



Province of Alberta

The 30th Legislature  
Second Session

# Alberta Hansard

Tuesday afternoon, July 14, 2020

Day 44

The Honourable Nathan M. Cooper, Speaker

## Legislative Assembly of Alberta

### The 30th Legislature

Second Session

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Goehring, Nicole, Edmonton-Castle Downs (NDP)  
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Turton, Searle, Spruce Grove-Stony Plain (UCP)  
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United Conservative: 63

New Democrat: 24

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Jones  
Loyola  
Nielsen  
Singh

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Deputy Chair: Ms Goehring

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Armstrong-Homeniuk  
Barnes  
Bilous  
Dang  
Horner  
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Toor

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Dang  
Goodridge  
Nixon, Jeremy  
Pancholi  
Rutherford  
Sigurdson, R.J.  
Smith  
Sweet

### **Standing Committee on Families and Communities**

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Carson  
Ganley  
Glasgo  
Guthrie  
Neudorf  
Nixon, Jeremy  
Pancholi  
Rutherford  
Yao

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Lovely  
Nixon, Jeremy  
Rutherford  
Schmidt  
Shepherd  
Sweet  
van Dijken  
Walker

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Deputy Chair: Mr. Ellis

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Deol  
Ganley  
Goehring  
Goodridge  
Long  
Neudorf  
Walker  
Williams

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Horner  
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Nixon, Jeremy  
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Carson  
Deol  
Ganley  
Issik  
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Reid  
Renaud  
Turton  
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Singh  
Smith  
Yaseen

## Legislative Assembly of Alberta

1:30 p.m.

Tuesday, July 14, 2020

[The Speaker in the chair]

### Prayers

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

Please be seated.

### Introduction of Guests

**The Speaker:** Hon. members, I have a very special and surprise guest to introduce to you on a very auspicious occasion, the 36th anniversary of the hon. Minister of Education. Her husband, Darren, has arrived to surprise her. Now, from Darren through to the minister in the most enduring, third-party, independent way, possible: happy anniversary, sweetie; reservations for 7.

### Members' Statements

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

#### Bill 30

**Mr. Shepherd:** Thank you, Mr. Speaker. I'm not generally a man given to hyperbole. I try to give careful thought and consideration to each word I say and claim that I make, so what I am about to say to Albertans, I don't say lightly. Folks, the public health care system as you know it is about to drastically change for the worse. The health care system we have today will not be what we have next year. Bill 30 makes it clear that the path this government has set us on is not about making a few tweaks to make our system better. It is not about taking careful steps to thoughtfully reduce costs while preserving and protecting Albertans' health. This is about gutting and uprooting the entire system by which we fund to deliver care, to reduce and divert public investment and make more room for American-style private profit.

We don't know what we're going to get in return, but we do know what will be lost. Thousands of Albertans stand to lose their family doctor, individuals who spent years building practices focused on serving their patients and their communities and who've invested their dollars and their lives into improving care and bringing more services to their communities, to rural hospitals, and to health care centres. This government has decided that Albertans don't deserve that level of care and attention, so they're driving those doctors out. What will Albertans get instead? Corporate care and clinical franchises, where doctors are in the back seat while shareholders take the wheel, where profits come before patients. This government is deliberately weakening the public health care system that Albertans rely on by moving ever more surgeries, tests, and other procedures into the private sector. They aren't content to simply give wealthy corporations a \$4.7 billion giveaway; they want their shareholders to make a profit off sick and injured Albertans, too.

In the words of Dr. Lorian Hardcastle: Bill 30 is a stepping stone to a fully two-tier system, where health care is accessed on the

ability to pay rather than need. Mr. Speaker, that isn't what Albertans voted for or what this Premier promised in his public health guarantee, but our caucus will stand with Albertans and fight for our public health care system.

### AFL President's Remarks on Bill 32

**Mr. Gotfried:** Mr. Speaker, Godwin's law refers to an intellectually lazy propensity for Internet discourse to degrade to irrational and offensive comparisons to Hitler and his despicable Nazi regime. Instead of accepting that reasonable people can disagree on issues, some sadly choose to conflate their political opponents with evil and heinous Nazis. To do this is irrational, historically ignorant, and extremely offensive, given that it diminishes the seriousness of Nazi crimes against humanity, including the horrors of the Holocaust.

Yet here I am forced to raise this issue because yesterday NDP activist Gil McGowan resorted to this disgusting tactic. Mr. Speaker, he accused our government of acting like Nazis, invoking war criminal and Hitler confidante Joseph Goebbels. It sickens me that Mr. McGowan degrades Alberta politics with his irresponsible rhetoric.

Yet, Mr. Speaker, as this happens, the NDP opposite stand quiet. They don't condemn their friend, former candidate and NDP party affiliate. They sadly and irresponsibly do not own or disown his comments. In fact, despite McGowan having a history of offensive comments, the NDP invited him to speak at the Legislature just last week and gave his misguided voice a platform.

Mr. Speaker, I would like certain members of this House to hear the community impact of this person that they legitimize and support. Here's what the president of the Jewish Federation of Edmonton said: he may have a point with respect to a policy and objection to a policy, but to compare it to a dictatorial regime that was responsible for the murder of 13 million innocent civilians and some of these actions he's comparing to as a lead-up to a mass genocide I think is wholly irresponsible.

From the CEO of B'nai Brith Canada:

Comparing peaceful enactment of legislation by a democratically elected premier to the strategies of a tyrannical Nazi regime diminishes Nazi crimes and is an insult to Canadian democracy. Gil McGowan owes the Jewish community and all Canadians an apology.

Mr. Speaker, to those who would stand by or fail to loudly denounce McGowan's comments: shame on you.

**The Speaker:** The hon. Member for Lesser Slave Lake has a statement to make.

### Alberta Spirit

**Mr. Rehn:** Thank you, Mr. Speaker. These past few months have been tough for Albertans. Our economy has suffered, people have lost their jobs, and many are concerned about providing for their families.

This year has been one of the toughest for Albertans in recent history. The green left attempted to cripple our economy with rail blockades, for the first time we saw oil prices trading in the negatives, and COVID-19 brought our economy to a screeching halt. Floods have forced Albertans from their homes. To say this year has been extraordinary would be an understatement. Albertans have been dealt a terrible hand, but the one thing that has surfaced through all of this, Mr. Speaker, is the will of the people, a determination to never give in and never give up. This reflects the true nature of the Alberta spirit. Alberta is a unique place in Canada, and the spirit of our people resonates throughout this country.

When faced with adversity, Albertans don't shy away and hide. We embrace challenges fearlessly, tackling them head-on with determination. This has been shown time and time again, especially in the past few months.

In the political world you often hear of American exceptionalism. Well, I believe that Alberta is no stranger to this notion. Alberta has a unique place in our federation. Our natural resource sector is the economic driver of this country. People from across Canada come here in search of economic prosperity. Albertans are charismatic and tough by nature, and Albertans inherently possess the entrepreneurial spirit. That's what sets us apart, Mr. Speaker.

The last few months have been tough, and I know we're not out of the woods yet, but our Alberta spirit, which is so fundamental to our being, will carry us through. It always has before, and it will again this time.

Thank you, Mr. Speaker.

### Labour Unions and Women's Equality

**Member Irwin:** Affordable child care, equal pay for work of equal value, maternity leave, action against sexual harassment: this is just some of what we owe to unions. While there are plenty of disagreements across the aisle, one thing that I hope we can all agree on is that we have a whole lot more work to do when it comes to achieving gender equality.

What is often overlooked is that women's equality is entrenched in the progression of the labour movement. This is exactly why the attack on Alberta's labour unions by the UCP is an attack on the rights of working women in this province. It's thanks to feminists in labour unions in the 1960s and '70s who worked with other union women and men to put pressure on their unions that we have progress on a number of issues that predominantly impact women. Through striking, it was postal workers who won maternity leave, yet this is the very type of action that this government seeks to limit. For decades unions have fought to get us child care and pay equity.

By bringing these issues to the bargaining table, union women have leveraged labour's organizing power, adding a critical force to the broader political battles of the women's movement. These wins, like maternity leave, pay equity, were so important for achieving bigger societal gains and extending rights to all women.

1:40

It's the power of the feminist movement combined with women within the labour movement that continues to break down workplace barriers today. We see dedicated programs encouraging and training women and indigenous workers to work in the trades, but there's so much more to be done. We cannot, as women – queer women, racialized women, indigenous women, trans women – allow these hard-fought-for freedoms to be eroded by our governments, and neither can our male allies.

I hope, too, that everyone in this House will join me in advocating for the things that unions have fought for for so long, including better access to quality and affordable child care for all workers. Women deserve better, and we all deserve better.

