



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Tuesday evening, June 16, 2020

Day 32

The Honourable Nathan M. Cooper, Speaker

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

Second Session

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New Democrat: 24

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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, June 16, 2020

Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

The Chair: Hon. members, please be seated.
The hon. Deputy Government House Leader.

Mr. McIver: Thank you, Madam Chair. At this point I move that we rise and report progress on bills 17 and 7.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. van Dijken: Madam Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bills: Bill 17 and Bill 7. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in the report? All those in favour, please say aye.

Hon. Members: Aye.

The Deputy Speaker: Any opposed, please say no. Carried.
The hon. Minister of Transportation.

Mr. McIver: Thank you, Madam Speaker. Pursuant to Standing Order 3(1.2) I wish to advise the Assembly that there shall be no morning sittings tomorrow, Wednesday, June 17; Thursday, June 18; Tuesday, June 23; Wednesday, June 24; or Thursday, June 25.

Government Bills and Orders Committee of the Whole (continued)

[Mrs. Pitt in the chair]

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

Bill 18 Corrections (Alberta Parole Board) Amendment Act, 2020

The Chair: Are there any members wishing to join debate? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Madam Chair. I appreciate the opportunity to speak to Bill 18 on the provincial parole board establishment. I have a number of serious concerns about this decision that I want to just walk through a little bit over the next little while. The parole service is an important service in our criminal justice system, with the very difficult responsibility of making determinations about the readiness of offenders to return to the community after having been convicted of a crime and having spent time in jail, paying restitution through that conviction and time in jail.

It's one of the fundamental philosophical underpinnings of the nature of parole that the crime and punishment relationship is such that if someone has broken the law of the province of Alberta or

indeed the laws of Canada, they are given time in jail as a way of deterring them from engaging in that kind of crime in the future. I think it's important that we remember that the time in jail is intended to be a punishment for a particular act against the law. Now, that's all obvious, but the reason why I go through it is because the underlying philosophy is not a bunch of other things that I want to talk about for a minute; it's really only about giving someone a penalty for having committed an act, and spending time in jail is that penalty.

If we start to attach other things onto the penalty, then we are actually subverting the underlying intent of our criminal justice system; that is, if we start to say that we want to shutter people's ability to regain access to society indefinitely or if we make the decision to somehow invalidate their rights and opportunities after the point of time that they have served their sentence, then we're not really talking about punishing someone for the crime that they have committed. Rather, we're talking about seeking vengeance on somebody because we're upset with what they've done. That's a very dangerous place for us to go to in the administration of justice.

If the administration of justice is based on the notion of vengeance, then the likelihood of bad things happening in society increases; that is, you end up with a state that makes determinations about the value of a human being and the right of the state to dislike that person and to act against them because they dislike that person, and that's not a place we want to go. We've seen that everywhere in the world where the state has taken that kind of position, it's really turned into a terrible antidemocratic process.

What we want to do is to make it really clear to people in society that there is a cause and effect on their behaviour. Should you break this law, the consequence will be that you spend some time in jail, not that we dislike you or that we don't want you as part of our society anymore or that we're angry and therefore get to do whatever we want. That's perpetrator thinking, that just because you made us upset, somehow we get to do whatever we want. We certainly don't want the government to be acting in a perpetration mode. What we want is for the government to say that this is about law and order. This is about keeping a civil society. This is about preserving the security of the individual, both in terms of their body and the things that they might happen to own.

Given that that's the underlying fact of our judicial system, it's important that we then understand that parole has a very important role in the application of our judicial values, and that is that we are not allowing the government to punish you and hurt you because we are mad at you; we are merely responding appropriately with the right kind of punishment for the crime that's involved. Once you've spent your time in jail, the needs of society are such that we want you to get back out into the community and to alter your behaviour and become part of a successful society. The punishment is over. We're not supposed to continue disliking you and treating you poorly. We're supposed to say: the crime has been done, the punishment has been administered, and now instead of going out into the world and causing grief and sadness for people around you, you need to go out into the world and help to build the positive world that we want to have.

We know that a significant number of offenders are going to need significant support in order to be able to do that. There are reasons why they became an offender in the first place. Now, it's nice to be able to say that they just made a bad choice, and I wish that were true, that the reason that most offenders become offenders is because they simply choose poorly, that they don't have a good value system when they choose to do that. In reality, we know that that's really not one of the primary reasons why people become offenders. In fact, the vast majority of people who become

offenders become offenders because of structural drivers in their lives; that is, the things that have happened to them have pulled them in a direction that is very unfortunate.

7:40

You know, I've recently had an opportunity to spend some time watching an American television show called *The Wire*, that was quite popular a few years back. It's about the selling of drugs in Baltimore. One of the seasons was really about the children in the drug trade. The children are five, six, seven, eight, all the way up to 15, who are drawn into this life through a variety of disasters in their lives: parents who are addicted, poverty, racial prejudice, lack of opportunity, and so on. One of the things it really demonstrated was this argument about the structural drivers that push people in a particular direction. It's not that they don't have some choice along the way but that for many people you would have to be an exceptional human being to overcome all of the drivers that are pushing you toward crime.

The nature of the parole board is such that we are trying to examine: is this person in a place where they have the skills and talents and the abilities to overcome the drivers that are pushing them more toward crime, or are there things that as a society we should be doing to facilitate their ability to overcome those drivers? If so, then it is requisite upon society, for our own benefit if not for the benefit of the individual, to ensure that they have the opportunity to get the resources that are necessary. The parole board has a very important purpose here, and that is that they should be spending time determining whether or not the structural supports are in place to counteract the structural drivers that are going to push or pull that individual back into a criminal lifestyle.

If we are going to have a parole board in the province of Alberta, it's very important that we understand that that's what it's about. It's not about keeping bad guys in jail. We know we can keep bad guys in jails. We could simply change the punishment for every crime to make it longer and longer and longer. We could say that if you steal a loaf of bread, you're going to spend 30 years in jail. There was a time when that actually happened. There was a time in the not-too-distant history when many of our ancestors in places like England and Ireland actually faced that kind of punishment, or they might even get sent to a colony in Australia or Canada.

I think it's important that we understand the nature of what the parole board is doing and understand that if we are going to make a decision to create a parole board in the province of Alberta, simply creating the parole board without ensuring that they have extensive resources to ensure the well-being of the society through working on the structural drivers that are pushing people or moving people toward a life of crime, then we're really not doing the job that we're supposed to be doing. It's not simply a matter of whether or not you can get out of jail. The question is: how will you be successful once you are out of jail? That's what it is, I think, that we need to be careful about making sure that we maintain.

Now, in this particular case the government has made a decision that they want to have a local parole board, but I question whether or not they actually have thought through: what is the purpose of the parole board, and will we actually be able to better provide those resources that deal with the structural drivers that move people toward criminality if we have it under the control of the provincial government than if we have it under the control of the federal government? They've presented absolutely no evidence that they, in fact, have resources here in the province of Alberta that they would not be able to apply if it were done by the federal government. In other words, if we look at what is the underlying reason for having a parole board, they've presented no evidence that

that reason will be enhanced if we have it within the control of the provincial government.

The question is: why would you do it, then? If you're not going to be able to provide any kind of different service at all, if you're not going to be able to do anything new, why would you duplicate a service that is already in existence in this province? This is contradictory to their claims that they're against red tape, that they don't want duplication in government. They actually are going to create a whole new system, when the system currently exists, without demonstrating even one aspect of this new system that will enhance or better the actual functioning that will be performed by this parole board. It begins to make you wonder what it is that they're doing.

I'm afraid the thing that concerns me most about that is that it really isn't about what parole is about. Making this parole board isn't really about providing a circumstance under which we will try to move offenders from being offenders to being nonoffenders through dealing with the structural drivers that have brought them into this place and providing structural supports that will keep them out of jail in future.

Instead, what I can only imagine is that this government is looking to go back to that 15th-century notion of: "We don't like you because you committed a crime. Therefore, we get to do whatever we want to you, and we want to tell you that you're a bad human being because it makes us feel that we are better and more powerful." It's an ancient notion of criminal justice, crime and punishment, that we're bringing forward here if that's what it's about, if it's about looking tough on crime.

We know that it doesn't actually change the amount of crime in society to act tough on crime. We know it doesn't actually move people from being offenders to nonoffenders. We have lots of research about that process, about how to move people, and it has nothing to do with our trying to make them feel bad about who they are. In fact, I think there's some fairly good research that demonstrates that the more we make people feel bad about their criminality without doing the work to actually give them the skills to stop their criminality, the more likely they are to continue to engage in that criminality. This is referred to as labelling theory.

Now, I think that's a dangerous place to go. If you can't actually provide a parole board that's going to do something new and better, why would you create one at all? If what you're trying to do is that you're trying to go back to an ancient system of punishment for the sake of hurting people through a state-sanctioned process, then I think we're in trouble. It belies the research underlining the work that people have been doing for the last number of years on: how is it that people end up in these positions of becoming perpetrators, and how do they end up in a place where there no longer are perpetrators? I really want this government to reconsider – well, I would like them to reconsider – the whole notion of a provincial-based parole board because I think that it's contrary to the ultimate hope that I think all Albertans have, and that is that we will have less crime in society, that we will have people who are doing less crime.

In fact, we know that the research on length of sentences, for example, doesn't actually correlate with the likelihood of whether people are going to commit the crime or not; that is, as you lengthen sentences for crime, you don't have a reduction in the number of times that crime is committed. But we do know that psychologically the research indicates that it's much more likely based on the likelihood of you being caught or the likelihood of you having the type of structural barriers that would prevent you from committing that crime; that is, people around you who are witnessing what you're doing, people around you who are providing you alternatives to committing a crime, people around you who are providing

supports for a better life. All of those kinds of structural ways of dealing with crime are demonstrated to be much more significant than the punishment itself.

So I think it's important that if we're going to interact with crime in the province of Alberta with a desire to reduce that, we not waste our time with setting up a parole board that will do exactly the same things as the old parole board did. Instead, that same money could be used for a variety of other programs that we know are going to have more effect on actually decreasing the likelihood that somebody is going to go back to committing a crime. That means we could be putting this money that will be spent on this parole board toward things like restorative justice. We could be putting this money to community groups that work together to create a bond of social support not only for themselves to help be aware of criminal activity that's happening around them but, actually, social supports for those people who are most likely to commit a crime so that it will reduce the likelihood that they commit a crime.

7:50

I think that that's where we have to stop and we have to spend some time thinking a little bit about what it is we're doing here. We're going to be spending money on this parole board, and I think it's really important that if we cannot demonstrate that anything new is going to happen, we reconsider and, instead, spend that same money that we would have spent on a parole board on the types of programs that actually help people move from that category of people that we refer to as offenders to the category of good public citizens.

I know that there is plenty of research that's been done on this, and I know that there are concerns that we have a lot left to learn, that we don't know all of the mechanisms. But we certainly know that there are strong correlations between certain drivers and criminality, such as having experienced family trauma. If you were physically or sexually abused as a child, your likelihood of becoming a criminal when you're older increases. It's a driver. It doesn't cause you to do it. Don't get me wrong on that. What it does: it's a force that moves you in the direction of increasing the likelihood of you becoming a criminal.

