

When I mentioned earlier about, you know, not wanting to get bogged down in unnecessary consultation, this now becomes a flag for me because part of that process is for the AER to go out and provide written decisions based on the completion of hearings, regulatory appeals, and any reconsiderations that might happen from that. But if we are artificially messing around with those timelines, we are now messing around with their ability to potentially fulfill what they're supposed to be doing, especially around consultations, which, of course, is why earlier we brought in an amendment around the consultation process with our indigenous peoples when it comes to projects.

We've seen, you know, unfortunately for us as a province, where the Trans Mountain pipeline was temporarily halted because the consultation process was flawed. Now, are we setting ourselves up for more of those court decisions to be holding up our projects because we didn't take the proper time to get these done? That whole process is so that when consultations are done in a fulsome, meaningful process, that is where you build the consensus so that everybody is onboard. But if we start to rush that, we start to set ourselves up for failure, and we end up getting bogged down in processes that we shouldn't have been bogged down in to begin with. We end up costing ourselves much more time at this.

I guess that in my role in the opposition as the critic for red tape reduction I would certainly love to maybe hear from the Associate Minister of Red Tape Reduction as to whether potentially setting ourselves up for these kinds of things would be a definition of red tape. Is that something that we want to avoid? I mean, the whole mandate of that ministry was to reduce red tape, but it was made very, very clear when it was established that it would not be at the disadvantage of Albertans and it wouldn't be at the disadvantage of their businesses as well. If we're, as I mentioned earlier, setting ourselves up for possible failure here, have we gone against that mandate to protect the interests of Albertans and their businesses?

5:30

This is a big concern to me right off the hop around Bill 7, Mr. Chair. We are, of course, here in Committee of the Whole, and we have some opportunities to have some fulsome discussions around these kinds of things. I guess, I don't want to just single out the Associate Minister of Red Tape Reduction. I'm happy to hear from anybody on his behalf, if necessary, so that we have the opportunity to address these things so that going forward – well, my hope is that nothing goes wrong, but if they do and we didn't have those discussions, you know, that unfortunately will fall onto this government for its failure to address the proposed legislation fully.

You know, when I start to think about these timelines and maybe perhaps how we start to interact with other jurisdictions, if we have other jurisdictions that aren't ready to impose artificial timelines on their regulatory bodies when we're talking about projects that cross multiple jurisdictions, what does that mean for Alberta? How are we planning to address these kinds of things? Are we simply going

to take everybody to court because they're not living up to the timelines that we've artificially put in? Are we going to start, quite frankly, Mr. Chair, fighting with everybody around us because we didn't get things done on our timelines? I'm curious how perhaps that will go with projects in shared jurisdictions and how the government will react to these kinds of things. What's the plan?

I'm also thinking about how the minister or cabinet is even going to lay out these timelines. What's the criteria that they are going to be looking at? Clearly, in this bill there's no mention of these sorts of things, so it would be helpful for members of the opposition to know how this process would move forward. What are the steps? You know, it's almost like a bit of a flow chart, right? If this doesn't happen it goes over here, things like that. It would be helpful to know what some of those things are, especially given that – if we are going to make those decisions, impose timelines onto the AER, how are they going to address it given that over the last year or so we've seen 270 full-time positions that were lost within the AER? Is that going to start to impact these timelines that may be artificially imposed on them? I don't know if that's necessarily fair given the fact that we've just now replaced the board there.

Again, are we setting them up for failure by not providing the resources that they're going to require in order to be able to hit these targets that may be imposed on them when they're looking at different projects, especially if the projects are crossing multiple jurisdictions? I would certainly appreciate any kind of insight around that. You know, there is this mandate to reduce red tape, and I certainly agree that if we can speed up these processes, that's the more desirable outcome, but it can't be at the cost of Albertans or their businesses or even, for that matter, investors. When they see a situation, as I mentioned earlier, where we potentially are setting ourselves up for failure, they're going to look at that and go: well, that's probably going to get court challenged, and that's going to create all kinds of delays because we're messing with the system. That doesn't help us to bring investment into the province for the benefit of Albertans.