**The Speaker:** The hon. Member for Calgary-Falconridge.

### Bill 30

**Mr. Toor:** Thank you, Mr. Speaker. Today I rise in this House to express my support for Bill 30, the Health Statutes Amendment Act, 2020. This important piece of legislation is based on nine amendments based on three primary objectives. First is strengthening the role of Albertans; second, meeting our commitments to reducing surgical wait times; and third, modernizing the health

system in Alberta to make it more effective. These changes are long overdue. The previous NDP government never made these types of changes a priority during their four years in government. Bill 30 enshrines many of the necessary changes that will help modernize Alberta's health care system. It will improve governance accountability and deliver effective, efficient, reliable health services for Albertans requiring immediate health support.

It helps to meet our platform commitment to reduce surgical wait times. Mr. Speaker, surgical wait times are extremely important for Albertans in accessing reliable health systems. The median wait time in Alberta is 28 weeks, which is nearly double the time compared to the provinces of Ontario and Quebec. The proposed changes will simplify the process for the creation and administration of chartered surgical facilities. In fact, 43 surgical facilities that are publicly funded accounted for 15 per cent of the surgeries in Alberta last year.

The proposed amendments give physicians more options on how they are compensated. Currently only 13 per cent of physicians in Alberta choose ARP for compensation compared to 29 per cent of physicians across Canada. The model is already in place, but it's very complex and littered with red tape. These amendments are necessary in providing meaningful change.

Let's just set the record straight. This is not American style. This is . . .

**The Speaker:** Order.

### Social Assistance Programs

**Ms Sigurdson:** Neoliberals like to say that fraud is rampant in the welfare system, yet evidence of this is sparse. Here in Alberta under Premier Klein extensive fraud investigation programs were established. What was found? The programs cost more to run than the fraud that was discovered. In fact, what investigators found was that program error and fraud were at only about 2 per cent. Why are Conservatives going after the poor to justify cutting government programming without any political fallout? This has been done successfully by Conservative governments throughout Canada and elsewhere.

Professor Trevor Harrison of the University of Lethbridge says: finding, publicizing, and prosecuting welfare fraud is an important adjunct to social assistance cuts, reinforcing the erroneous belief held by many that public assistance caseloads are subject to rampant abuse; in turn, these perceptions undermine public support for the poor, providing ammunition for efforts of Conservative governments to slash social assistance funding while otherwise pursuing an upwards redistribution of societal wealth through tax breaks to corporations and the well off.

Now, this information is not new. We have known and seen the neoliberal agenda at work for the past 30 years. However, what is disturbing to me is that earlier this year, when I sat at estimates for the Ministry of Community and Social Services, the Member for Fort McMurray-Wood Buffalo brought up this arcane argument. He expressed the Conservative rhetoric that fraud is rampant. He based this not on empirical evidence but anecdotes. When members are letting hearsay guide their policy decisions, trouble is on the way.

If anything has been learned from the pandemic, I sincerely hope that the members opposite see the value of government programs. Many, many factors are beyond the control of the individual, and thus it is the responsibility of governments to respond with their collective power. None of us can single-handedly mitigate the challenges of COVID-19. That is why robust public programs and progressive policies that are inclusive and fair need to be in place to support citizens.

### Impaired Driving Administrative Penalties

**Mr. Singh:** Our government knows that impaired driving is a serious problem that remains a leading cause of death and injury of Albertans. Preventing impaired driving is a major priority of our government. Every year it causes many Albertans to lose their loved ones and leaves thousands more seriously injured. This is a terrible but ultimately preventable mishap, which is why our government has introduced legislation to combat it more effectively.

Our current system is causing major backlogs in our courts and also needs adjustments to effectively deter impaired driving. Prosecutors, judges, and lawyers have more extremely important trials that require their attention, and many noncriminal impaired driving cases could be better resolved through alternative methods such as administrative penalties. These new penalties are much stricter than before. They include higher fines, longer licence suspension times, and impounding. Mr. Speaker, this model has been used with great success in British Columbia and Manitoba, with both provinces seeing far lower impaired driving rates since this system has been implemented.

Impaired driving not only puts the life of the driver at risk but innocent bystanders as well. This is why it is of the utmost importance that we can continue to tackle this issue. Saferoads Alberta will be a crucial step forward that will ensure that our courts can focus on important trials and help Calgary's constituents and all Albertans stay safe on our roads.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Red Deer-South has a statement to make.

### Addiction Treatment

**Mr. Stephan:** Thank you, Mr. Speaker. The city of Red Deer suffered and endured under the NDP. The NDP imposed a drug consumption site on my city, disregarding the concerns of civic leaders, local businesses, and families. The NDP mandated distributing millions of needles throughout Alberta for taking illegal drugs, including upwards of 100 needles at a time to drug users. The NDP was negligent. A neglect of internal controls resulted in a proliferation of discarded needles in parks and other public spaces, causing safety risks. Red Deer, at a recent AUMA convention, sponsored and passed a resolution imploring a provincial strategy confronting the needle debris mess. This strategy is imminent.

The fixation of the NDP on harm reduction was a profound failure, enabling individuals to live in their addictions. Their legacy is as follows: profound human costs, economic destruction, and tearing of the social fabric in our communities.

Addiction is a challenge of human nature. Success in this complex matter must begin with the end in mind, supporting and loving our neighbours to become free from addictions. This government is beginning and will be accelerating a principled course correction, blessing individuals, families, and our communities, beginning with the end in mind, loving and supporting our neighbours to become free from addictions.

Thank you.

**The Speaker:** The hon. Member for Livingstone-Macleod.

### Economic Recovery and Agriculture

**Mr. Reid:** Thank you, Mr. Speaker. Alberta's prairies have long been a magnet for the ambitious and hard-working: the homesteaders, the ranchers, and the farmers. My riding of Livingstone-

Macleod is home to many folks who work and toil in the land, doing long days of honest work. These folks truly embody the hard-working Alberta spirit that has come to represent the prairies of our province. There is no doubt about the contributions made by the hard-working women and men in the agriculture industry. They, however, like so many others, have been faced with new challenges as a result of the COVID-19 pandemic and the broader economic climate in Alberta.

On June 29 this government announced Alberta's recovery plan, a comprehensive strategy to create good jobs, build our infrastructure, and diversify our economy. Within that plan are bold steps to support the \$8.5 billion per year agrifood industry and the 73,000 Albertans that it employs. Global food demand is increasing, and Albertans are well positioned to help meet that demand. Alberta's recovery plan includes expanding irrigation infrastructure to support the growth of diversified crops and the value-added processing industry that will accompany them. Irrigation infrastructure is an investment that will create good jobs in the short term and support Alberta's economic growth and diversification in the long term.

Another pillar of the recovery plan for the agriculture industry is expanding export opportunities for our producers and our processors. Alberta's agricultural and food products are world-class, and making sure that they're able to reach key global markets will be essential as world-wide demand increases.

Finally, the recovery plan includes steps to attract investment to Alberta to grow our value-added processing ability. This, paired with the job-creation tax cut, will make Alberta one of the most reliable and ready places in the world to do business. This will add value along the entire supply chain.

I am so thankful for all our agricultural industry does for this province, and I'm proud of our government's commitment to supporting this industry and our recovery plan.

1:50

### Oral Question Period

**The Speaker:** The Leader of Her Majesty's Loyal Opposition has the call.

### Bill 30

**Ms Notley:** Thank you, Mr. Speaker. You know, when it comes to health care, Albertans cannot trust this government to tell the truth. The Premier claims that Bill 30 is about modernizing the Public Health Act, but it's really opening the floodgates to more private health care. The bill allows for-profit corporations to contract for insured health services even at a demonstrable detriment to the public health system. It's not modernization; it's Americanization. Premier, have you noticed what's going on south of the border? Why in heaven's name would you want Albertans to suffer from the same broken system?

**Mr. Kenney:** Mr. Speaker, there's just nothing new under the sun. The oldest NDP campaign tactic and political message is the famous medi-scare campaign. Every government in Canadian history was going to privatize and Americanize the system. I know it's effective for NDP fundraising from some of their gullible members, but it's completely untrue. Under the NDP 15 per cent of surgeries were contracted out to privately operated and owned surgical facilities. If it was good enough for the NDP, it's good enough for Albertans under this government, too.

**Ms Notley:** Well, Mr. Speaker, it's really not the same, and the Premier knows it.

Let's be clear. He's repealing the parts of the Health Care Protection Act which say that approvals for contracted services cannot jeopardize the integrity of the public health system. Right now services must be complementary; instead, the Premier will make them competitive. These changes will directly and deliberately undermine the public health system. It's in the Legislature. Why is he introducing a system that his own legislation acknowledges will hurt public health care and the Albertans who rely upon it?