We know other kinds of trauma also do that: poverty, for example; lack of education; lack of knowledge, of alternatives and possibilities. All of these things could be worked on, and they would reduce crime. So this money being spent on this parole board could be spent on all of these other kinds of structural drivers, and if they were, we're much more likely to have fewer criminals in our society.

I know that sometimes people feel like there is, you know, a mass of criminality out there and that crime is rising, but in fact the evidence is that in western societies crime has been on a long, slow, steady decline for hundreds of years. The amount of crime . . . [Mr. Feehan's speaking time expired]

Thank you.

The Chair: I see the hon. Minister of Transportation rising to speak.

Mr. McIver: Well, thank you. I was interested in that long diatribe just now, and I was just interested particularly in the end of it, where the hon. member just talked about how crime is falling on a steady pace. I agree with that, but that kind of flies in the face of the fact that the other folks voted against our bill to prevent the seizure of legal property last night, when our side of the House voted for; the seizure of legal property, guns that were bought legally. They voted against that motion knowing, as we know now, because the member has just said, "I know the crime rate is going down" – yet they voted to seize the legal property held by Albertans in that scenario,

completely inconsistent between what they did yesterday and what they say today.

I was also interested in the member's long, long talk about retribution. It's a short bill. I read the whole thing again while the member was speaking, and the word "retribution" actually doesn't exist in the bill. In fact, the parole board has nothing to do with retribution. It has to do with letting people out of jail when they're ready. In fact, on the Parole Board of Canada site it says: the Parole Board of Canada is the Canadian government agency that is responsible for reviewing and issuing parole and criminal pardons in Canada; it operates under the auspices of Public Safety Canada. The Parole Board doesn't do any of the things the hon. member was talking about. It sounds like he's not happy with the jail system.

Well, that has nothing to do with this bill. This bill has to do with when you let people out and when you don't and making good decisions. So all the parole board has to do is make better decisions than they do in Ottawa. All this stuff the hon. member talked – it was interesting, and I might even agree with him on a great deal of it, but the fact is that it has nothing to do with the bill. I guess he filled the necessary 10 minutes. He failed to talk about the bill.

The Chair: Any other members to speak to the bill? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Chair. I rise to move an amendment. I will await that reaching you, and then I will read it in.

The Chair: Thank you very much.

Hon. members, this will be known as amendment A1.

Hon. member, please proceed.

Ms Ganley: Thank you very much, Madam Chair. I'm pleased to rise and speak to this amendment. I think this amendment is something that I hope our side and the government side can actually agree on. I will read it out.

I move that Bill 18, Corrections (Alberta Parole Board) Amendment Act, 2020, be amended in section 4 in the proposed section 27.2 (a) in subsection (1) by adding "subject to subsection (1.1)" before "The Parole Board comprises" and (b) by adding the following immediately after subsection (1):

- (1.1) The Parole Board must
 - (a) consist of at least 5 members but no more than 9 members, and
 - (b) be comprised of at least
 - (i) one member who is representative of the indigenous community of Alberta, and
 - (ii) one member who is representative of other minority communities disproportionately represented in admissions to correctional institutions.

Madam Chair, the reason I'm so pleased to be able to introduce this amendment is that I think that certainly at this moment in time we're having a lot of conversations about the justice system. I think it's clear, if we look at the outcomes of the justice system, that in fact institutional racism is a thing that exists, and I think it's definitely demonstrated fairly transparently in the disproportionate incarceration of certain populations. I think that in light of the fact that we know demonstrably that certain people are impacted more by the justice system, in order to ensure that the justice system is representative of all people, we make sure that those individuals who are overrepresented are in fact represented, well, in my view, on all boards but on this board specifically since this is the one that is before us presently.

I think this is really important. I think it's an important step forward. I think we have a huge number of indigenous people who are absolutely, eminently qualified. I think we have a huge number of members representing other minority communities disproportionately impacted who are eminently qualified to serve on this board, and I would like to think that it was the government's intention to ensure that this representation would exist in any event. If that was the case, then this is a very simple amendment to accept. It would simply require that there is that representation on the board. Now, obviously, not all members hear all matters coming before the Parole Board. I believe presently the quorum is two or three on a reconsideration, and I think that adding these individuals to make sure that representation was there would be good. More would certainly be better. I definitely think that.

But, you know, it's always been my view – and I think that certainly it was something I worked very hard on and that our leader, the Member for Edmonton-Strathcona, worked incredibly hard on, ensuring that the boards that govern the people of this province have representatives from the people of this province so that there is representation from all Albertans, so that everybody sees themselves reflected in their institutions, so that everybody feels like they are reflected in those institutions, so everyone has the opportunity to put their names forward and they feel able to do that.

I think, you know, people undervalue this. They make unfortunate comments about it having to do with sort of tokenism and this and that. I think that those comments are wrong because as someone who is raising a daughter, it's important to me that when she grows up – these implicit signals that we send in society that only certain people can do certain jobs, that only certain people can hold certain positions: those things aren't sent by what we say; they're sent by what we do. I want my daughter to look around and see herself reflected in her institutions. That's why it's important to me that we do ensure that there are more women in the judiciary, that there are more women in politics, that there are more women in the boardroom for exactly that reason. I think it's important for all different people. I think that indigenous people deserve to see themselves reflected in those institutions. I think that it is important that when indigenous children grow up, they can look at the institutions in our province and they can see themselves there. I think that it very subtly sends signals to our children as they grow about what they can and cannot do, and it's incredibly important that people think about putting their names forward.

8:00

You know, we talk a lot about underrepresentation of various communities in a lot of public life, and I think one of the solutions to that is ensuring that as people grow up and they think about what they can become, they're able to look around them and say: "Look. There's someone like me." I think that this will go some way towards that, and I think that the justice system could honestly use a lot more of that. I think it's worth having the conversation because implicit in this counterargument that I hear all the time, that I see online, that seems to spread throughout society, is that if we require members of underrepresented groups to be appointed to boards, they're not qualified or they're not getting it for the real reason, and that's just simply not true.

You know, when we talk about, for instance, people of colour being underrepresented not just in the judiciary but probably in the entire legal profession, I mean, it's not because there aren't enough qualified people. That's not the problem at all. It's that the system is set up to let certain people through or to privilege certain people and not others, so we need to do something to rebalance that system to ensure that everyone has an equal opportunity.

I think that when we're talking about something like a parole board, it's not just an institution. It doesn't just have that signalling function. I think it really does require representation from people who have lived experience. We've had a lot of conversations, I think, recently about racism, but the truth is that many of us in this room don't really understand what that feels like. I certainly don't, so I think that having people represented who do understand what that feels like, who have had that experience, who are able to bring that experience to the table, who are able to speak to it, who are able to have that lens and that perspective and who are able to share it with the other people on the board is really, really important.

As we – as an entire province, as a country, as a world – begin to address these issues, particularly in the justice system, I think it's definitely time to consider moving forward on some of these issues, to consider taking active steps, because we've been talking for a long time. I'm not saying that we haven't made any progress, but I don't think that our progress has been sufficient. I think that we can make more progress, and we make more progress by taking active steps. Sitting around in a room and talking about it and hoping that it will happen on its own hasn't had the effect that we want it to, and I think there's a lot of good evidence that it probably won't, that we need to take active steps.

We need to think about these issues, we need to talk about these issues, and we need to try to move forward on these issues because it really is a question of fairness. It really is a question of the moral authority that the legal system has to bind us and where that authority derives from, and that authority really does derive from the people. If the people do not support the justice system, if they do not buy into the justice system, then it isn't really working.

I'm not saying that any criticism of the justice system means that we ought to toss it out. I'm not suggesting that at all. What I am saying is that I think there is an increasing number of people who are looking at this and saying that it isn't working, so we need to start taking some steps to reconcile that. If there are people out there – and an increasing number of people out there – who feel that this system is unfair to them, that it targets them, that it does not have the moral authority to bind them because we are not, in fact, all living by the same rules, which is the fundamental premise of that system, then I think we need to do something about it.

This is just one step on the way to ensuring that we are doing something about it, to ensuring that at least in this one place, you know, we have the chance to start fresh. This is a brand new board being set up. Presently this work is done by a federal board. We'll bring in a provincial board. It doesn't hear that many applications, but it is still a board that will do work that will impact the lives of Albertans around us. I think that because of that, this gives us the opportunity to move forward and make a positive change in the system to ensure that there is at least one representative of the indigenous community, to ensure that there is a representative of other minority communities, to make sure that those voices are heard and that they're reflected.

I think this is a small step. It's one of a number that I think we need to take, but I believe that these sorts of provisions ought to start to pervade appointments to the justice system. Certainly, that was a lens that we took, and I hope that that is a lens that this government will take because it's critically important that everyone has the chance to participate.

It's critically important that people who – and, again, I don't think there's a problem with a lack of skills. I think people have the skills, but some people are more likely to self-select in. Some people with the same skills, usually white males, who have, say, an identical skill set to someone who is a woman, to someone who is a minority, will self-select into a job and assume that they are good enough and that they can do it in a place where someone else might

not. Whether that's subtle signals that are being sent by our society, whether it's never having seen someone do that before – there are any number of reasons – I think these steps are critical. These people who come before the parole board are more likely to be, because of the overrepresentation, from these groups, and I think they ought to have the opportunity to be heard by someone who can understand their experience in maybe a way that I can't.

With that, I will take my place, and I would urge all members to vote in favour of this amendment because I think it is an incredibly important improvement.

Thank you.

The Chair: Any other members wishing to speak? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Chair. I'm pleased to rise to speak to the amendment brought forward by our Opposition House Leader here tonight. The amendment is, I think, a very timely and important one that all members of the House should see fit to pass. It's not anything other than uncommon sense, let's say.

I know that we are living in a period of time when our senses are heightened regarding the race relations in our society as well as in all societies globally. The world is watching, and it's incumbent upon us to adopt the changing sensibilities and the real realities that have been confronting us for a long, long time and that we've failed to incorporate into legislation. This is just one small way that we can certainly acknowledge the changes that should have been made a long time ago, in recognizing the fairness that we must have in our society with respect to race relations and equality in our justice systems and all facets of our government administration. This amendment goes a long way to placing a small part of fairness in something that otherwise would simply be another white-bread example to racial minorities in our province of being forgotten and being ill considered.

8:10

I know that any individual who is facing a Parole Board hearing currently under the federal system, if indeed they were a visible minority, other than the white demographic, would be, I think, justified in wondering how fairly the judgment of parole will be granted given that nobody from perhaps the indigenous community or the other minority communities as proposed by this amendment are represented on the Parole Board.

Federally, of course, they might have their own rules, but I think that provincially it's up to us to, wherever we can, set an example so that the members of our population who are the minority, people of colour, and who do face criminal justice systems feel a sense of fairness and feel that their concerns and their cultural distinctiveness, their ethnicity are being considered when the parole-granting exercise is under way.

I am not in great favour of the bill itself. However, given that the government seems intent on pushing forward with implementing an Alberta parole board, then I think we might as well at least make some amendments that will have it reflect not only the times but the reality that we live in and incorporate the sense of justice that is being demanded globally by racialized communities, that the justice system and the enforcement of our legal system is something that recognizes the injustices of the past and seeks to correct them.