I know there are maybe some thoughts around how far we want to try to improve this process. You know, we've heard that our processes are the slowest ones in the country. What's the benchmark that we're trying to hit with regard to Bill 7? Are we trying to be 10 per cent faster, 50 per cent faster, 100 per cent faster? I'd appreciate any kind of insights into that because I think it will tell us perhaps what we might be looking forward to in terms of these artificial timelines that can be imposed onto the AER.

I hope that we get some answers to some of these questions as we move forward. Like I said, Committee of the Whole is the best place to have these. We're able to go back and forth. We're able to make headway here. You know, if we need to bring in amendments to straighten out some of the language that's being proposed here, it gives us the opportunity to fix it now rather than later. Later will be too late because then how many projects are we going to affect? How many projects are we potentially going to lose simply because we've set ourselves up for failure?

With that, Mr. Chair, I will take my seat. My hope is that we will get some answers to these things. Any information that can be shared is always helpful. I think that this will allow us to create legislation that will be in the best interest of all Albertans.

Thanks.

The Deputy Chair: Thank you, hon. member.

Are there any hon. members looking to join debate? I see the hon. Member for Edmonton-Gold Bar has risen.

Mr. Schmidt: Thank you, Mr. Chair. I want to thank my friend from Edmonton-Decore for asking some important questions, I

think, that need to be asked with respect to what the government's goal is with its overall objectives with respect to the Alberta Energy Regulator and what it deems to be efficient. If I can speculate, I think that ideally the members opposite would like to eliminate the regulatory framework under which resource development happens in this province entirely, and certainly the government has made significant steps to eliminating that framework in the short year that they've already been in office.

We've seen, of course, the rescindment of a 50-year-old coal policy that has effectively balanced coal development with environmental protection in the province of Alberta for over 50 years. The government has thrown that out the window. By the minister's own admission, he intends to turn his own backyard into one giant open-pit coal mine as opposed to supporting the tourism developments that would lead to the development of a sustainable and thriving economy in his own backyard.

That should be particularly concerning, Mr. Chair, simply because most of the coal companies that are applying to do business in Alberta are held by Australian investors. The members opposite seem to get really excited about the possibility of Australian investors profiting off Alberta's coal resources and then leaving us with the bill when it comes time to clean up those open-pit mines. If you have any doubt about whether or not the government intends to stick the taxpayers with the bill with respect to reclamation costs, you only have to look at what's going on with oil and gas liabilities in this province.

The Alberta Energy Regulator already publicly estimates that we've got about \$200 billion to \$300 billion worth of environmental liabilities in the oil and gas industry. There is no possible way that the oil and gas business right now as it stands can cover those costs. We already see that the members go cap in hand to their biggest donor, Justin Trudeau, to pay for site rehabilitation in the province of Alberta. The money that the federal government has advanced to the province of Alberta is only a billion dollars. A drop in the bucket. The question is: where is the other \$299 billion going to come from? I suspect that our friends in Ottawa probably will not continue to be as generous if this government doesn't start taking the issue of dealing with energy development reclamation seriously.

5:40

Anyway, my point is that a number of groups have raised the issue of effective regulation with respect to the Alberta Energy Regulator because one of the first things that this government did was they announced a review of the Alberta Energy Regulator. That was kicked off early last year in their mandate. That appears to have been wrapped up. Nobody from the government has published any sort of what-we-heard document or any kind of summary of the consultations that had been conducted. We see drips and drops coming out of the government with respect to what they're doing with the Alberta Energy Regulator. They appointed a new CEO in, I believe, March.

Now, it's interesting to me, Mr. Chair, that at a time when the Alberta Energy Regulator's credibility is at its lowest point in the seven-year history of that organization, they appoint a CEO who has been knee-deep in scandal in the province of Saskatchewan for years. Why is it that in an effort to supposedly improve the credibility of the Alberta Energy Regulator, one of the first things that this government has done in its review of the Alberta Energy Regulator is to pick somebody who has so publicly been involved with public scandal in the province of Saskatchewan and put him in charge of our most important third-party regulator in the entire province of Alberta? To me that's not the step that I would take to restoring the credibility of the regulator, but we know that members opposite are

no strangers to scandal, and I don't think that that's a disqualifying criteria in their minds.