**Mr. Kenney:** The legislation does no such thing, Mr. Speaker. The NDP's focus on health care is protecting monopolies and special interests. Our focus is single minded: patients – patients – and the length of time they have to wait for quality care. Under the NDP wait times went up for the vast majority of surgeries, and we've ended up with the most expensive health system in Canada with some of the longest wait times. It's not right to have people waiting in pain, often becoming addicted to pain-killing drugs. That's why we are emulating Saskatchewan, with the strategic surgical initiative to reduce surgical wait times.

**Ms Notley:** Well, Mr. Speaker, Dr. Lorian Hardcastle, an expert in health law and economy, says that this bill will not reduce wait times, and she says, quote: these reforms raise concerns about equity, quality of care, and corporatization of health care; this is a stepping stone to a fully two-tier system. End quote. More American-style, second-mortgage medicine, less on the Alberta health card, more on the GoFundMe page: if that's not the case, Premier, why won't you commit here and now to putting the protections to public health care back in the legislation that you're currently planning on taking out?

**Mr. Kenney:** Mr. Speaker, you know they must be tight up for money when they come up with rubbish like that for their fundraising e-mails to some of their gullible supporters. Every one of these surgeries will be paid for and insured by public government medicare – not two-tier; one-tier – keeping our commitment for public, universally accessible health care. She says that it won't reduce wait times. I don't care, you know, what the ideologues opposite say. What I care about is the data. In Saskatchewan they reduced wait times by over 25 per cent, in the birthplace of medicare, in a measure now endorsed by the moderate Saskatchewan NDP.

**The Speaker:** The Leader of the Official Opposition for her second set of questions.

**Ms Notley:** Now, he doesn't care about the experts or the fact that wait times went back up, and he should know it.

#### **Paid Sick Leave during COVID-19 Pandemic**

**Ms Notley:** Now, 230 new cases in just three days: Mr. Speaker, many Albertans, including the Premier, I know, were very concerned after seeing the sharp rise in active cases. Dr. Hinshaw is, too. Quote: the spread of the virus is growing. There are also more cases with unknown sources than there were a week ago. Premier, if we want to avoid repeating lockdown measures, workers must feel safe and financially secure to self-isolate if sick. I ask for what is now the 10th time: when will you bring in paid sick-leave protection for front-line Albertans?

**The Speaker:** The hon. the Premier.

**Mr. Kenney:** Thank you, Mr. Speaker. And I will explain for the 10th time to the Leader of the Opposition that the federal government

has committed funding to support paid sick leave. We are, we believe, within hours, at most days, of seeing the finalization of an agreement between the government of Canada and the 13 provinces and territories on that and a series of other measures representing a \$14 billion fiscal package, including paid sick leave. I invite the member to await the announcement of details shortly.

**Ms Notley:** Mr. Speaker, we can't wait for Ottawa. We've been waiting for months, and cases are rising now, and the Premier himself has acknowledged that. What's more worrisome is that Dr. Hinshaw says that her team is tracking an uptick among those aged 20 to 39, a.k.a. the age of our front-line working population. These are Albertans struggling now to make ends meet, who can't afford to go back home in stage 2 and who can't afford to stay home if they're sick. Does the Premier not realize that paid sick leave is required now to protect our economy and to protect our citizens? We've been waiting, and it's still not here.

**Mr. Kenney:** Once again I'll refer the Leader of the Opposition to the forthcoming finalization of an agreement between the federal government and provinces and territories in this respect. We are concerned to see continued spread and new cases. It is important to put that in perspective. We've also continued to ramp up testing. On Saturday, with 96 new confirmed cases: that was on 10,000 tests. The good news is that the number of new infections continues to be generally below 1 per cent of the tests performed, but the bad news is that we're not out of the woods yet, Mr. Speaker. All Albertans must be vigilant against COVID-19.

**Ms Notley:** Well, the Premier is right. All Albertans do need to be vigilant because we do know that there'll be more cases, and if we want to be ready for a second wave, we need to empower our most vulnerable workers by making sure that they can protect themselves by staying home. Instead, we're working on legislation to remove their rights, to lower their pay, to make them more vulnerable. Why does the Premier think these workers are expendable? Why won't he protect their notice to temporary layoff? Why won't he protect their sick leave? Why won't he give them the support they need now to stay home to self-isolate and to keep Albertans safe?

**Mr. Kenney:** Mr. Speaker, I don't; we will; we will; and we will.

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

#### **Physician Retention**

**Mr. Shepherd:** Thank you, Mr. Speaker. This government's attacks on doctors are having horrendous effects on Albertans when they are most in need. Leanne wrote, and I quote: I recently got a call informing me that my excellent family doctor closed her practice; one week before I gave birth to my second child, I found out that I no longer have a family doctor; I'm devastated; what am I supposed to do? To the Premier: why are you continuing to cause chaos in our health care system? Do you not see the destruction and disorder you're causing Albertans when they need their doctors the most?

**Mr. Kenney:** Mr. Speaker, when they haul out words like "destruction" for the most expensive and expansive public health care system, certainly, in Canada if not the world, you know what's going on? They're trying to cover up for the fact that the looney left is out of its cage. You've got former Minister Anderson spreading propaganda written by the leader of the Communist Party. You've got the MLA for Edmonton-Gold Bar celebrating the death of one of the great female political leaders of modern times. You've got



their boss Gil McGowan now comparing the democratically elected government to the Nazi regime. The looney left has taken control of the NDP.

**Mr. Shepherd:** Shameful, Mr. Speaker. Albertans are being hurt, and all this Premier has is partisan attacks.

Sherry wrote, and I quote:

I live in a rural town. Our doctor is leaving on September 1, and then what is going to happen to all the seniors like myself when we're left with no doctors? I don't drive or have a way to go to the next town for my doctor's visit. This Premier and the Minister of Health continuously say that rural communities aren't losing doctors. Well, this Albertan and hundreds more have been told that they are and now don't know how they'll receive their medical treatments.

To the Premier: what are you going to tell these Albertans? What will you say come September 1, when Sherry no longer has a doctor? Will you give her your partisan attacks? [interjections]

**The Speaker:** Order. Order.

The hon. Minister of Health has the call.

**Mr. Shandro:** Thank you, Mr. Speaker. We're very happy to do what the NDP failed to do for their four years. On April 24, with the help of my rural caucus colleagues, we announced the rural health care action plan to be able to pay \$81 million more for our rural physicians, to be able to help with retention and help with recruitment, to provide other models of payment for our physicians, to lift the cap on the rural, remote, northern program so that our physicians have the ability to be paid more for the services they provide in our rural communities. We're proud to do what the NDP failed to do.

2:00

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

**Mr. Shepherd:** Thank you, Mr. Speaker. Indeed, we failed to drive rural physicians out of the province, like this minister.

Matt wrote, and I quote: my son was born with a rare genetic condition which means he may never walk, talk, or communicate; his doctor has been by his side for all 96 days spent at the Stollery; our pediatrician has kept us out of hospital more times than I can count; our doctor has saved his life many times over, literally; I'm beyond concerned about how this government's actions will and are affecting my son. Your war on physicians is making these most vulnerable Albertans victims. There's no way that you cannot see the damage you're causing. To the Premier: why are you sacrificing these vulnerable Albertans with your reckless attacks?

**The Speaker:** The hon. Minister of Health.

**Mr. Shandro:** Thank you, Mr. Speaker. Imagine the NDP for four years ignoring rural Alberta. For four years we saw the supply of physicians throughout the province continue to increase and the compensation for physicians continue to increase, but they still ignored rural Alberta and their access to primary care, their access to care in general. That's why on April 24 we were very proud to announce our action plan to be able to make sure that Albertans who are in rural and remote communities have the access to the care that they need. Unfortunately, for four years the NDP continued to ignore rural Alberta. We're not going to do that. [interjections]

**The Speaker:** Order. Order. The hon. Member for Edmonton-City Centre had his opportunity to ask his questions. If he'd like another opportunity, I'm sure he could negotiate that with the list.

The hon. Member for Calgary-McCall.

## Canadian Energy Centre Activities

**Mr. Sabir:** Thank you, Mr. Speaker. The UCP have done everything in their power to shield their failed energy war room from scrutiny, accountability, and transparency. The war room was recently found to be using tax dollars to promote climate change denial online, and new public information has revealed that the war room used the tax dollars of Albertans to help third-party organizations collect data and donations. To the Premier: how can you possibly defend this blatant lack of transparency? Is the war room just a secret tool to help fund your political operations?