I think that the role of government is to ensure in the justice system that it not only is fair but is seen to be fair, and I think that if one looks at the demographics of those who have been convicted of and sentenced for various types of crimes and those individuals who are serving a period of incarceration in our penal systems, there are overwhelming injustices there in those numbers, showing that

the racialized communities are disproportionately incarcerated and sentenced to periods of probation currently provincially.

When standing before a parole board, I think that individuals who will now be facing a period of parole being granted to them provincially deserve to have the opportunity to be judged by a representative group of their peers on that parole board. In this period and going forward, this government and future governments in this province should be looking into a system where appointments to various provincial bodies, the agencies, boards, commissions, parole boards, must always be made through a lens of fairness and not necessarily – I really don't think the word is properly used any more – something that would be called affirmative action.

As the member speaking previous to me indicated, that is sometimes thought of as lowering the bar in terms of those qualified to become appointed to, in this case, the provincial parole board, and that's not the case whatsoever. There are ample members of the community, the racialized communities or the indigenous communities as the amendment proposes, to be appointed to these boards in the province of Alberta. I think to argue that this somehow perverts the system or the quality of the appointees is really an unfortunate conclusion to make. Right now the system that we have in place, where these guidelines are not enshrined in legislation, has led to a system which has caused, I think, a perpetuation of the disproportionality of incarceration of racialized communities and, in the federal case, I would say in all probability a disproportionality in those individuals who serve a longer period of time incarcerated rather than on parole.

It's incumbent upon all members of this House to look through the lens of today's world and also to put oneself in the place of one's fellow Albertan, whether you be a Caucasian male of privilege or whether you be the newest member of our society emigrated from some other portion of the world and you may be a racial minority. Each time that you take that different role upon yourself and think of yourself sitting in front of a parole board hearing, awaiting judgment to see if you're going to end up being given an opportunity to join your family and your community after a period of some time in incarceration, the last thing that you want to have going through your mind is if these individuals are sort of voting for or against the probation granting based on a bias that is sort of built in to their own cultural lived experience.

I think knowing that the parole board will have at least one indigenous community member and one other minority community member from the group of individuals in a community who are disproportionately represented in admissions to correctional institutions will give some solace and some sense of justice, some sense that the review of their peers – peers meaning a cross-section of individuals in the province who make up the parole board – is a greater sense of justice being granted to the individuals being considered for parole, in my humble opinion.

I certainly have had a little bit of an introduction, as I've mentioned in this House before, to the criminal justice system in terms of my experience as a volunteer in the court intake unit as a probation officer and have had opportunity to speak to individuals who had been sentenced to probation, not so much to those who had been incarcerated, but just those who had been given a period of probation alone. Definitely, there's a sense of despair and hopelessness expressed, or that I could sense, in the minds and hearts of many of those individuals I met with either in the courtroom before they left, after being sentenced to probation, or if I met them in city cells before they were released. They told me that even a period of probation, and I assume a period of parole should Bill 18 pass and the parole board is in place, is a serious, serious matter. It's a sanction that you have upon yourself as an individual

member of the community, where that community is telling you basically: reform yourself or you'll find yourself either behind bars for the first time or back in jail.

Of course, currently in Alberta a period of probation may follow a provincial court sentence, and that is a pretty strong sanction and for the most part is a pretty good break on recidivism. I fail to see the real reason that the provincial government now seems to be wanting to go ahead with parole for two-years-less-a-day sentences, provincial sentences, rather than maintaining the current probation system as we see it, as a sanction to incentivize the decision not to repeat offend and end up in jail.

8:20

However, we are looking at a bill, Bill 18, and the amendments thereto which would set up a provincial parole board, that this government seems intent on enacting. In so doing, I think its incumbent upon us as the opposition to implement amendments that will make it reflect the population of the province, not just so it is fair in that way, that we are reflecting our own demographics, ethnicity, race, and so forth, in the appointees to the parole board, but also that we are recognizing that there are disproportionate numbers of racialized populations who are serving terms of incarceration provincially in the province right now, and that should be embedded in the parole board appointment system as well insofar as we should be making certain that there are always going to be parole board members who are from those communities that are disproportionately incarcerated in the provincial system.

They should actually bring to the parole board a much better understanding and comprehension of the cultural values and mores and understandings and practices, thought process, philosophy of those individuals who are members of the racialized communities that they also come from. It would be, I think, a significant improvement. There may be other amendments that could be made to this Bill 18 that I think would go in the same direction. For the moment I think the Member for Calgary-Buffalo has brought forward one of the most prominent and I think obvious amendments that we should be approving quite quickly and passing in this Legislature.

I can't think of an argument that the government would want to make to counter this amendment. I hope that they see the wisdom of it. I certainly wouldn't want to be arguing against it. It wouldn't be something I'd be comfortable doing. We'll let the government members speak for themselves on that, but I would be feeling pretty awkward myself in this House trying to debate on the other side of this proposal to make this amendment. It would be an uncomfortable position to make.

I certainly would be very happy to hear from other members with arguments to make on both sides of this issue. I look forward to being made aware of any concerns that others might have with the amendment, but I think I would like to encourage all members of this House to pass it and improve this legislation.

Thank you.

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

Mr. Deol: Thank you, Madam Chair. It's my pleasure to rise in the House to speak to the amendment to Bill 18, Corrections (Alberta Parole Board) Amendment Act, 2020. The reason I'm just, you know, happy and I'm speaking in favour of this amendment is that I'm looking at the bill, but I understood that this bill proposed something, the framework that has already been done under the Parole Board of Canada. If this bill passes, the piece of legislation we are discussing here, most likely – what this focuses on is

duplicating the work that we already have. The provision under the justice law – I could not find the very reason. How is this different? And if this is not different, what was the need for this piece of legislation, Bill 18, to be discussed, and what are we trying to achieve through it if we have already provisions that successfully actually serve the purpose we're trying to achieve through this bill?

Going through some of the information, I've seen that if we implement this bill, there is a cost to Albertans. The government of Alberta will end up spending some tax dollars on this, on implementing work that in no way is going to make it any better for Albertans. I'm not saying that it is not wise to discuss the rule of law or to analyze and discuss and debate the problems that we have with the law of justice, but, in this case – we are debating this in the House right now and discussing it in the Committee of the Whole and spent a whole lot of time in the House – it does not seem that government are really trying to put their focus on to things that have been long due.

My colleagues from Edmonton-Rutherford and Edmonton-McClung had long speeches on this, emphasizing specifically the need we are focusing on to help reduce crime in Alberta in a way that could be more effective, to focus, rather, more on what had been missing in the long history of Alberta and what gives, you know – how would I say it? – the people, what triggers the individuals to commit a crime. In this whole information I see that the government has been missing a focus – not even once if we were discussing something with regard to parolees and this justice system – there is a community that is disproportionately represented in jails and, you know, the justice of law they're serving imprisonment. This was a time when government should have taken this opportunity to focus a little bit more on that, how we can help not only reduce the crime but also, you know, strengthen those communities to find out what those problems are within those communities, their challenges they are struggling with, and how the government of Alberta can really help them actually get them better.

If the government really gave a thought on this – and I'm just concerned – what kind of study they have done, if they can share? What is the difference, and what kind of consultation, and what are those consultation results? How did they come to this decision that if they just establish the Alberta parole board act instead of the Canada Parole Board act, it's going to help Albertans anyway?

8:30

It's obvious that it was a sad day for me today personally when the motion to debate racism, the historic racism in our province, was actually put down by the government House members at a time when not only Alberta, not only our country but people around the world, you know, are fighting very hard on the roads, on the streets, in debates. Not only that, but on the steps of our Legislature thousands and thousands of people demanded justice and to stop historic wrongs to communities that have historically been victims of systemic racism in this province.

[Mrs. Allard in the chair]

Not only that, but I thought, when we are going through a time, those very moments, when this kind of issue is already on the rise – and we're also bringing forward some of the arguments – this should have been a great opportunity for the government, something that didn't come into your mind when you drafted the bill. That was the opportunity to think about it, because you are going to invest public dollars on this bill, that will, you know, produce no difference to Albertans in the end.

As my colleague from Edmonton-Rutherford, actually, very eloquently spoke on this issue, I would like to bring up a very small and brief experience of mine. Anybody who has a little information

regarding India probably would have heard the name of the great Jat martyr Bhagat Singh. One of his friends served jail time from when he was underage to almost the freedom of India, about 17, 18 years in jail. He spent that whole time, you know, developing himself and doing a whole lot of work gaining experience, talking to people, specifically the people serving jail time and time on death row, basically waiting for death. He compiled a book. He named that book: time on death row.

He spoke with a number of people, criminals who were serving a death sentence. They were ordinary people. Many of them were very young people. A number of them were, you know, graduating from colleges and universities. Those were – how would I say it? – the kinds of conditions around them, their surroundings. Some were triggered, then tricked, and that was a moment of time that changed their whole life. When this young man brought them into the conversation to his cause, what he was doing not only for the betterment of his life but for the greater cause and betterment of the people of India, those people one by one – I think there were 11 of them – just regretted it. If they would have gotten this kind of opportunity to get involved in something, definitely they would have been different people today, not just waiting for the death sentence here.

I don't know how effectively I would have been able to bring this argument into the discussion, but I wanted to say, when we were discussing Allan Adam in this House today: how many more cases do you think we need when we know we have obvious statistics that there are communities disproportionately represented in the jails and suffering there, victims of the kind of problems that are related to this bill we are discussing?

This amendment seems to me very genuine and reasonable. That is the only reason I said that it is my pleasure to rise. Basically, I think it should be appreciated by the government House members that all we are asking is to give a chance to the people from those very communities with lived experience. They have first-hand experience. They can bring that experience to the board. They have a chance to voice that and strengthen this act, and that is the reason I ask all of the House members to support this amendment.

Thank you, Madam Chair.

The Acting Chair: Thank you.

I see the hon. Deputy Government House Leader is rising.

Mr. McIver: Well, thank you, Madam Chair. I listened carefully to some of the debate. Part of the issue that they were having with this item – and, of course, we would always, with all of our appointments, try to make sure that Alberta is reflected, that people on boards and committees are reflected.

Unfortunately, this wasn't shared with Justice ahead of time, as far as I could tell. Indeed, it also adds to the minimum number of people on the board, which makes the NDP's position a little bit inconsistent. They were complaining, in some of their debate earlier, that we're spending money on the parole board, and then they roll out an amendment which would cause us to spend more money on the board by having a larger minimum number.

Unfortunately, this will be a victim of poor planning, I think. If the opposition wanted this considered more carefully, they probably should have warned the ministry ahead of time that it was coming.

The Acting Chair: I see the hon. Member for Edmonton-Ellerslie has risen to speak on amendment A1.

Member Loyola: Thank you, Madam Chair, and I want to thank the Member for Calgary-Buffalo for bringing forward this amendment. I think it's incredibly important. I also want to thank

the Member for Edmonton-Meadows for reminding this House – perhaps not a lot of people know about Bhagat Singh.