The issue, though, of credibility is what's really at stake when we consider what needs to be done with improving the Alberta Energy Regulator. Nobody disputes the fact that effective regulation includes efficient decision-making. That is not the issue. It's that effective regulation also includes so much more. One of the issues that I've already raised was the issue of important environmental protections. Unfortunately, the Alberta Energy Regulator is not trusted by the public of Alberta anymore when it comes to protecting the environment. Certainly, in their submissions to the ministers responsible for the Alberta Energy Regulator both the Pembina Institute and the Alberta Wilderness Association raised serious issues with the Energy Regulator's ability to protect the environment. They mentioned that one of the key considerations when the Alberta Energy Regulator was first established in 2013 was that it intended to manage the cumulative environmental impacts of resource development in the province of Alberta.

Rather than assessing each project on a project-by-project basis, as has been the practice in the province of Alberta ever since resource development came under government regulation, each project is supposed to be assessed according to how much of an environmental impact that project will have when you consider all of the existing environmental impacts of projects that are already under way and projects that are already on the books. That work has not been done. Both the Alberta Wilderness Association and the Pembina Institute highlight the need for the Alberta Energy Regulator to return to its intended purpose to manage cumulative environmental impacts, yet we see nothing in this bill designed to improve that aspect of the work that the Alberta Energy Regulator does.

Mr. Chair, you know, I go back, of course, to this issue of reclamation liability and timelines. When it comes to reclamation certificates, the Alberta Energy Regulator processes thousands and thousands of reclamation certificates every year. According to reports by investigative journalists, 97 per cent of those reclamation certificates are issued without a single visit to the site. The Energy Regulator takes the company's word for it that they have met the obligations set out to them in the legislation and the regulations.

Now, Mr. Chair, I used to do that kind of work. I would sign off on those kinds of reclamation certificates. It was my professional word that was at stake if there was anything found to be wrong with the assessment that I did in those projects. But I don't think it's a credible system if you submit a reclamation certificate and say: take my word for it, it meets the . . . [an electronic device sounded]

The Deputy Chair: Let it be known for the record that I will be mentioning to that hon. member that he will be making a donation to the charity of his choice. He might be able to hear me in the lounge right now.

If the hon. Member for Edmonton-Gold Bar could please continue.

Mr. Schmidt: Thank you, Mr. Chair. Just a question of clarification: who gets to choose the charity?

The Deputy Chair: I'm feeling generous. Perhaps in this case it will be you.

Mr. Schmidt: Well, I am happy to submit a long list of worthy charities.

The Deputy Chair: Please table it at your earliest convenience.

Mr. Schmidt: My original point was on the issue of reclamation. You know, the Alberta Energy Regulator has publicly said, of course, that there is up to \$300 billion of outstanding reclamation. There's ongoing work to assess these reclamation liabilities. People are doing good work, but the regulator doesn't actually do a check when somebody submits a reclamation certificate on behalf of industry, and I think that's a failing, Mr. Chair. I've seen it myself when I worked in the field, and I've certainly heard from landowners who've seen it, too; all kinds of problems with sites that are supposedly reclaimed according to the system that the energy regulator has set up.

On the issue of guaranteeing quality environmental reclamation, something that landowners, the Pembina Institute, the Alberta Wilderness Association, all kinds of stakeholders have identified as an issue that needs to be dealt with when reviewing and improving the Alberta Energy Regulator, that's not in this bill. We're only dealing with timelines for approvals.

5:50

One of the things that was particularly shocking to me, though, is the fact that early last year it was reported that the Alberta Energy Regulator will be moving towards a 15-minute approval time, that 95 per cent of the applications that are submitted to the Alberta Energy Regulator will be evaluated by a computer, and the target is to process each of those within 15 minutes upon submission. Now, Mr. Chair, I know that 15 minutes in this place can seem like an eternity, but out there in the rest of the world 15 minutes to decide whether or not a well should be drilled, for example – I question whether or not that's an appropriate length of time, and I certainly don't know if it's in the public interest for a computer program to be making that assessment and spitting out the application approval without having some kind of human person looking at this application and deciding whether or not it's in the public interest.

Can you imagine that? Fifteen minutes, and all we hear from the members opposite is that the energy regulator has to do its work more quickly. What are we going to have this time next year? Are we going to be striving to reduce that 15-minute application time to five minutes?

An Hon. Member: Yes.

Mr. Schmidt: I hear members opposite saying "yes." Well, then why go through the charade of having an energy regulator at all? Why not just turn the keys over to industry and say: have at it?