**Mrs. Savage:** Mr. Speaker, the war room is fulfilling the role that it's intended to do, and that's to stand up for our energy sector, to make sure that the truth is told about the value of our energy sector. That is needed now more than ever as our energy sector recovers after a historic price crash and historic lows in employment.

**Mr. Sabir:** In May the war room sponsored an advertisement that was linked to a third party soliciting donations. People were also asked to share their private information, and there was no evidence of what would be done to protect privacy. The war room ran this ad for two days and could have reached as many as 10,000 people. Will the Premier commit to ensuring that the war room will not use their bloated budget to help third parties collect donations and data? If he can't make this commitment, will he shut it down now?

**The Speaker:** The hon. Minister of Energy.

**Mrs. Savage:** Well, thank you, Mr. Speaker. The war room is fighting back against a decade-long campaign to land-lock our energy sector. I saw that campaign roll out for years following this role. That is hundreds of millions of dollars rolling forward across the border to fight our energy sector, to fight jobs in Alberta, to land-lock our energy. The Canadian Energy Centre is standing up for those jobs.

**Mr. Sabir:** While Calgarians are told by this Premier and this government that there isn't an extra cent for support for hail damage, the war room gets \$120 million, and it appears that the war room is spending the money they have received on ads helping third parties collect donations and data. Since the UCP is continuing to support this organization, which has done nothing but embarrass Alberta time after time after time, to the Premier: once and for all, explain to Albertans why you continue to support this embarrassing war room. You can't possibly believe this is . . .

**The Speaker:** The hon. Minister of Energy.

**Mrs. Savage:** Well, thank you, Mr. Speaker. Our energy sector is the most responsible energy sector across the planet, has the highest environmental, social, and governance standards, yet that message isn't getting out. That message isn't getting out, and for a decade our energy sector has been challenged. The role of the Canadian Energy Centre is to get that information out to ensure that people understand the value and the importance of our energy sector and know that it's the best in the entire world.

## Government Legislation

**Ms. Issik:** Mr. Speaker, last week this House passed Bill 28, the protecting Albertans from convicted sex offenders amendment act, a piece of legislation that will make it harder for those guilty of heinous crimes of sexual violence to hide from their actions. This bill will also serve to enhance public safety. So you might imagine that I was shocked to hear that on the weekend the Member for

Calgary-Buffalo said that this bill was, quote, bad for Albertans. To the Minister of Service Alberta: could you tell this House why this bill was, in fact, necessary and why the member is so very wrong? [interjections]

**The Speaker:** Order.

The hon. Minister of Service Alberta.

**Mr. Glubish:** Thank you, Mr. Speaker. After 15 months as an MLA I thought I'd seen it all and that nothing the NDP could do would surprise me, but the Member for Calgary-Buffalo has shown me that the NDP are capable of sinking to even new lows. I'm shocked that he thinks that protecting Alberta children, families, and communities is bad for Albertans. Bill 28 is so important because it will ensure that no convicted sex offender will ever be able to change their name, hide from their past, and hide in our communities. The Member for Calgary-Buffalo may not think that this is good legislation, but child advocacy centres across the province do. Survivors do. This side of the House is on the side of survivors and Alberta families even if the NDP is not.

**Ms Ganley:** Point of order.

**The Speaker:** A point of order is noted at 2:06.

**Ms Issik:** Given, Mr. Speaker, that the Member for Calgary-Buffalo, in fact, said that, quote, all of the UCP bills are bad and given that this government has passed many urgent and necessary pieces of legislation, including the Protecting Survivors of Human Trafficking Act, and given that this presumably means that protecting vulnerable Albertans from the horrific crime of human trafficking is also, quote, bad for Albertans, to the Minister of Justice: can you explain to the House why this legislation was necessary, what it does to protect vulnerable Albertans, and why the member should reconsider his apparent opposition?

**Mr. Schweitzer:** Mr. Speaker, there's jumping the shark, and then there's jumping the shark NDP-style. That bill is so important to protect against human trafficking in our province and protect those that are vulnerable, combatting human trafficking. On top of that, let the irony of the situation sink in. They were there protesting a bill that they claimed doesn't allow them to protest. That's why I go to the fact: jumping the shark, and then there's jumping the shark like a member of the NDP.

**Ms Issik:** Given, Mr. Speaker, that this government was elected on a platform that made significant commitments to help combat sexual violence and given that vulnerable Albertans deserve these additional protections and given that sexual violence in our society disproportionately affects women, to the Minister of Culture, Multiculturalism and Status of Women: can you tell the House why these pieces of legislation are important to vulnerable women in our province and what kind of message the opposition member is sending by opposing them?

**The Speaker:** The hon. Minister of Culture, Multiculturalism and Status of Women.

**Mrs. Aheer:** Thank you, Mr. Speaker, and thank you for the question. During COVID-19, especially with isolation and extreme stress, there has obviously been a greater risk of domestic violence, so we've supported important initiatives like the domestic violence leave program, women's shelters, transition programs, and provided an additional \$5 million to ensure women and children can isolate in safety. However, I think this means nothing to the Member for Calgary-Buffalo, who believes that every initiative of

our government is bad. I mean, they call people of faith nutbars. What do they want more in Alberta? Communism, evidently. And now this. This is the NDP's war on women.

**The Speaker:** The hon. Member for Edmonton-Mill Woods.

## Bill 32

**Ms Gray:** Thank you, Mr. Speaker. This government can't help themselves. Mere weeks after claiming to stand with working Albertans and calling them heroes, this government is back to doing what they've been doing since getting elected, trying to pick their pockets. That's right. As soon as the photo ops ended, this government set about changing holiday pay, breaks, even forcing workers to wait up to 31 days before they can get paid after being fired, all in the name of balance. Can the minister of labour explain why, in his mind, balance means that workers work more and get less? Is this how he thinks heroes should be repaid?

**Mr. Jason Nixon:** Mr. Speaker, again the NDP continue to misrepresent facts inside this Chamber. The minister has been clear on the fact that what they're saying is just not accurate. But when you want to talk about representing Albertans or representing our heroes, that member could not even be bothered to show up for work to be able to ask for a debate on the piece of legislation that she said was important to those individuals or to be able to get their petitions into this Chamber. She and her colleagues could not even show up in this Chamber and just stand up and say that they want to have that debate. The reality is that the NDP continue to fail Albertans. Our minister continues to succeed for them.

2:10

**The Speaker:** The hon. Government House Leader knows that it's wildly inappropriate to comment on the presence or the absence of a member in this Assembly, and I'm sure that that won't happen again in the future.

**Ms Gray:** Given, Mr. Speaker, that just because something is inappropriate doesn't mean the House leader won't do it and given that during this pandemic the Premier travelled from photo op to photo op to be seen supporting the working Albertans who put their lives on the line for Alberta and given that now the minister of labour is telling these same workers that they need to sacrifice their rights and dollars so that the minister can speed up the failed no-jobs corporate giveaway, Minister, why during a pandemic are you asking working people to give up more so that corporations can pay less?

**Mr. Copping:** Mr. Speaker, that is simply not the case. Our focus is getting Albertans back to work and helping them through these very difficult times. This is what we were elected to do. We started this work a year ago with the open for business act, and we will continue it with Bill 32. The NDP passed labour legislation that swung the pendulum significantly to the benefit of their union allies and added significant cost to job creators, driving jobs and investment from this province. Bill 32 will restore balance for labour laws, reduce costs on our job creators, and help get Albertans back to work. That's what we were voted in to do, and that's what we're doing.

**The Speaker:** The hon. Member for Edmonton-Mill Woods, without a preamble.

**Ms Gray:** Given that since the UCP do not have a jobs plan – instead, they have a failed corporate handout paid for in part by picking the pockets of working Albertans – and given that the only

jobs they actually created have been in their disastrous energy war room and by giving high-paid jobs to unqualified cronies like Dave Rodney, can the Premier explain to the grocery store workers why they will face being paid less for general holidays, changes to their breaks, employer-imposed changes to their overtime-averaging arrangements now while Dave Rodney gets a quarter of a million dollars a year?

**Mr. Copping:** Mr. Speaker, we will not be lectured by that side of the House in regard to how we create jobs. I was very proud when our Premier stood up last week to announce our economic recovery plan, including the acceleration of the job-creation tax cut to bring investment back to Alberta and to create jobs, including historic investment in public infrastructure and economic diversification. Our focus is getting Albertans back to work. That's what we were elected to do. We are going to do that, and we're not going to listen to the other side, that destroyed both investment and jobs here in this province.