Bhagat Singh actually inspired what is known as the Ghadar movement back in India. That Ghadar movement was an anticolonialist movement. Why I thank him is because I think that when you take it back historically, that's what, really, this amendment goes back to. You might be, like: what's this guy talking about? What I'm talking about are the systemic and colonial injustices suffered by indigenous communities going back to the time of the creation of this nation and even before, when on behalf of the Crown Canada was so-called settled. The reason why we have a disproportionate number of indigenous people in prisons is because of the traumas that were created because of the systemic and colonial injustices of the past.

Now, I'm not saying that that just gives indigenous people the right to just go and commit crime. That's not what that's about. That would be a gross misinterpretation of what we're talking about. What it's saying is that these systemic and colonial injustices occurred, created trauma, and as I've discussed many times in this House before, trauma is at the root of addictions. Trauma is at the root of these problems that exacerbate poverty, which at the root in itself is oppression. Whether it be here in Canada or whether it be in India, the struggle is one and the same. It's to correct the historical injustices that have occurred because of oppression.

8:40

Now, I've even heard in this House a couple of times members on the opposite side get up and gawk at that word "oppression" as if it didn't exist, and that is a rewriting of history. To say that oppression doesn't exist within our province or in this world: wow, that's a fantasy world. I don't know who's living in that fantasy world. When you look at history, world history, when you look at the history of Canada, to deny that oppression has existed within our history and continues to exist right now is a misinterpretation of reality.

I also want to thank the Member for Calgary-Buffalo for actually bringing this amendment forward. It's something that we continue to work on in terms of trying to create a more just criminal justice system. Of course, as is well known by those who serve in our justice system, one of the things that has been intended to be implemented at both the federal and provincial levels is the fact that indigenous people, when being tried, have to go through what's called a Gladue report. This is intended so that it could be a more equitable sentencing. The person's past is taken into consideration, because we all know that the trauma that has come from these colonial injustices of the past have then been passed down from generation to generation to generation. It's not just something that happens to the individual.

I can identify with that because, as I've shared many times in this House – I get up and I talk about it – I come from a country where democracy was crushed. People who had progressive ideas were killed in the streets. That's a trauma that I continue to live with. Even though I didn't experience it myself first-hand, my parents experienced it, and then that reality was passed down to me and the next generation. That's a history that I teach my children because I do not want that history to be repeated, not in Chile, not in India, not here in Canada ever. We need to learn from this history.

This amendment that has been brought forward by the Member for Calgary-Buffalo is an attempt to make it a little bit more just . . .

Mr. McIver: Calgary-Mountain View.

Member Loyola: Pardon me. I keep saying Calgary-Buffalo, but it's actually Calgary-Mountain View. I'm sorry. My apologies. There you go. So correcting the record.

... a small attempt to try to make it more equitable so that at least if parole will be considered for people in the corrections system, then at least there'll be a representative from an indigenous community to help out in that rehabilitation process and then also, as in subsection (b)(ii), "one member who is representative of other minority communities disproportionately represented in admissions to correctional institutions."

I'm proud to stand in this House and say that this is but one way – one out of many, indeed, but at least it's one small way – that we can address these historical colonial racist injustices that have occurred in Canada's past.

The Acting Chair: Hon. members, we are on amendment A1, Bill 18. I see that the hon. Deputy Government House Leader has risen.

Mr. McIver: Thank you. Again, I just wanted to thank the opposition for the amendment. We won't be supporting it, but I can assure all members of the House and Albertans that we're well aware that there are lots of qualified indigenous people in Alberta and lots of qualified people of all racial and minority backgrounds that will be considered because that's the way we do things. We provide those opportunities for people. That will be considered, obviously, as we do with all of our committees. There is equal opportunity, and this is a great place where it would be wonderful if we can find – I know that there are lots of qualified indigenous people, but you need to find qualified people that actually want to do the job. As well, I know that there are lots of qualified people, as the amendment says, from minority communities. Hopefully, we can find some that are not only qualified but actually want to do this task.

The Acting Chair: I see the hon. Member for Edmonton-Rutherford has risen to join debate.

Mr. Feehan: Thank you. I promise I will be brief. I just wanted to stand up to support this amendment. I was speaking earlier about the issue of what is the underlying value in parole, whether it's about retribution or whether it's about rehabilitation, so I won't go through that argument again.

The issue for the indigenous community that I speak to about this is that there is a decision being made here. Section 27.7 actually says in it that "the Parole Board may only grant parole ... [when] the release of the inmate will contribute to the protection of society by facilitating the reintegration of the inmate into society as a law-abiding citizen." So they're actually making a decision about this person as to whether or not it will actually facilitate their reintegration. What the members of the indigenous community and other racialized communities are saying is that that decision very often reflects an underlying systemic bias about whether or not there is an intention for retribution or an intention for rehabilitation. That's what they're talking about. That's where the bias comes in. The value system that you bring into that decision in that moment systemically goes against indigenous people more often than not.

The intention of this amendment is simply to address the existence of a structural bias or systemic problem in the system, systemic racism, by putting in a structural component that says that we should have people who understand that bias on the committee, on the parole board so that they can make others aware of the bias and begin to act against the bias. That's the point of the conversation here.

I just want to support this amendment so that we can, by adopting this amendment, acknowledge what we've been asked by hundreds of thousands of people over the last number of weeks on the streets and in the Legislatures: to address systemic racism and the biases

that they experience when they are in front of our institutions. In this case it happens to be the parole board.

Thank you.

The Acting Chair: I see the hon. Minister of Health has risen to join debate.

Mr. Shandro: Well, thank you, Madam Chair. I rise really just to correct some information about what parole is, I suppose, and how parole hearings are done at the federal level, as someone who sat as a member of the Parole Board of Canada for a number of years. Back then we called it the national parole board.

The point of parole is that it's a form of conditional release, Madam Chair, and it's not our only form of conditional release in Canada. There are many other different types of conditional release. There are escorted or unescorted temporary absences. The last third of an offender's term is served in the community as a statutory release. There are many different types of conditional release; parole is one of them. The jurisdiction of a parole board, federal or provincial, would be to make decisions about those forms of conditional release.

The Parole Board of Canada deals with making sure that the hearings have the opportunity of making sure that they are culturally responsive hearing processes, keeping in mind that the point of these conditional releases, including parole, Madam Chair, is to make sure that the risk to the community is going to be mitigated. What is the risk in the offender returning to the community, and can it be mitigated? What is the criminal history of the offender? What was the institutional behaviour of the offender in the institution? Is there a release plan, and what was the programming that the offender attended while in the institution? Looking at all those factors, you can determine whether an offender is a low risk, medium risk, or high risk to reoffend.

8:50

To make those decisions, we can still make the hearing process culturally responsive for First Nation and Métis and Inuit offenders by taking into account the uniqueness of indigenous culture and heritage, and one of the ways that that can happen is by having elder-assisted hearings. In an elder-assisted hearing there is an elder who attends and assists with the process of the hearing. The role of the elder is to attend and be a cultural adviser to the parole board members as well as the hearing officer who attends. The offender will always also be represented by their parole officer, who attends with them as well.

For those folks who are attending the hearing with the offender, the role of the elder is to help make sure that everybody understands the very specific culture and traditions of the community and the experiences and traditions in general. The elder as well may be able to offer wisdom and guidance to the parole board members. So what happens in an elder-assisted hearing, Madam Chair, is that first there is the introduction of the elder. There then will be a smudge and a prayer for everyone to participate in. There is then an explanation of the process to be followed for the offender and the parole board members to understand, an explanation of the process and the safeguards that are there, the procedural safeguards for the offender, the hearing process, as well as a closing prayer after the deliberations and the decision is provided.

Madam Chair, I think that there are opportunities other than through this amendment for us to ensure that, like the Parole Board of Canada, we can have processes in place for a provincial parole board to be culturally sensitive to offenders of many different backgrounds, and that would be a much more effective and

appropriate way for these types of accommodations to be made for offenders rather than the amendment.

I would encourage all members to vote against the amendment.

The Acting Chair: I see the Member for Brooks-Medicine Hat has risen to join debate.

Ms Glasgo: Thank you, Madam Chair. I have to say that it's nice to see you in that chair. I haven't been speaking while you were the chair at any point, so congratulations on that new role, Madam Chair.

I do want to say that I was surprised by the motion that was put forward by the opposition. I know that there's no question in this room or in this House or in this province that there is systemic injustice that occurs toward many people. I acknowledge that personally, and I know that our government has acknowledged that as well. I was surprised to hear the Member for Edmonton-Ellerslie I believe it was, a couple of speakers before me, assert that somebody in our caucus or somebody in our government had denied that oppression exists. I will admit, Madam Chair, that it wasn't an exhaustive search, but I did a search of *Hansard* for the entire session since I've been MLA, and that certainly hasn't been said, so I'd be interested to know when that happened. Maybe some more information from the member would be great.

I have to say that I get a little frustrated when I see these kinds of ideas brought forward – and it's usually from a certain group – when I see the NDP talking about us needing to have effectively a quota in order to have something be effective. I know that as a woman, especially a young woman who is in politics – not to have to qualify that or anything, but it's an objective fact: I'm young, I'm female, and I'm an MLA – I know that I've had many people say to me: "Well, they just wanted a woman, so they put you in there. They needed a woman in southern Alberta." That couldn't be further from the truth. From my own experience I can say that when somebody denigrates my role to the fact that I am a certain gender and completely negates any kind of work that I've done or any kind of qualification that I may have, I find that insulting.

Now, I can't speak on behalf of all people, obviously, because I come from a certain area, and I am who I am, but I will say, Madam Chair, that I find it curious that, you know, we have an opposition here who does not acknowledge the fact that we have the very first minister of multiculturalism in this province, does not acknowledge the fact that a record number of women ran for the United Conservative Party in the last election, does not acknowledge that we have an extremely diverse caucus with a variety of backgrounds, with a variety of lived experience, all coming to the table with ideas and solutions. They're also not acknowledging the strides that have been made on former committees and task forces so far. I mean, we have people from all walks of life, all ethnocultural backgrounds, different stages of life, ages, gender, you name it. You know, the people who have been qualified and applied for these spots have been put on these committees. So I find it a little strange when I hear things like: well, I want my daughter to see she's reflected in these committees.

Well, at the end of the day, what we should be wanting for our children is that they get things on the basis of their merit, not because somebody thought they needed a special chair. I don't need a pink chair in the Legislature to tell me that I can be here, Madam Chair. I just worked the hardest. At the end of the day, what you can do is encourage people to apply. You can encourage people to run. You can encourage people to get involved in their community, to learn more, to network. You can show them that. I mean, I ran because I networked and I got involved. The same can be said of any structure. You just have to take the first step. Sometimes that

requires, you know, helping someone out. But at the end of the day, I don't doubt that there are qualified people from all backgrounds, and I don't doubt that our Premier and especially our Minister of Justice would imply or suggest that anybody couldn't be a part of these committees because of those things. To say that you have to fit a certain demographic in order to occupy that seat on a committee is ludicrous. You don't need a special spot.