We've certainly seen the government moving in that direction with other pieces of legislation. Like I said, they've rescinded the coal policy. They don't enforce environmental monitoring requirements that are set out by approvals that are under the direction of the Alberta Energy Regulator. We see in Bill 22 that instead of cabinet issuing authorizations and decisions on applications that are reviewed by the Alberta Energy Regulator, it's only going to be the minister responsible who is signing off on those. We are seeing that the government is focused solely on improving the timelines that the Alberta Energy Regulator takes to make its decisions at the expense of every other consideration about what an effective regulator looks like.

You know, with this 15-minute approval window I honestly don't think that there's – it cannot get any faster and maintain some claim, some shred of credibility when it comes to reviewing these applications and determining whether or not they're in the public interest. It's certainly in industry's interest to make sure that those applications go through as fast as possible with as little review as possible, but it's not in the public interest, Mr. Chair, and,

unfortunately, members opposite continue to conflate industry interest with the public interest. That is not always the case.

There is certainly no shortage of conflicts with respect to energy development of any kind here in the province of Alberta. I've talked to thousands and thousands of Albertans who've been adversely affected by energy development in this province, and they've been shut out of the processes that already exist under the energy regulator. Here we are dealing with legislation that's designed to shorten those timelines and reduce public consultation even more than they've already been limited to date.

I think the public of Alberta and certainly the people who are invested, who have a stake in the energy development in this province want, above all, a credible regulator, not just a quick regulator, not just a regulator that processes applications as fast as a computer program can evaluate them. We want a credible regulator that makes decisions in an efficient and timely manner but also makes decisions that are informed by the input of the public generally and also makes decisions that consider the environmental impacts of the projects that are under consideration. On those two respects, Mr. Chair, the Alberta Energy Regulator continues to fail, and this government won't lift a finger to improve those aspects of the work of the Alberta Energy Regulator.

I urge the members opposite to give strong consideration to what else needs to be done at the Alberta Energy Regulator to enhance its credibility with respect to public input and environmental protection because right now those issues are the ones that need to be addressed, not the timelines; 15 minutes, I think, is probably fast enough for the consideration of these kinds of applications. There's no more work that needs to be done, I would submit, with respect to increasing the speed with which the Alberta Energy Regulator makes its decisions. It's those other aspects that need to be improved. We need to allow the Alberta Energy Regulator to take a broader view of who has input into these decisions and allow for more public input, and we also need to make sure that the Alberta Energy Regulator lives up to its intended purpose of being an effective environmental regulator, which it so far has failed to do.

Mr. Chair, with that, I'm sure that the members opposite will rush back to their respective departments and say: "Hey, you know, this

Member for Edmonton-Gold Bar was really on to something. Maybe we should introduce some amendments to address these other aspects of the energy regulator that we somehow managed to forget." I live in hope that during this debate at Committee of the Whole we'll see members opposite, members of Executive Council bring forward those amendments.

The Deputy Chair: Thank you, hon. member.

Are there any other hon. members looking to join debate? I see the hon. Member for Edmonton-Ellerslie has risen.

Member Loyola: Thank you very much, Mr. Chair. Always a pleasure to get up, even if it's for a minute or two, and express my concern. First, I wanted to just say, "Thank you so much" to the Member for Edmonton-Gold Bar for shedding some light on the issue and the fact that he's been able to highlight specifically this, what I believe that many would be incredibly surprised to learn, process that would only be 15 minutes to get approval for a project. I'm pretty sure that many Albertans out there, were they to know this information, would be incredibly surprised by it, so I want to thank the Member for Edmonton-Gold Bar.

Let's not forget that the Member for Edmonton-Gold Bar actually, before being elected into this House, was highly involved with the processes that actually have to do with approval for these types of projects, and he knows the field really well. I appreciate that he has that analysis, that insight, and that he shares it with us in the House. Like him I can only ask that the members across the way would take into consideration what he has to share and actually truly go back and request some amendments to this piece of legislation that's being brought forward by the government. Thank you for that, Member.

Of course . . .

The Deputy Chair: Thank you, hon. member.

I hesitate to interrupt, but, obviously, seeing that the time is 6, this committee stands recessed until 7:30 tonight.

[The committee adjourned at 6 p.m.]

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