#### Police Surveillance of the MLA for Lethbridge-West

**Ms Ganley:** Officers of the Lethbridge Police Service have admitted that they inappropriately and illegally placed the MLA for Lethbridge-West under surveillance in 2017 as well as private citizens who were meeting with her. The officers have admitted that they did this out of a disagreement with a policy decision made by the member, who was then the minister of environment. Two officers have been temporarily demoted. Does the Minister of Justice believe this disciplinary action was sufficient for this kind of conduct?

**Mr. Schweitzer:** Mr. Speaker, what happened to the MLA for Lethbridge-West in 2017 is completely unacceptable. When I learned about this last night, we took action immediately. We've asked the Alberta Serious Incident Response Team to review the conduct of these officers to see if further steps are required. On top of that, if they require legal advice, if ASIRT requires pre-charge approval if they're going to lay criminal charges, we have arranged for out-of-province counsel if they so require. We're taking this seriously. No member in this House should be treated the way the Member for Lethbridge-West was treated.

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

**Ms Ganley:** Thank you, Mr. Speaker and to the minister for that answer. Given that this matter was reviewed once already by Lethbridge police, which did not bring it to a satisfactory conclusion for either side, I'm pleased to see that ASIRT will review the matter. Given that this is a crucial question of community safety, can the minister confirm that the ASIRT review will consider not just this incident but any other inappropriate searches of information on the MLA for Lethbridge-West?

**Mr. Schweitzer:** Mr. Speaker, we'll leave the responsibility to ASIRT to conduct their investigation as they see fit in this matter. We've referred it to the proper place to make sure that it's done thoroughly, and we've done it to make sure that it's done independently, to make sure it's done right. Again, I just want to reiterate for this House that what happened here is completely unacceptable. Again, this is something that caused an immense amount of frustration for me and my office last night. That's why we acted right away.

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

**Ms Ganley:** Thank you, Mr. Speaker and again to the minister. Given that this kind of police behaviour can be directed towards an elected member and a minister of the Crown – and then all Albertans are at risk – and given that an incident of this kind strikes at the very heart of public trust in our law enforcement, how will this incident affect the minister's current plan for a review of the Police Act, and what new accountability mechanisms will be considered to ensure that police powers are always used in accordance with the law?

**Mr. Schweitzer:** Mr. Speaker, I share the concerns raised by the Member for Calgary-Mountain View as it relates to the fact that these police conducted a surveillance the way that they did in this matter. That's why we have to get to the heart of it. That's why we've asked ASIRT to review it. That step is under way now.

Again, I just want to reiterate for this entire House that our democracy is founded on the independence of people. They have the freedom to live their lives. Our police have an immense amount of power in our lives. They have to do it reasonably. They have to do it within the boundaries of the law. We're going to make sure we review this, and if changes are needed, Mr. Speaker, that's why we're expediting a review of the Police Act, to make sure we have the proper governance of police.

**The Speaker:** The hon. Member for Calgary-North has a question.

#### Financial Literacy Curriculum and Programming

**Mr. Yaseen:** Well, thank you, Mr. Speaker. I have heard from parents in my riding that they want their children to finish school with a thorough understanding of financial literacy. Given that parents want their children to know how to budget, understand finances, and how to manage debt and further given that due to this demand we committed to ensuring that financial literacy become a mandatory element woven throughout the curriculum, can the Minister of Education please inform the House of the steps you are taking to improve financial literacy education for our students?

**The Speaker:** The hon. the Minister of Education.

**Member LaGrange:** Thank you, Mr. Speaker and to the member for this very important question. We have heard loud and clear from parents that they want their children to have strong financial literacy skills when they finish their K to 12 studies. That is why we have partnered with Enriched Academy and Junior Achievement to enhance financial literacy programming within all our schools. These two organizations have established programming that is in alignment with our curriculum and can be delivered across the province, and I'm very excited to see this enhanced programming roll out this fall.

**The Speaker:** The hon. Member for Calgary-North.

**Mr. Yaseen:** Thank you, Mr. Speaker. Given that in 2018 an Ipsos survey found that a large majority of Albertans agree that there is a lack of financial literacy amongst the public and given that 96 per cent of respondents agreed that the curriculum needs to better prepare students by teaching financial literacy skills and that 86 per cent wished they had had more in finance and economic instruction throughout their education, to the same minister: please explain why you chose to partner with Enriched Academy and Junior Achievement to help fill that gap?

**The Speaker:** The hon. Minister of Education.

**Member LaGrange:** Thank you, Mr. Speaker. Given the economic uncertainty facing the globe, there has never been a more critical time for our students to have a thorough understanding of financial literacy. Enriched Academy has seen thousands of students go through their program, and their feedback has been overwhelmingly positive. Junior Achievement is already in our schools, and this expansion will help them reach more students. Simply put, these two organizations have a proven track record, and their programming will help our students be set up for success.

**The Speaker:** The hon. member.

**Mr. Yaseen:** Thank you, Mr. Speaker. Given that the minister has heard directly from students themselves about the need for increased financial literacy education and given that some members of this House may have seen or participated in Junior Achievement's programming, like myself, and further given that Junior Achievement's programming is provided to urban, rural, and indigenous students, can the minister please explain how expanding Junior Achievement's programming will help Albertan students?

**The Speaker:** The hon. minister.

**Member LaGrange:** Thank you, Mr. Speaker. Like many members of this House, I've had the opportunity to engage in Junior Achievement's programming first-hand. Junior Achievement has been educating Alberta youth since 1960, and their southern and northern Alberta chapters are collaborating to provide even more students with access to hands-on, experiential financial literacy. Through this expansion another 4,500 students in grades 3 to 12 can take part in programming in more than 120 communities in our province. I'm excited to see all of this roll out this summer. A great program. I can't say enough about it.

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

### Physical Distancing at Summer Outdoor Destinations

**Member Ceci:** Thank you. The COVID-19 pandemic has been difficult for all Albertans, but they've responded to the challenges admirably. However, it is concerning to see many images of packed beaches this weekend at Sylvan Lake. The risks of this pandemic are still very real, and the importance of physical distancing is critical. The city of Sylvan Lake has reached out to the provincial government asking for support and clear direction on crowd control and encouraging those who attended to get tested for COVID-19. Can the Minister of Municipal Affairs tell me if he's spoken to the mayor, and will the province be offering support to make sure this doesn't happen again?

2:20

**Mr. Shandro:** Well, Mr. Speaker, I'm happy to report that our ministry, the Ministry of Health, does reach out to municipalities to be able to assist them with understanding the guidelines and the orders of the chief medical officer of health, working as well at the zone level with the medical officers of health for each of the five zones so that they as well are working with their municipalities in understanding and enforcing the orders and the guidance that our medical professionals are providing to all Albertans. I would join the hon. Member for Calgary-Buffalo in encouraging all Albertans to continue to follow that advice of the chief medical officer of health.

**Member Ceci:** Thank you, Minister. Given that Sylvan Lake is not the only summer hot spot in need of advice – officials at Alberta Beach, for example, reported record crowds this past weekend –

and given the critical need to ensure that the provincial government works with our municipal partners to ensure consistent rules and regulations during the pandemic and given that warm temperatures this summer are going to create more stresses on Alberta summer destinations, can the Minister of Health commit to an open and public virtual town hall with all Alberta resort communities to ensure that all the questions, like the ones raised by Sylvan Lake, are addressed comprehensively?

**Mr. Shandro:** Well, I think the hon. member is correct that one of the most important things is that we have the consistent rules, and that's why our ministry worked to develop the watch level program so that Albertans can see when their local municipality is open. When we have more than 50 cases per 100,000 in a local municipality, they become a watch level, then working with those municipalities when they get to a watch level and working with them, understanding how transmission happened, and getting their feedback on whether further restrictions would be needed. We're happy to continue to do that at the local level.

**Member Ceci:** Given that at the end of May the community of Wabamun saw large crowds at the beach despite the need for physical distancing and given that Sylvan Lake saw the same issues only days ago and given that Albertans need to be working together to stop the spread of COVID-19, to the Minister of Municipal Affairs. Clearly, municipalities need support and leadership on this matter. What advice can you give them now to ensure that they can better protect their communities and their residents?

**The Speaker:** The hon. the Minister of Health has risen.

**Mr. Shandro:** Thank you, Mr. Speaker. It's a matter of us continuing to work, as we have for the last four months, with our local municipalities through my ministry and my colleague the Minister of Municipal Affairs so that the councils and the local municipalities, both rural and urban, have the understanding of the advice and the guidance, the orders of our medical professionals. We're also happy to continue to work with RMA and the AUMA as well so that we're reaching out to all those municipalities and that those local leaders understand what needs to be done.