I know that our government stands with people from across this province, all Albertans. We represent all Albertans. On something like the parole board I'm sure the Minister of Justice has, you know, ideas and will be consulting and putting the appropriate people on the board. The outcome of that is yet to be determined. I hope we pass this important piece of legislation, but I remain consistent in the fact that it is essential that we have people appointed on the basis of merit. At the end of the day, if I'm appointed to something because I'm female and not because I'm the best person for the job, that's an insult to me, Madam Chair.

Thank you.

The Acting Chair: I see the hon. Member for Calgary-Mountain View has risen to join debate. I apologize for not recognizing her last time. I saw her too late. Please accept my apology.

Ms Ganley: That is just fine, Madam Chair. It gives me the opportunity to respond to another one.

I'll begin by addressing the comments by the hon. Minister of Health. I can only say, I think, that I disagree. He's quite correct; our legal system does have other methods like the Gladue decision, like a number of other ways to sort of try to grapple with the existence of basically adverse effect discrimination. It is my belief that having someone from that background on the board is a better way to deal with that than those sorts of laws because they've been in place for quite a while and haven't made a lot of progress. I think we just have a difference of opinion there, and that's fine.

I do think that I need to address the comments from the Member for Brooks-Medicine Hat. I won't address everything that was said in there, Madam Chair, but to have a member stand in this House and talk about how these sorts of amendments come from certain groups, I think is pretty offensive. I think it's inappropriate.

I also think it's inappropriate to suggest that if you make space for women, for minorities, for people of colour, somehow you are tokenizing. That's absolutely not true.

9:00

If it is the case that simply by standing around and waiting for things to level themselves out, they would level themselves out, that would have happened by now. Yet it isn't the case. We don't see that equalization occurring in boardrooms, we don't see it in the justice system, and we don't see it in this place. We still see women earning 80 cents on the dollar for every man. That is not because they lack merit, as the Member for Brooks-Medicine Hat suggested. It is not because they are less qualified, as she suggested. It is because the system is set up and has been set up to privilege certain individuals, and in order to rectify that system which is set up, in order to provide greater opportunity to certain individuals, you need to take certain steps.

When you're addressing a system, you always need to look at what the system is producing and where the incentives are and how the system operates. I think that to suggest that, by taking these sorts of steps, you're not promoting people based on merit is absolutely wrong. I believe the point is to recognize equal merit. The problem with women in the legal profession, the problem with women in politics is not that there are not women of equal merit; the problem is that the women who have the same skills don't necessarily step

forward at the same rate. And knowing that that is a problem in the system, we need to hold space for those individuals. That is the case with minorities of many . . .

An Hon. Member: A long list.

Ms Ganley: Yeah. There's a long list.

I think that by suggesting that holding space for people of colour – you know, to suggest that the reason that historically people of colour have been underrepresented in these areas is because they lacked merit and to suggest that we have a merit-based system now, I mean, really, the logical implication of that is that these people lack merit and that that's why they're not coming forward. That just isn't the case. We know it isn't the case. We know it's the way the system is set up, and that's why we're trying to rebalance the system. I take objection to those comments because I think that they are incorrect. I think that adverse-effect discrimination has been recognized in law as a legal principle since the '90s. I think there is an enormous amount of sociological and psychological evidence to validate that that is the case.

Yeah, I simply think that to hold space for individuals is a necessary step. That is all I have to say about that.

The Acting Chair: Hon. members, we are on amendment A1 for Bill 18. Are there any other hon. members wishing to speak to the amendment?

Seeing none, I am prepared to call the question.

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 9:03 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Allard in the chair]

For the motion:

Ceci	Eggen	Loyola
Dach	Feehan	Nielsen
Deol	Ganley	Sigurdson, L.

9:20

Against the motion:

Armstrong-Homeniuk	Loewen	Rowswell
Copping	Long	Shandro
Ellis	McIver	Toews
Getson	Neudorf	Turton
Glasgo	Nicolaides	van Dijken
Goodridge	Nixon, Jeremy	Walker
Gotfried	Pon	Yao
Issik	Reid	Yaseen
LaGrange		

Totals:	For – 9	Against – 25
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[Motion on amendment A1 lost]

The Acting Chair: Hon. members, we're back on the main bill, Bill 18, Corrections (Alberta Parole Board) Amendment Act, 2020. Is there anyone wishing to speak? I see the hon. Member for Edmonton-Decore has risen.

Mr. Nielsen: Well, thank you, Madam Chair. I appreciate the opportunity to rise here this evening to speak on Bill 18, Corrections (Alberta Parole Board) Amendment Act, 2020. My comments will be probably fairly brief this evening. I want to look at this from a very specific point of view as the critic for Red Tape Reduction. It's

my understanding that, you know, should this House make the decision – I'm not presupposing it, of course – to move ahead with the creation of its own parole board, we understand that in the past we've seen roughly about 50 applications that this would apply to each year. And if we stretch that over the course of the entire year, that would be one hearing per week, and – guess what? – we give those folks two weeks off at Christmastime.

The proposed cost, roughly, around this parole board would be about \$600,000 per year, which, again, if I just quickly divided that amongst the average number of hearings that we're seeing of about 50, it is about \$12,000 per hearing. So when I'm looking at this, you know, one of the questions I would have liked to have asked the Associate Minister of Red Tape Reduction is: if we are looking at having both of these systems at the same time, are taxpayers on the hook for the cost of both of those? If that is indeed the fact, what is that in terms of red tape? Is that not duplication, which is completely against – the mandate of Red Tape Reduction is to eliminate duplication. So by creating our own provincial parole board, we would be, in effect, duplicating a process that already exists. I'm curious as to what kind of consultations were done with the associate minister of red tape around the formation of this, and does it contravene the mandate that his ministry was given? If he did give any advice around maybe not pursuing this, why was it that that advice, then, was potentially ignored?

Other than, you know, some issues around, say, for instance, the quorum of the board – out of five members, having quorum consisting of only two kind of goes against, well, all of the definitions of quorum. We look at Merriam-Webster's dictionary: "The number (such as a majority) of officers or members of a body that when duly assembled is legally competent to transact business," with, of course, that word "majority," that members opposite love to refer to around the election yet are ignoring here in this case. So I'm just wondering: if there are only two members present and they both disagree with each other and now they're at a stalemate, what happens with that? It's usually why you want to have a majority of those individuals.

My other question, of course, revolves around remuneration for these members. How is it going to compare to other jurisdictions? Are we going to try to be the best paid, the least paid? You know, we always hear about trying to retain good talent here within the province, but as we've always seen, sometimes you have to pay for that talent. So I'm wondering how that works into the financial plans within the province. I'm hoping that maybe we might hear some answers around that, around what kind of advice the associate minister of red tape gave with regard to potential duplication, things like that. Hopefully, we will get the opportunity to maybe hear some of those answers at this time.

With that, thank you very much, Madam Chair.

The Acting Chair: Hon. members, we're on Bill 18, Corrections (Alberta Parole Board) Amendment Act, 2020. I see the hon. Member for Calgary-Buffalo has risen to join debate.

Member Ceci: Thank you very much, Madam Chair. I have an amendment I'd like to put on behalf of the Member for Calgary-Mountain View. I'll wait till the clerk takes it to you, Madam Chair.

The Acting Chair: Hon. members, this amendment will be known as amendment A2.

You may proceed, hon. member.

Member Ceci: Thank you very much, Madam Chair. With regard to the MLA for Calgary-Mountain View's amendment that I'm

putting on her behalf, I'll just indicate that it's with regard to the annual report section 30.2. It would be to move that Bill 18, Corrections (Alberta Parole Board) Amendment Act, 2020, be amended in section 8 by striking out the proposed section 30.2 and substituting the following. I'll read it through, and then I have a few comments to make if that's okay.

- 30.2(1) After the end of each fiscal year, the Parole Board shall prepare and submit to the Minister a report setting out
- (a) the number of parole applications received for the fiscal year,
 - (b) a summary of the Parole Board decisions for the fiscal year,
 - (c) the costs associated with the operation of the Parole Board for the fiscal year,
 - (d) any recommendations of the Parole Board in respect of the supports and programs that the Minister should implement to reduce recidivism, and
 - (e) any other information that the Minister may require.

Then there's a number (2) in that amendment.

- (2) On receiving the report referred to in subsection (1), the Minister must lay a copy of the report before the Legislative Assembly as follows:

- (a) if the Legislative Assembly is sitting on the day that the Minister receives the report, as soon as practicable;
- (b) if the Legislative Assembly is not sitting on the day that the Minister receives the report, within 15 days after the day on which the Legislative Assembly commences its next sitting.

That was submitted, as I say, by the Member for Calgary-Mountain View.

Madam Chair, obviously, 30.2 lays out the parameters of an annual report to the Minister of Justice and Solicitor General. In the bill, a rather short bill, there are three sections – (a), (b), and (c) – and what we have added to it through the Member for Calgary-Mountain View is a new section (c) and a new section (d). It makes great sense to say in (c) that the costs associated with the operation of the parole board for the fiscal year shall be tabulated and provided to the minister, and (d) is the addition of, essentially, recommendations to reduce recidivism, which is actually what we all want in society, for people who are leaving custody not to go back to custody.

The parole board members, through their actions and activities with those incarcerated individuals that are seeking parole, would gain some insights as to what would be beneficial for the province to enact as supports and programs to better ensure that recidivism is reduced, that costs to the government of Alberta are reduced via incarcerating fewer recidivists. Of course, they want that, in terms of the parole board and the people who are working with those individuals, and the individuals themselves likely would rather stay out of jail and walk a straighter line in the future. Then sections (a), (b), and (c) in our amendment are the same as what's identified in this bill.

9:30

The second section speaks to sharing the information that is provided to the Minister of Justice and Solicitor General to, in a sense, be more transparent about the actions of the parole board, because in this bill there's no indication that the report would go beyond the minister. Certainly, they may be interested in sharing that information, but with the amendment, it's incumbent upon the minister to do that sharing. It's a pretty common feature of many, you know, related agencies and commissions to the province of Alberta that those reports are tabled here in the House for all members of the Legislature to review and to gain knowledge from

and ensure that the tax dollars of citizens as well as the actions of the entities themselves are on the straight and narrow.

I'm certainly supportive of the actions identified here. I think they make greater sense and add to and are a more robust reporting structure than is identified in this rather brief bill. I would put it before and, hopefully, receive the support of members of the Legislature in this regard. It would go some way in terms of redressing some of the criticism of this government that has been tabled with regard to the lack of transparency. It's not me saying that. It's others, third parties, saying that about this government. In a sense, we're trying to help this government become more transparent through the submission of this amendment and the direction to the minister to put this report on an annual basis before the House so that all members can benefit from the information instead of just the minister seeing it as bedtime reading for himself, which he probably doesn't want to do anyway.

I would hope the members of this House would support this amendment on behalf of the Member for Calgary-Mountain View, who has put it forward. Thank you.

The Acting Chair: Hon. members, the Committee of the Whole has under consideration amendment A2 to Bill 18. I see the hon. Minister of Health has risen.

Mr. Shandro: Well, thank you, Madam Chair. I just point out that in the bill that's before the House right now in section 30.2, which the hon. member is seeking to amend, the current draft says that:

After the end of each fiscal year, the Parole Board shall prepare and submit to the Minister a report setting out . . .

And then there are three subclauses there enumerating what is to be reported to the minister. It is

- (a) the number of parole applications received for the fiscal year,
- (b) a summary of the . . . decisions for the fiscal year, and
- (c) any . . . information that the Minister may require.

I would just point out, Madam Chair, that it's significantly more detail than what is in the Corrections and Conditional Release Act, that the federal Parole Board of Canada must comply with, which is just that they report on their operations, showing their operations of the service for that fiscal year.

I think that right now what we have is a draft that is providing that a significant amount of information be reported to the minister, and that would be sufficient. I would recommend that all members vote against the amendment.

The Acting Chair: The committee has under consideration amendment A2 on Bill 18. Are there any other members wishing to speak to the amendment?

Seeing none, I'm prepared to call the question on amendment A2 as proposed by the hon. Member for Calgary-Buffalo on behalf of the hon. Member for Calgary-Mountain View.

[Motion on amendment A2 lost]

The Acting Chair: We're back on the main bill, Bill 18. Are there any hon. members wishing to speak to Bill 18 at this time?

[The remaining clauses of Bill 18 agreed to]

[Title and preamble agreed to]

The Acting Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Acting Chair: Opposed? Carried.

Bill 19 Tobacco and Smoking Reduction Amendment Act, 2020

The Acting Chair: Are there any hon. members interested in speaking? I see the hon. Member for Edmonton-Riverview.

Ms Sigurdson: Thank you very much, Madam Chair. I'm pleased to rise and debate Bill 19, Tobacco and Smoking Reduction Amendment Act, 2020. Of course, we're sort of late to the party here in Alberta. We're the last province in Canada to bring forward legislation regarding vaping, so I'm pleased that the government has done that in this bill. However, there are certainly some significant concerns with the legislation that's before us. It goes some way to, you know, regulating vaping in our province but not far enough, certainly as far as I'm concerned. Some of the key concerns about that are, well, twofold.

It is because there hasn't been a banning of flavours. You know, that's one of the things about vaping; you can have an assortment of flavours. Oftentimes young people are very attracted to that, and it can get them sort of hooked into that lifestyle, which we know isn't a good one. We know that vaping isn't good for you. It is harmful to our lungs, mouth, and can even lead to COPD, so it's not something that we want our young people to be doing. Of course, those flavours tantalize them, and they think it's sort of like candy, that it's, like, fun and that it's not going to hurt them because the flavours sort of mask that. But, of course, that is the opposite of the truth.

You know, certainly, I'm disappointed that the government is not banning those flavours, as they have done in many other jurisdictions. That has gone a long way to help young people not be so attracted to it, because that is, as I said, quite tantalizing to them.

Another thing is just the concentrations of the nicotine. Those levels are much too high also. Of course, we know from many, many years of research that that rapidly creates addiction in people and certainly in young people. Again, that's the second piece of this legislation that should, you know, be reconsidered. It's a concern that it is such a high level of nicotine.

And what's surprising is that it kind of flies in the face of the chief medical officer's recommendations to this government. Also, in May 2019, while the current Minister of Health was in his role, there was a submission to Health Canada by AHS that said exactly those two things, that flavours should be banned and that the nicotine concentrations need to be less. Under this minister's watch, the Minister of Health's, those things were brought forward and submitted to Health Canada.

9:40

It's confusing to see this legislation that doesn't hold those two aspects. As recently as January 2020 Alberta's chief medical officer did say exactly the same thing, that banning flavoured vaping products and restricting nicotine content were really important to make sure that young people are not sort of enticed, wooed to play in this world of vaping, which is not a healthy one, and it isn't good for them. It's confusing why the government is sort of not respecting the science that's been done, not respecting the reports of their own department and certainly the recommendations of the chief medical officer as recently as January 2020.

What does become apparent is that, you know, the big tobacco lobby, which, of course, is working very hard to get what it wants, really kind of wrote this legislation, and that's why we don't have these things banned. We don't have any limits on flavours. There are no limits on nicotine concentration.

I'm happy to table this, Madam Chair. I just cut out from the *Edmonton Journal* an article here, an editorial, and it talks about:

Bill 19 is quite simply a cop-out. In the name of protecting children and youth, the bill mainly protects industry, and not children and youth.

It certainly says that it gave big industry everything that they wanted. Certainly, the opinion editorial is by SAAVE, which stands for Stop Addicting Adolescents to Vaping and E-Cigarettes. It's an acronym. I'll just share one paragraph here. It says:

Canadians do not want their children and youth to be addicted to nicotine. They have said so. And frankly, with the low price of landlocked oil and the economic harms of COVID-19, our province cannot afford a new generation of nicotine addicts who will cost the health care system billions of dollars.

They're very disappointed with this government and really don't feel that it has gone far enough to address this pretty significant issue. And, really, everything that the tobacco lobby asked for was given to them. You know, I mean, that's a concern. When we prioritize big tobacco over our kids, it disturbs me. Certainly, as I've talked about in this House many times, as a mom of three sons, thankfully none of them did smoke. I don't know; I haven't heard any of them vaping, but perhaps that's happened behind my back. I don't want to do anything to make it easy for them or any kids in our province to be enticed, like, making out that it's some kind of a candy treat or something with those flavours.

I guess I just want to say that I don't want to talk too long on this issue, but I think that those are two key points that are so important. I just really ask the government to look at this legislation and see that their own Alberta Health Services plus the chief medical officer have also brought these two concerns forward.

One of the challenging things is that we know who the tobacco lobby is, of course, and we know that it kind of reads like a who's who of the UCP. It includes Nick Koolsbergen, the Premier's campaign director; Brad Tennant, the former executive director and fundraiser for the UCP; Sonia Kont, also a director of fundraising for the UCP. I mean, it sort of shows that, you know, they were able to influence elected officials so that they could get what they needed for their big corporations and not taking care of the public interest of young people in our province, making sure that they aren't enticed into this lifestyle that's not healthy for them. Of course, as the authors of this opinion editorial say, you know, it's going to cost us more in the long run if people aren't well. There are all sorts of difficulties in terms of your health associated with vaping, smoking. I mean, it's disturbing to know that there's such a close connection with this UCP government and the big tobacco lobbyists.

Just to quell any kind of concerns people may have that, "Oh, well, you know, this vaping will help people stop smoking" – because sometimes it's said: well, it's sort of a lesser of the two evils – there really isn't any good scientific data to actually prove that, so I just want to refute that argument right up front.

Really, on so many counts, I mean, it's important that we make sure that our young people are safe and that they don't get enticed into this lifestyle, so I really ask this UCP government to take the best interests of young people to heart. Having the flavours, having the high levels of concentration of nicotine is only going to entice them and get them hooked, and that's going to be really challenging for their life going forward.

Obviously, those are, you know, significant concerns, and I certainly will not be supporting this legislation. Thank you, Madam Chair.

The Acting Chair: I trust the hon. Member for Edmonton-Riverview, as she mentioned, will table that in the House during the daily Routine tomorrow.

I see the hon. Minister of Health has risen to join debate.

Mr. Shandro: Well, thank you, Madam Chair. Well, we are indeed late to the party, as the hon. member mentions. For four years under the NDP we saw youth vaping rates almost quadruple. They had four years to be able to deal with this, and they failed to do it. Four years to be able to table legislation where they could have started to address the increasing vaping rates in our youth, and they refused to do it. They let down our children, they let down teachers, and they let down parents. Why? [interjections]

The Acting Chair: I would just like to remind everyone to speak through the chair, please, and we'll have order.

Mr. Shandro: Madam Chair, the hon. Member for Calgary-Buffalo is very talkative tonight, and he's still even talking now. He's so upset because I think he's really embarrassed by the fact that for four years they failed our youth, failed our parents. They never dealt with the quadrupling rate of vaping amongst our youth. They had four years to deal with it. The hon. Member for Calgary-Buffalo is sitting there laughing because he is so embarrassed about the failure to be able to deal with this.

We are in Alberta late to the party, as the hon. Member for Edmonton-Riverview said. Now, look, Madam Chair, I think it was a little bit of an embarrassing situation to hear the hon. member disclose, I think, how little she is aware of the situation. Maybe she had a researcher hand her only portions of the notes that she needed for tonight's speech.

Look, there was a letter. It was a letter that was signed by all the chief medical officers of health throughout the country, and Dr. Hinshaw was one of the folks who signed that letter. It was dated January 22 of this year, Madam Chair. What it says specifically – and it's kind of embarrassing as the hon. member is making random and, I think, bizarre references to AHS and reports to the ministry. I don't know what she's talking about because she then makes it very clear that she's talking about this letter signed by the chief medical officers of health in the country, and it says, "Federal action would be preferred."

We agree with the chief medical officers of health, Madam Chair. What this legislation does is that it takes the provisions that are in what is now the Tobacco and Smoking Reduction Act and the measures that that act has to be able to, I think, successfully address the smoking rates among our youth in Alberta and be able to reduce those rates – I think it shows that those measures were effective. If we can take those measures and apply them to vaping, that's a good start for us. It also enables us, by regulation, to take action, if needed, if the federal government fails to do anything further when it comes to vaping flavours. Since the hon. Member for Edmonton-Riverview is going to refer to that letter, it says, again, "Federal action would be preferred." It's the same with the nicotine levels as well.

9:50

Now, the hon. member wants to make the allegation that this legislation was drafted by the tobacco lobby, Madam Chair, which I find laughable. I think she said – the quote I wrote down was: it was everything they wanted. It is not everything they wanted. The legislation that they would have drafted is the legislation the NDP left us with, with no restrictions on vaping. That is the legislation that the tobacco lobby wanted to be drafted and had drafted for the NDP. What was the influence of the tobacco lobby on the NDP as for four years they ignored this issue, they ignored our youth, and

they ignored our parents? What is their explanation for four years of sitting on their thumbs?

Now, they want to talk about the influence of the tobacco lobby. I, as the Minister of Health, and the hon. Member for Calgary-Klein, who chaired this legislative review, followed the guidelines of the World Health Organization that they've set for jurisdictions like ours when it comes to tobacco legislation and interaction with the tobacco lobby. We followed those guidelines, and any interaction is fully disclosed, Madam Chair, fully disclosed for any Albertan to see. Look, we allowed them to make submissions, but the hon. Member for Calgary-Klein is going to have to remind the House of the number of Albertans and the number of smoking reduction advocates that he met with, the vaping reduction advocates that he met, the youth that he met who were upset that still in 2020 we didn't have legislation in this province to be able to address vaping amongst our youth. They were asking the Member for Calgary-Klein for this legislation. Those are the youth that the NDP ignored for four years, Madam Chair. [interjections]

Again, Calgary-Buffalo is so upset and embarrassed. He's again heckling me because it drives him crazy that he let those parents down, that he let the youth down. They had the opportunity. The former Minister of Health must have met with smoking reduction advocates, must have met with the youth of our province, who must have been begging as the rates were quadrupling in this province. They refused to take action.