**The Speaker:** The Member for Edmonton-Glenora has a question to ask.

### Education Funding

**Ms Hoffman:** Thank you, Mr. Speaker. This morning I had the honour of attending a rally just a few metres from here. There were hundreds of students and staff and families who showed up to send a message to the Education minister, the Premier, and the entire UCP. Last night the government cancelled the morning sitting for today, so the minister and the Premier weren't in the House. My question to the minister is: what was so much more important all morning that the minister couldn't spend a few minutes with the students and families who were here at the Legislature?

**Mr. Jason Nixon:** I was waiting for a question about policy.

**The Speaker:** If the hon. Member for Edmonton-Glenora might like to make the question about government policy, perhaps the government will be willing to answer.

**Member LaGrange:** Mr. Speaker, if the NDP have a problem with the decisions locally elected school boards are making, I would encourage them to talk to their trustee counterparts. Every single

school board is receiving an increase and the funds they need to support their students.

Further, what the NDP should be concerned about are the outrageous remarks made by their Member for Calgary-*Buffalo*, who stated that Bill 28, which prevents convicted sex offenders and pedophiles from changing their names, is bad for Albertans. Mr. Speaker, this legislation helps protect vulnerable Albertans, including children, and the NDP should apologize for their member's disgraceful comments.

**The Speaker:** Hon. members, a point of order is noted at 2:25.

**Ms Hoffman:** Given that students with special needs are already facing an unprecedented situation with COVID-19 and given that many of the parents I've spoken with are worried about the safety of kids, especially those with severe special needs, and given that students will require more supports this fall, not fewer, to the minister. You laid off more than 20,000 educational assistants this spring. How many have been rehired, and if you don't have those numbers in your binder, will you table them in this House either today or tomorrow?

**Member LaGrange:** Mr. Speaker, if boards are reducing services to students with disabilities, they are doing this despite receiving an increase in operational funding. Every single school board is receiving more funding this year. There is absolutely no reason for them to reduce services when government is providing them with more money.

But what is really outrageous, Mr. Speaker, is that the Member for Calgary-*Buffalo*, one of the NDP's senior critics, would call Bill 8, the Protecting Survivors of Human Trafficking Act, bad for Alberta. This important legislation protects vulnerable Albertans, and the member should stand up and apologize.

**The Speaker:** A point of order is noted at 2:26.

**Ms Hoffman:** Given that there are parents of children who have special needs who are asking these questions and who deserve real answers and not government spin and given that many NDP MLAs and I listened to these families at the rally and given that their message is clear – stop the cuts, stop the layoffs, and stop giving away billions of dollars to corporations without creating a single job – and since the minister wasn't at the rally to hear directly from these hundreds of families who attended, will the Minister of Education at least agree to sit down with the parents who organized the rally and me to hear from them directly? I'd be happy to arrange the meeting myself. Minister, they're listening for your response. They don't want you to come in here and spin . . .

**The Speaker:** The hon. Minister of Education.

**Member LaGrange:** Mr. Speaker, if the NDP, as I said earlier, have a problem with all of the decisions that local boards are making, I want to reiterate that the numbers are black and white. Every single school division is receiving an increase, roughly \$120 million in additional funds across this province. If these divisions are choosing to reduce this important programming despite receiving additional funds, I encourage parents to hold them accountable.

Mr. Speaker, what the NDP should be doing right now is condemning comments by NDP board member Gil McGowan. He compared . . .

**The Speaker:** The hon. Member for Banff-Kananaskis.

### Grizzly Bear Management

**Ms Rosin:** Thank you, Mr. Speaker. My constituency of Banff-Kananaskis is home to some of Alberta's most incredible forests

and mountain ranges, which also means we are home to some of Alberta's most extraordinary wildlife. Bears are some of the most enchanting animals in our forests, and their numbers seem to be continually increasing, as does their proximity to humans. To the Minister of Environment and Parks: how are we protecting habitats for bears and pioneering their research?

**The Speaker:** The hon. the Minister of Environment and Parks.

**Mr. Jason Nixon:** Well, thank you, Mr. Speaker. The government is working with Foothills Research Institute researcher and Alberta Environment and Parks grizzly specialist Dr. Gordon Stenhouse on a population inventory for grizzly bears. It is the most comprehensive study of its kind in North America. We're testing grizzly DNA to see where the grizzly ranges are and how we can best mitigate human and bear conflict and determine the best management strategies for grizzlies going forward. Grizzly populations appear to be increasing, and it's critical for us to call on science, not emotion, when it comes to managing such an impressive but sometimes aggressive species. We eagerly anticipate the results of this important work.

**The Speaker:** The hon. Member for Banff-Kananaskis.

**Ms Rosin:** Thank you, Mr. Speaker, and thank you, Minister. Well, as we can see, our government believes in the importance of research and protecting the many species of our province. Many of us here are aware of the case of the three orphaned grizzly cubs who were briefly taken under the care of fish and wildlife in the past months and subsequently transferred to the Vancouver zoo. Some of my constituents have recently called on our province to rehabilitate orphaned grizzly bears. To the Minister of Environment and Parks: is this something that our government is actively pursuing?

**Mr. Jason Nixon:** Mr. Speaker, science tells us that it's not safe for the public or for grizzly bears to be able to rehabilitate grizzly cubs. This information has been provided to us by Dr. Stenhouse and his team and by AEP biologists. Grizzlies are different from black bears because they often stay with their mothers for longer than one season to learn the tools to hunt and to forage and to be able to survive, meaning more time would be spent being familiar with humans and being able to interact with humans, making them unsafe to the general population and unsafe to themselves if they are released into the wild. Alberta environment manages these issues based on science.

**The Speaker:** The hon. member.

**Ms Rosin:** Thank you, Mr. Speaker, and thank you again, Minister. While research into Alberta's wildlife is a priority for this government, as we've seen in the case of these orphaned grizzly bears, with over 40 sightings of bears in Banff national park this week alone, as bear specialists continue to advise against rehabilitation due to its tendency to increase bears' comfort around humans, what else is our government doing to ensure that bear populations are staying healthy?

2:30

**Mr. Jason Nixon:** Well, Mr. Speaker, I mentioned FRI's pioneering research into grizzly ranges as well as being able to determine DNA and the total number of grizzly bears inside our province to be able to determine management strategies going forward. We also have BearSmart, where we work with municipalities and with our parks to be able to help humans and bears interact in a safe way. The reality is that we are seeing the grizzly bear population increase across the province, and we are going to continue to be able to determine that

with science and then ultimately come back with a plan to manage the bears based on science, not on emotion.

### Economic Recovery and Child Care

**Ms Pancholi:** Mr. Speaker, on the front page of the *Globe and Mail's Report on Business* this weekend economists outlined clearly that economic recovery will depend on affordable and accessible child care. This is not a new revelation. Working parents, women, policy experts, economists, and the Official Opposition have been saying this repeatedly. To the Minister of Children's Services, Minister, for months now you've had tens of millions of dollars in your budget that you could invest right now to open up safe, affordable, and quality child care spaces so Albertans can get back to work. Why don't you do it?

**The Speaker:** The hon. Minister of Children's Services.

**Ms Schulz:** Thank you, Mr. Speaker. I actually completely agree. That's why we've been walking alongside child care operators and Alberta parents over the last number of months to hear what their concerns are and to step up and address them. That's why we're providing \$19 million in sector-specific support to ensure that parents have safe, affordable options for their children in addition to significant government supports from both the federal and provincial governments, including, most recently, \$200 million in grants for small and medium-sized businesses. We know that half of child care centres are open right across the province. We're going to continue to do what they didn't do, which is to listen to centre operators and parents.

**The Speaker:** The hon. Member for Edmonton-Whitemud.

**Ms Pancholi:** Well, thank you, Mr. Speaker. Given that the Children's Services budget alone for child care is \$33 million per month and it grows every month that the sector is not operating at full capacity but given that the minister has redirected only \$11 million to date to help the sector recover from the effects of the pandemic and given that I've talked to countless child care operators who are at risk of closing and working parents who have no idea how they'll manage going back to work without affordable and accessible child care, Minister, I'm going to ask you a straight question, and I hope you'll give us a straight answer. What exactly are you doing with all the unused dollars in your child care budget?

**The Speaker:** The Minister of Children's Services.

**Ms Schulz:** Thank you, Mr. Speaker. I wish the member opposite would not continue to mislead Albertans about the budget that was put forward, as they know full well that a lot of the budget was tied up in their failed pilot project supporting 4 per cent of child care centres across this province. That inequity that their pilot project created was exacerbated during this pandemic. That is what we heard from operators. That is what we've heard from parents. What was their plan? A record of racking up debt, picking winners and losers, ignoring small businesses, women entrepreneurs, and preschools entirely, and spending nearly \$50 million on less than 1 per cent of Alberta parents.