I look forward to the Member for Calgary-Klein reminding us of the sheer volume of submissions that he received from Albertans all over the province, written submissions online as well as the consultations he had in person with the many, many advocates throughout the province who were asking for this legislation as well as the in-person consultations that he had in I think at least six different municipalities throughout the province. This was a full-scale consultation. I'm trying to avoid the word "fulsome," Madam Chair, because I've got to admit I hate that word. Maybe I can use in this situation the word "fulsome." It was a fulsome consultation as he went throughout the province and met with Albertans who were asking him for this legislation.

That's what we've done, unlike the NDP, who for four years – we came into office in May of last year, throughout the summer last summer started working on designing the review, appointed the Member for Calgary-Klein to then chair the review, and he worked on it beginning at the end of last summer so that we could have this legislation. Unfortunately, it's been delayed by COVID. We were hoping to have this tabled and before the House and, hopefully, passed by now. We have been delayed by COVID, as COVID has delayed many things in this ministry, but we're proud now to be able to table this and be able to start addressing the increasing vaping rates. The Member for Calgary-Klein and I are both fathers of young children. We don't want this province to be left the same way that the NDP left this province by ignoring these increasing rates. It's time for us to help our parents, it's time for us to help these youth, and that's why we're tabling this legislation, Madam Chair.

The Acting Chair: Hon. members, the Committee of the Whole has under consideration Bill 19, Tobacco and Smoking Reduction Amendment Act, 2020. I see the hon. Member for Edmonton-North West has risen.

Mr. Eggen: Thanks. With deference to the Member for Calgary-Klein, of course, I just wanted to get up to say a couple of things around this bill. You know, certainly, it is important to ensure that we do take action on vaping. As we know, vaping is an evolving issue. Over the last number of years we saw the technology being marketed as, say, a smoking cessation tool. Then we've seen it

emerging as a recreational drug as well. As this does move along, it is important to take action, and it's important to make sure that we take the full advantage of this moment in time to get ahead of the game. It's important to know that we have quite a lot of latitude and responsibility and authority to make changes to the consumption of nicotine through vaping through this legislation that we have here today. I've said it a couple of times already, and I'll say it again. I'll say it with an amendment as well.

If I could pass that around to, you know, perhaps contribute to building the best legislation that we can.

The Acting Chair: Hon. members, this amendment will be known as amendment A1 under Bill 19, the Tobacco and Smoking Reduction Amendment Act, 2020, as moved by the hon. Member for Edmonton-North West.

You may continue.

Mr. Eggen: Okay. Sure. We'll just get it passed around, but perhaps I can just summarize what's in the amendment. The essence of it, Madam Chair, is to talk about the prohibition of flavours as well as to bring down the concentration of nicotine and, of course, the prohibition of the sales of those same things. I think we've said it a number of times, but just as a quick summation we know that the flavoured vaping products serve as an attraction to young people in particular. We know that when we prohibited the flavoured tobacco . . .

The Acting Chair: Hon. member, I hesitate to interrupt you. If I could just ask you to read the amendment into the record.

Mr. Eggen: You want me to read the whole thing?

The Acting Chair: Please. And if you could advise the Assembly if you are moving it or whether you're moving it on behalf of another member of the Assembly.

Mr. Eggen: Yes.

The Acting Chair: Thank you.

Mr. Eggen: Okay. On behalf of Member Shepherd I move that Bill 19, Tobacco and Smoking Reduction Amendment Act, 2020, be amended as follows: (a) in section 11 by striking out the proposed section 7.41 and substituting the following:

No sale of prohibited vaping product

7.41(1) In this section, "prohibited vaping product" means a substance referred to in section 1(j.2)(ii) that

(a) is flavoured by any flavour other than a tobacco flavour, or

(b) contains a concentration of nicotine in excess of 20 mg/ml.

(2) No person shall sell or offer for sale a prohibited vaping product.

And (b) in section 21 by (i) striking out the proposed section 9(c)(ii) and substituting the following:

(ii) excluding a product, device or substance, other than a substance that is defined as a prohibited vaping product in section 7.41(1), from the definition of a "vaping product", and

And (ii) in section 21 by striking out the proposed section 9(i).

That is the totality of the amendment that I'm moving on behalf of Member Shepherd.

10:00

Again, I think the amendment is fairly self-explanatory. It covers some of the issues that we've seen emerge from the public domain around the debate and analysis of Bill 19. The hon. Member for Edmonton-Riverview very helpfully brought to the House the article

describing the concerns around flavoured tobacco and the advocacy that a number of groups have done to, you know, seize the moment, so to speak, Madam Chair – right? – where we have this sitting.

Again, we did have the submissions by doctors as well that it was an emerging issue, the doctors that had described again using this moment to take care of this business in the most comprehensive way possible. We did see the chief medical officers from across the country talking about the urgency of looking at legislation including the flavours, right? Of course, those chief medical officers did say that, you know, the federal government could deal with this, but the provincial governments could deal with it, too. I mean, there's no sitting and waiting for Ottawa to get the deal done. Many other jurisdictions across the country have already done this flavoured aspect of vaping restrictions. I think that the evidence and conventional wisdom tells us that it's the correct thing to do.

You know, let's all follow best practice here, to read and to think through what opportunity we have here around vaping and to make sure we cover off, I think, this aspect of it in terms of the concentrations of nicotine and the flavours that are in different vaping products at this point in time and make sure we build something that is both responsible and logical and follows the best advice from the medical profession, including the chief medical officers of Canada and the groups of doctors that did give us this same advice. Oh, as I see, it's on Alberta Health Services' letterhead. So it seems like it's kind of like a recommendation from Alberta Health Services, as it happens, suggesting these very same things, right?

You know, in the interests of collaboration and best practice in the House I urge all members to consider the amendments. Let's get 'er done and get 'er done now. I look forward to any further debate in this regard.

Thank you.

The Acting Chair: I see the hon. Member for Calgary-Klein has risen.

Mr. Jeremy Nixon: Thank you, Madam Chair. I just got up to address this amendment and specifically the comments around banning flavours, actually addressing comments earlier about how most jurisdictions have banned flavours, which just is not true. When you actually look across Canada or even the United States or Britain, most jurisdictions have not done full flavour bans. There have been some flavour bans that have been done in convenience stores. There's been some restriction on some flavours, but there has not been, outside of I think Nova Scotia, full flavour bans. I thought I'd get that on the record.

[Mrs. Pitt in the chair]

I'd like to point out that the comments that were made – unfortunately, I don't know if the member was listening when I talked about this last week – in regard to the big tobacco and who we consulted during this process: as the Minister of Health has already mentioned, we consulted quite broadly right across Alberta with I think it was 240 different stakeholder groups, from health advocates to vaping retailers to children to enforcement to medical professionals across the board as well as academics.

There was a significant amount of evidence that came forward in the review, and I encourage you to read it if you haven't already, that actually showed that vaping – well, there wasn't evidence that showed that vaping was any worse than combustible cigarette use. Now, there was evidence that it wasn't healthy for you, but it wasn't necessarily worse than tobacco use. There was some evidence and argument that it might actually be less harmful for you than combustible cigarettes, a significant amount of evidence and

feedback, that we got from thousands of Albertans through the process, both through the surveys as well as from the cards that were brought into my office as well as e-mails that were coming to my office from adults that use this product and cited flavours as absolutely critical to their success in moving from combustible cigarettes to this product.

I think, again, we'd like to see nobody using any of these products, but until we have clear evidence that this product is, in fact, worse than combustible cigarettes, taking vaping flavours completely off the market, which is what this amendment does, would have the unintended consequence of taking this device or the productivity of this device out of the hands of many of the Albertans who are currently using it as an alternative to combustible cigarettes in regard to getting their nicotine. I would be concerned – and this is why I didn't recommend moving forward with the full flavour ban – that the immediate removal of flavours would have unintended consequences and we would see a significant rise in adults as well as children using combustible cigarettes in order to meet their nicotine addictions currently.

The reason why we left flavours in the regulations is something that we can address going forward as we learn more about flavours. As we learn more about this product, then we can move forward at that time and address it appropriately as we discover, again fully admitting that we were aiming at a moving target throughout this review.

To be clear, I think Nova Scotia is the only one that has had a full flavour ban across Canada, the United States, and the United Kingdom. I don't know much beyond that; at this point, at least, I can't cite it. There is significant evidence that vaping products for adults can be used as a harm reduction tool, and to eliminate flavours would put those adults at risk. I'm not prepared to do that; thus, I can't vote in favour of this amendment.

Thank you.

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

Mr. Dach: Thank you, Madam Chair. I will just take a few brief moments to lend you some thoughts, through you to the House, my opinions with respect to the amendment before the House. I believe that if we ask ourselves what exactly the bill and now this amendment are really trying to get at, of course it's a public health matter. It's a matter of saving lives and maintaining good health in our population.

I know that many members of this House probably were former tobacco consumers, smokers of one kind or another. I count myself as one of those. I smoked for 40 years, until a little over five years ago I packed it in. I know that once that final decision was made, it was simply the act of ceasing to smoke that was the determining factor in actually being able to accomplish it.

Some smoking cessation aids will help individuals, but one can only speculate – and I think the evidence is pretty clear – as to why big tobacco was lobbying long and hard to support the flavoured tobacco and tobacco flavour themselves in the vaping tools and cartridges that were used, because as one knows, if you watch a little bit of television, there's a commercial for a tobacco cessation product that starts off with a statement saying that 1,200 Canadians a day quit smoking. Of course, they want to have them use their products to help them do that.

Well, if 1,200 Canadians a day are quitting smoking, Madam Chair, that tells me why big tobacco was so desperate to replace those smokers with younger smokers who will buy their products, and in order to get them to smoke, they first of all will hopefully get them to a product that they can legally promote – and that's not

tobacco – to young smokers. It would be flavoured cartridges, through vaping devices, that they would be able to promote. If you look at the investors in these vaping products, you will see that big tobacco is the major investor. They're not doing so because they have some altruistic notion of maintaining the health of Canadians or Albertans by assisting them to rid themselves of a tobacco habit. They're doing so to addict more young people so that they can continue their shareholders' investments and profitability in tobacco products that they are invested so heavily in.

10:10

Keep that forefront in your mind, Madam Chair, and I ask all members in this House to do so when they think about how we regulate vaping products and what we're actually doing when we do so. We're trying to protect the health of Albertans, and we do so by making sure that new smokers don't take up the habit. I encourage all members of the House to at least go this far by banning the flavoured tobaccos, keeping the concentration of nicotine down to a minimum, to very much not allow a person to offer for sale a prohibited vaping product so that we don't end up encouraging more young people to take up the habit, die early, have their health affected badly because they end up using and consuming tobacco products as a result of their taking the opportunity to try a flavoured vaping product now.

I started smoking, Madam Chair, on a school bus in grade 11. That was the way things were back then. You could light 'er up as soon as you got on the bus, and off to school you went. There was an area in the high school that was protected, between the gym and the rest of the school, for smokers. It was the foyer. Times have changed and rightfully so, and finally I was able to kick the habit. This is what we want to prevent, young people starting the habit, so that health isn't affected like the health of many smokers is.

With that, I hope it gives people pause to reflect on their vote and decide to support this amendment. Thank you.