**Ms Pancholi:** Well, Mr. Speaker, given that the minister is very aware that the pilot project was funded through federal dollars and the \$33 million per month is in her provincial Children's Services budget, I'm going to ask a straight question again. Will this minister table in this House an account of how many dollars she has had since Budget 2020 was tabled for child care and how much she has

spent, and why she is not spending all of it on child care when the economic recovery of this province depends on it?

**The Speaker:** The hon. Minister of Children's Services.

**Ms Schulz:** Thank you very much, Mr. Speaker. As the member opposite knows full well, a large majority of our budget has been redirected, obviously, while we allow operators to reopen, and they are doing so very cautiously, as we expected. We've got about half of the child care operators across this province who have opened. We're continuing to invest in those centres, but what we're also doing is listening to operators across this province, to parents across this province, on how they want that money invested. They want a cautious approach. We'll continue to listen to them and reinvest dollars to ensure Alberta working parents have access to child care.

### Care Facility Standards

**Ms Sigurdson:** In May disturbing reports came out of Ontario and Quebec regarding long-term care homes. The scathing reports by the Canadian military during the COVID-19 pandemic detailed cases of severe neglect. In some disturbing cases there have been bug infestations, and cries for help have been ignored by employees of long-term care facilities. The minister has denied that similar issues are occurring in Alberta continuing care. To the Minister of Seniors and Housing: what steps are you taking to ensure that the conditions in Alberta's continuing care homes are up to standard?

**The Speaker:** The hon. Minister of Health has risen.

**Mr. Shandro:** Well, thank you, Mr. Speaker. Since continuing care is under my portfolio, I'm very happy to again reiterate for the hon. member that the situation here in Alberta and our response to COVID in our continuing care facilities is quite a bit different than in Ontario and Quebec. In fact, even if you look nationally at the national mortality rate, I believe the national mortality rate in continuing care is about 142 per million, but here in Alberta it's 23, not 123, hon. member. It is 23 because our response to the pandemic, I think, was a model for the rest of the country. We're going to continue to work with our independent providers as well as AHS and Covenant Health to make sure that our residents are getting the care they deserve.

**Ms Sigurdson:** Well, given that 77 per cent of the COVID-19 deaths have been in continuing care facilities, which is, like, double the average in OECD countries – that's nothing to be proud of – and given that in May the executive director of the Alberta Seniors Communities and Housing Association, ASCHA, called for a review of the COVID-19 response in continuing care facilities and given that the organization said publicly that facilities should not focus just on the medicine but also resident well-being and given that review of the private-public model in Alberta is long overdue, to the Minister of Seniors and Housing: since the start of the pandemic, have you consulted with key stakeholders?

**The Speaker:** The Minister of Health.

**Mr. Shandro:** Thank you, Mr. Speaker. I have good news for the hon. member. As I've already mentioned in this House, even before COVID we had begun a review of the six different pieces of legislation that we have right now for continuing care in this province as well as six different regs, three different standards of practice. We're going to review all that. We started that work before COVID-19 and the pandemic epicentre came to North America. I'm very happy to say that my colleague the hon. Member for

Calgary-Fish Creek has been chairing that review. Thank you to him for all that work he has been doing with ASCHA as well as the CHAA and ACCA, and happy to get that work . . .

**The Speaker:** The hon. member.

**Ms Sigurdson:** Given that last week my colleagues on the special health act review committee called for lead executives of companies at the site of major COVID-19 continuing outbreaks to appear before them for public questioning and given that we have seen UCP MLAs resist these calls because apparently they don't care about the conditions in these facilities, that put seniors at risk, to the Minister of Seniors and Housing: as you're the advocate for seniors in this province, do you support public questioning of representatives from Revera, Extencicare, retirement concepts, and so on?

**The Speaker:** The hon. Minister of Health.

**Mr. Shandro:** Well, thank you, Mr. Speaker. If there's anything that this caucus is resisting, it's turning COVID-19 and our response to the pandemic into something political. It's turning the select special committee to review the Public Health Act into a gong show. The Legislature has asked for an all-party committee to review the Public Health Act. It is in the name of the committee: to review the Public Health Act, not to turn it into a clown show. We asked the NDP to take their work seriously, to show up and do a review of the Public Health Act, and to stop politicizing COVID-19.

**The Speaker:** The hon. Member for Livingstone-Macleod.

### Technology Industry Development

**Mr. Reid:** Thank you, Mr. Speaker. I was glad to see that a large part of our economic recovery strategy is dedicated to enhancing Alberta's innovation and technology industries through a number of new grants and incentives. It is undoubtedly an important part of diversifying our economy and ensuring that Alberta remains young and vibrant and is a destination for young professionals to move to. To the Minister of Economic Development, Trade and Tourism: what is the status of the programs laid out in our economic recovery plan, and in regard to those new programs for the innovation and tech sector, when can we see those begin to roll out?

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

**Ms Fir:** Thank you, Mr. Speaker, and thank you to the member for the question. As part of the economic recovery plan we announced that we will be recapitalizing the Alberta Enterprise Corporation with \$175 million, which will take place over the next three years. We will also shortly be announcing the final details of our innovation employment grant, which will make Alberta the most competitive place to invest in technology and innovation in Canada.

**The Speaker:** The hon. Member for Livingstone-Macleod.

**Mr. Reid:** Thank you, Mr. Speaker, and thank you to the minister for her answer. Given the importance of growing the tech and innovation sectors to Alberta's economic recovery and given that rural Alberta should also be a part of this stage of the economic recovery, thinking particularly of the ability to do things like add postproduction services to the film industry in southern Alberta, to the same minister: what is our government doing to help drive innovation and technology investment into rural areas of our province to ensure the viability of our rural communities for the foreseeable future?

2:40

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

**Ms Fir:** Thank you, Mr. Speaker, and again thank you to the member for the question. Our government is providing many measures that will enhance technology and innovation across Alberta, especially as it creates jobs and growth in other sectors such as energy, agriculture, and manufacturing and through support for technology start-ups across Alberta. We are also supporting growth through our film and television tax credit, which is providing \$45 million a year to support film and television productions across Alberta. Between our innovation employment grant and our recapitalizing of AEC, we are ensuring that we will support economic growth across Alberta.

**The Speaker:** The hon. member.

**Mr. Reid:** Thank you, Mr. Speaker. Given the undeniable importance of growing this sector in Alberta and given the importance of ensuring that the growth of this industry is felt in rural Alberta as well as in our major urban centres and given that one of the largest impediments to the growth of the tech sector in Alberta is the lack of access to reliable high-speed Internet, to the Minister of Service Alberta: what is our government doing to ensure access to high-speed Internet in rural Alberta?

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

**Mr. Glubish:** Well, thank you, Mr. Speaker. Technology is not just an industry. It is the future of every industry. The backbone of modern technology is access to high-speed Internet. For four years under the NDP we saw the digital divide between urban communities and rural, remote, and indigenous communities grow at an alarming rate. In that time technology evolved at a rapid pace while Alberta was standing still. My department and I are working to develop a made-in-Alberta strategy to determine the best approach to broadband Internet expansion that will meet the needs of underserved communities in Alberta and support Alberta's economic recovery. The NDP neglected this for four years. I'm working hard to get this back on track.

**The Speaker:** Hon. members, in 30 seconds or less we will proceed to the remainder of the daily Routine.

### Tabling Returns and Reports

**The Speaker:** Hon. members, are there tablings? The hon. Member for Edmonton-Whitemud has risen.

**Ms Pancholi:** Thank you, Mr. Speaker. I rise to table on behalf of the Member for Calgary-Buffalo the requisite number of copies of communications from Albertans extremely concerned and disappointed with all aspects of Bill 29, the Local Authorities Election Amendment Act, 2020.

As well, Mr. Speaker, I have the requisite number of copies of a document that I referenced in my debate on Bill 29 last Tuesday in the House with respect to the changes to the Local Authorities Election Act. Specifically, this is a joint statement by Ask Her YYC and ParityYEG titled Proposed Changes to Alberta's Election Rules Miss an Opportunity to Increase Diverse Representation in Municipal Government. It was made on June 29, 2020.