The Chair: The hon. Minister of Health.

Mr. Shandro: Thank you, Madam Chair. I'd like to start off by appreciating the amendment from the hon. Member for Edmonton-North West and as well the comments from the Member for Edmonton-McClung. I can appreciate their focus on trying to reduce not just smoking in the province but also vaping and the vaping rates among our youth. I really appreciated hearing the personal story of the Member for Edmonton-McClung and how he started smoking.

Look, what I would say, Madam Chair, is that, first of all, when it comes to this amendment, what it is seeking to be done is two things. One is to prohibit flavours other than tobacco flavour. I would first note that the draft bill does include a provision to enable regulations and to prohibit flavours through regulation later on down the road if we see the need, if we see the current restrictions the federal government has done as being insufficient, a need for government to step in and provide further prohibition on flavours.

Especially when it comes to the concentration limit as well in subclause 1(b) in the draft amendment that's been provided by the hon. Member for Edmonton-North West, I'd note just to remind the House that the Canada Consumer Product Safety Act, the federal piece of legislation, already does set a cap at 66 milligrams per gram of nicotine. We know that the federal government is considering whether further reductions in that limit have to be made. I hope that the federal government, like us, considers all the available evidence before them as they continue to amend the federal legislation as well.

But at this time, what we have here, as I said earlier this evening, is a piece of legislation that starts off with the successful measures that the

TSRA, the Tobacco and Smoking Reduction Act, provided for reducing smoking rates among our youth and takes those measures and applies them to vaping as well. I think what we have to do is start with those measures, see if they are successful and, if they aren't, then be able to investigate whether the ministry and the Minister of Health have to be able to take further measures down the road.

I would at this time encourage members to vote against the amendment, but I would like to acknowledge and appreciate the comments of the members for Edmonton-North West and Edmonton-McClung for their passion in trying to reduce vaping rates among our youth.

Thank you, Madam Chair.

The Chair: Any other members wishing to speak to amendment A1 on Bill 19?

Seeing none, I will call the question.

[Motion on amendment A1 lost]

The Chair: We are back on the main bill, Bill 19. Are there any speakers wishing to speak?

Hon. Members: Question.

[The remaining clauses of Bill 19 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Any opposed? Carried.

Bill 16 Victims of Crime (Strengthening Public Safety) Amendment Act, 2020

The Chair: Are there any members wishing to speak? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Chair. I rise to propose an amendment to the bill, so I would like to confirm with the table that there is no amendment currently on the floor.

[Mr. van Dijken in the chair]

The Acting Chair: There's not currently an amendment on the floor.

Ms Ganley: Perfect. Then I will hand it, and I will await its arrival to you.

The Acting Chair: You may proceed.

Ms Ganley: Thank you very much, Mr. Chair. I move that Bill 16, Victims of Crime (Strengthening Public Safety) Amendment Act, 2020, be amended (a) in section 9 (i) by renumbering the proposed section 10 as 10(1), (ii) in subsection (1) (a) by striking out "the Minister may" and substituting "Subject to subsection (2), the Minister may"; (b) by striking out clause (a) and substituting the following:

- (a) grants relating to programs that benefit victims of crime;
- (a.1) grants relating to programs that promote public safety;
- (c) by striking out clause (c) and substituting the following:
 - (c) programs and initiatives that benefit victims of crime;
 - (c.1) programs and initiatives that promote public safety;
- and (iii) by adding the following immediately after subsection (1):

- (2) The total amount that is paid from the Fund in a fiscal year from April 1 to the following March 31 under subsection (1)(a), (b), (c), (f) and (g) must not be less than 75 per cent of the total amount paid from the Fund for that fiscal year.

(b) in section 21 in the proposed section 17(g.1) by striking out "section 10(c)" and substituting "section 10(1)(c) or (c.1)".

Mr. Chair, what this amendment is doing is essentially ensuring that 75 per cent of that fund continues to go to victims of crime or programs that support victims of crime. The minister has said repeatedly with respect to this matter that, quote, unquote, it's not about redistributing the pie but growing the pie. Okay; that probably isn't exactly what he said, but he definitely has referenced the growing of the pie on multiple occasions.

10:20

If that is his intent – obviously, it is the case that the victim surcharge, which currently sits at 15 per cent, is being increased. My understanding is it's being increased by an additional 5 per cent, so that would be a 20 per cent surcharge. What that means is that 15 per cent, or 75 per cent of the money flowing into the fund, is the money that was originally earmarked for victims, and this additional 5 per cent is the growing of the pie, as it were. What this amendment aims to do is to ensure that that 75 per cent, that original money that was coming into the fund that has always historically been there, will still be spent on victims.

You know, the minister has rightly pointed out that many of the initiatives that he is funding from this fund now are good initiatives, and I don't disagree. I think it is absolutely admirable that he has increased funding to the drug treatment court. That program has a demonstrated history of success. It's a fantastic program. Many of the other things he's funding – certainly, we know the Crown prosecution service has been strained for many years. That's certainly a good thing to fund. Many of the initiatives that he is proposing to fund are good initiatives. No one is saying that they're not good initiatives.

I think the concern is that in this moment, when we're having a conversation about using social services to support people who are instead falling to the police, cutting those services in order to strengthen law enforcement is maybe not the best way to go.

The intent here is just to ensure that the money that was originally earmarked for victims still goes to victims, and the additional money in the surcharge can then go to the other programs that the minister wants it to go to. I still think that we ought to have a clear divide and that the victims of crime fund ought to be for victims, but if the government is going to proceed, which I understand they are, I think that this would significantly improve the bill.

You know, the initiatives that are supported through the victims of crime fund are important, too. I know the minister has spoken about the importance of the initiatives he is supporting, and that's true. But I think – for instance, our government had increased the grant to AASAS to support survivors of sexual assault and to help them through their court process. That is to me an incredibly important program. We had announced – after doing a lot of work on the victims of crime fund to ensure that we were sort of understanding what the needs of the victims were and how best to meet them, which is the work the Auditor General had asked us to do, we had already increased funding to some victims' service units directly. We had a number of programs that the government had started to ramp up that were in the next fiscal that, obviously, have been stopped under this current government.

In Calgary we have HomeFront. HomeFront is a fantastic model. It supports survivors of domestic violence. It's absolutely amazing. What we wanted to do is roll that model out to the rest of the province. One of the things that was going to come out of the

victims of crime fund was going to be an agency to support folks throughout the rest of Alberta the way folks in Calgary are supported in the HomeFront program, and I think that would have been a real improvement. I'm sad to see that that is gone.

Another plan was – we had increased funding to five victims' service units, and those five victims' service units were the units that had seen the most growth and were therefore under the most strain in their current budget. That isn't to say that there weren't a number of other units that were under a significant strain. Those units were supposed to see increased funding as well.

We've also seen funding withdrawn from the association of police-based victims' service units. I think that's very sad. The association did a lot of the training, and I know a lot of the smaller victims' service units are not going to – they're having to cut their training budgets as a result of this. Now, I know those cuts seem small in context to many people, but those victims' service units operate on very small budgets. They often have a budget for, you know, one or two staff to sort of support the running of the unit, and other than that it's run by volunteers who step forward to help their neighbours out. It's a very good model. I think that those plans to increase funding to those areas were important plans. I know that we are in a time of fiscal constraint, but that's the point of the victims' fund, right? That's the point of the fact that there was a surplus in the victims' fund. The point of having this money earmarked specifically for victims is to ensure that they still have access to that money even when we are in times of potential restraint.

I think, you know, that those units needed increased funding. Another plan we had was to ensure that we were placing additional victims' workers within the Crown unit. Those were to help victims of particularly violent crimes, things like aggravated assaults or sexual assaults, to help those individuals through the court process because we know it can be incredibly challenging for a victim, particularly if the victim is marginalized and perhaps hasn't kept in the best contact with victims' services.

You know, they're being brought forward for trial, and sometimes they don't understand the process. The process is very traumatic for them. They may not be ready to deal with the process. So having someone there who, at the very least, can help walk you through what's going to happen and the steps that are going to occur – because it's confusing for most people the way the criminal justice system works. I think a lot of people are surprised when they have their first interaction with it. I think that having those victim support workers – or an increased number; there are already some there – within the Crown prosecution service will ensure that there's somebody to do that victim support work, because the lawyers have a very high caseload usually, just to assist people in being able to walk through it.

I think that that assistance with a number of victims actually results in better outcomes in court if the victim is emotionally prepared for what's going to happen. It is, unfortunately, the case that often participants in the justice system read a victim's trauma as something other than trauma. They read it as an inconsistency or something like that, and that results in bad outcomes and our system not doing what it is meant to do.

All of those programs, in my view, are incredibly important, so I think it's incredibly important to ensure that that portion continues to go to victims' services and continues to go to victims.

Now, one of the things that's, by and large, being eliminated under this bill is the direct benefits to victims of most crimes, and I think that's really sad. I will have longer conversations about this, but I have had a number of individuals who have reached out to me and said that they have received financial benefits under the victims' program. They've talked about how it saved their lives: women who are talking about having to flee domestic abuse with nothing but the

clothes on their backs and how they were able to use the financial benefit funds to assist them to re-establish their lives or, you know, women who have been through incredibly traumatic sexual assaults, how they were able to use the benefits from the victims' program to pay for some counselling, to start them healing from their trauma.

I recognize the minister's point that maybe the program is different here than it is in other provinces. I don't think that's a weakness; I think that's a strength. I think that having financial benefits available to victims is important, and I've had a number of people reach out to me and to my office and a number of people reach out to my colleagues to talk about just how incredibly important that is to them.

Again, this amendment does something very simple. If the minister's intent is only to grow the fund and only to use that additional new money coming in to pay for the programs that he has referenced, then he ought to support this amendment. This will ensure that there is a certain portion of the fund, that 75 per cent of the fund is carved off, and that that will go to victims and that victims will always have access to that, that victims' services will always have access to that. I think that that's very important, so I would urge all members to strongly consider voting in favour of this amendment.

10:30

The Acting Chair: Thank you, Member.

Members, we will refer to the amendment by Calgary-Mountain View as amendment A1.

Any others wishing to speak? I see the Minister of Transportation.

Mr. McIver: Thank you, Chair. At this point I would like to move to adjourn debate on Bill 16.

[Motion to adjourn debate carried]

Mr. McIver: Mr. Chair, at this time I move that the committee rise and report bills 18 and 19 and report progress on Bill 16.

[Motion carried]

[Mr. van Dijken in the chair]

The Acting Speaker: I recognize the Member for Fort McMurray-Wood Buffalo.

Mr. Yao: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 18 and Bill 19. The committee reports progress on the following bill: Bill 16. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Thank you.

Does the Assembly concur in the report?

Hon. Members: Agreed.

The Acting Speaker: Opposed? That is carried.

The Minister of Transportation.

Mr. McIver: Thank you, Mr. Speaker. At this time I would like to thank all members of the Assembly tonight for the debate, sometimes spirited. It's always useful. At this point I move that the Assembly adjourn until 1:30 p.m. Wednesday, June 17.

[Motion carried; the Assembly adjourned at 10:33 p.m.]

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