**The Speaker:** Hon. members, we are at points of order.

## Point of Order Language Creating Disorder

**The Speaker:** At 2:06, 2:25, and 2:26 the hon. Member for Calgary-Mountain View rose on points of order.

**Ms Ganley:** Thank you very much, Mr. Speaker. I appreciate you being willing to allow me to argue these three points together because I think the intention here is perhaps to end this before it causes disorder. I rise on 23(h), (i), and (j) with respect to these matters. In each of these incidents – and I don't have the Blues in front of me for any incident, so I'm paraphrasing, obviously. First, the Minister of Service Alberta, followed by the Minister of Education rose and suggested that the hon. Member for Calgary-Buffalo said specifically that Bill 28 is a bad bill. In this case I'm quoting what I wrote down the Education minister to have said, so the Minister of Service Alberta may have said something slightly differently.

Now, it is true that the members – and the member who asked the question originally on this matter, the hon. Member for Calgary-Glenmore, was careful – and I noted it in her second question – to say that what the Member for Calgary-Buffalo had said was that all of the legislation introduced was bad. Now, I appreciate that a statement like that is perhaps overbroad, and I appreciate that the members are attempting to have fun with it.

I would like it noted, I think, for the record that in this instance I am not calling all of the instances of this. The hon. Minister of Justice certainly made several references to jumping the shark. The hon. minister for the status of women certainly made reference to our war on women. I'm not calling this in all of those instances because I believe that the instance to which I am referring is different in type. In this instance I'm not referring to words which have been ruled out of order previously. I am, Mr. Speaker, suggesting that certain things ought to be ruled out of order in order to prevent disorder from happening in this place. Specifically the Minister of Education, at least, and I believe the Minister of Service Alberta as well: what they implied . . .

**Mr. Jason Nixon:** Do you have citations?

**Ms Ganley:** Yeah. Standing Order 23(h), (i), and (j). That's what I said right up top.

The ministers certainly implied that the Member for Calgary-Buffalo was – and these are not exact words, but they're pretty close – against the protection of children from sexual abuse. Mr. Speaker, that's a really serious allegation. I appreciate that the individuals are trying to make fun of something, and – you know what? – that's fine. There are instances in which that is okay, but when we are talking about children who are victims of sexual abuse, it's not fine anymore. I think that these things are a bridge too far.

We have seen a degeneration of decorum in this place, and I am willing to place that on the shoulders of everyone in this Chamber, but I think the suggestion that any member in this House is not in favour of protecting children is ridiculous. So it is my hope that we can in this place proceed in future to avoid making such allegations. I would hope that, at minimum, the Minister of Education will stand and apologize for the statements that she made because I simply believe it is too far and I believe it contributes to disorder in this place.

Thank you.

**Mr. Jason Nixon:** Well, Mr. Speaker, if the hon. deputy Opposition House Leader is worried about members of this Chamber accusing governments and/or oppositions or other members of the way that they treat children and not wanting to care about children,

I would suggest that she go back and take a look at *Hansard* of almost every question that her caucus colleagues often ask the hon. Minister of Education. It's outrageous for her to be able to stand inside this Chamber and in any way to try to say with a straight face that their side of the House hasn't continued to accuse that hon. member of not standing with children. In fact, they've accused that hon. member of things that I think are horrendous, but the reality is that that is their right inside this Chamber, to do that. [interjections] No. Mr. Speaker, it's my turn to argue the point of order. The reality is, though, that that is complete hypocrisy coming from that hon. member.

At the end of the day, though, Mr. Speaker, we rise on what is clearly a matter of debate. Now, I would submit that it isn't a matter of debate, though, when you look at the hon. Member for Calgary-Buffalo's comments. He said, and I quote: every bill they – referring to the government – have brought. He then said: 33 bills. We brought 34, though, so we'll help him to clarify that. He said: are bad for Alberta; they're bad for people. Now, let's be clear. The bills that have been brought forward to this Chamber include what I think are many good pieces of legislation. I support all 34. It's fair that the opposition does not.

But one of those bills, amongst others, that I think is just horrendous for the Member for Calgary-Buffalo to say that he does not support is the Protecting Survivors of Human Trafficking Act as well as the Vital Statistics (Protecting Albertans from Convicted Sex Offenders) Amendment Act, 2020. The reality is that the Member for Calgary-Buffalo said: every bill they have brought forward – including those bills – is bad for Alberta; they're bad for people. It's shameful that he said that. It's right for the Minister of Education to call him out on that, but at the end of the day, this is a matter of debate inside this Chamber. The reality is that if you say comments outside the Legislature that are ridiculous like that about important pieces of legislation, you're going to be called on it in this Chamber. That's why we have a debate and a format for that to take place inside the Chamber.

2:50

**The Speaker:** Hon. members, I am prepared to rule unless there are any other submissions.

I do have the benefit of the Blues, and I appreciate the hon. Member for Calgary-Mountain View's wide-ranging comments with respect to: sometimes it might be a point of order, and other times it might not be. I agree that, largely speaking, points of order are about the context in which the language is used. Having said that, with the benefit of the Blues, that I have, a copy of one or a couple of the statements that the hon. Minister of Education made and, certainly, one that the hon. Minister of Service Alberta made, when he went on to say:

I'm shocked that he thinks that protecting Alberta children, families, and communities is bad for Albertans. Bill 28 is so important because it will ensure that no . . . sex offender will ever be able to change their name, hide from their past, [or] hide in our communities. The Member for Calgary-Buffalo may not think that this is good legislation, but child advocacy centres . . . do.

The Minister of Education said:

Further, what the NDP should be concerned about is the outrageous remarks . . . by the Member for Calgary-Buffalo, who stated that Bill 28, which prevents [child] sex offenders and pedophiles from changing their names, is bad for Albertans. Mr. Speaker, this legislation helps [prevent] vulnerable Albertans, including children, and the NDP should apologize for their member's disgraceful comments.

I also agree that while this issue is very sensitive, it is a matter of debate as to what exactly was said and what that means with respect



to a piece of legislation that has been debated here in the Assembly. While it is unfortunate that the comments can create disorder and many members will be sensitive to those comments – and I appreciate those sensitivities – we work in conditions that sometimes require those sensitivities, and that makes it difficult. Having said that, this is a matter of debate and not a point of order. I consider this matter dealt with and concluded.

We are at Ordres du jour.

## Orders of the Day

### Government Bills and Orders Committee of the Whole

[Mr. Milliken in the chair]

**The Deputy Chair:** Thank you, hon. members. I would like to call the committee to order.

#### Bill 21

#### Provincial Administrative Penalties Act

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill at this time? I see the hon. Minister of Justice has risen.

**Mr. Schweitzer:** Thank you, Chair. I'd like to move government amendments to Bill 21, Provincial Administrative Penalties Act. Would you like me to read the full amendment?

**The Deputy Chair:** Yes. Please pass the copies to the sergeant, and then go ahead.

For the benefit of all of the members of the House, this will be referred to as amendment A1.

**Mr. Schweitzer:** Perfect. The bill is amended as follows: (a) section 21(1) is amended by striking out “prescribed grounds” wherever it occurs and substituting “grounds prescribed in the regulations or the regulations under a prescribed enactment”; (b) section 23(1) is amended by striking out “prescribed exceptional circumstances” and substituting “exceptional circumstances prescribed in the regulations or the regulations under a prescribed enactment”; (c) section 44 is amended (a) in subsection (22) in the proposed section 36(2) by striking out “A person” and substituting “An affected person”; by striking “another person” and substituting “another affected person”; (b) in subsection (37)(b) by adding the following after the proposed clause (c.2):

(c.3) prescribing vehicles that are not motor vehicles for the purposes of section 87.1(2)(a);

(c) in subsection (64) in the proposed amendments to section 173.1(3) by striking out “and any reconsideration by the Registrar under Division 3 of Part 1” and substituting “and any review by the Registrar under Division 3 of Part 2”; (d) in subsection (66) in the proposed section 188.1 by adding the following after clause (m):

(n) in respect of this Act as a prescribed enactment under the Provincial Administrative Penalties Act, respecting any matter or thing that that Act refers to as being set out in, subject to, specified by, prescribed in, required by or in accordance with the regulations under a prescribed enactment or as prescribed under a prescribed enactment.

That is the end of the motion, Chair.

People online, if you followed along with that, I mean, you get a gold star for the day. But appreciate, everybody, that these are technical amendments. We've provided a copy to the opposition in advance to make sure that we can at least give them the opportunity to go through this. We know that it's a very technical act, Bill 21.

These amendments here are intended to simply deal with some continuity and make sure that we clarify the language in the act. It's not meant to change things substantively.

Thank you, Chair.

**The Deputy Chair:** Thank you, hon. minister.

Are there any hon. members looking to join debate on A1? I see the hon. Member for Edmonton-Manning. Calgary-Mountain View has risen. Sometimes with the seating arrangements during COVID – yeah. Go ahead, please.

**Ms Ganley:** Fair enough. Thank you, Mr. Chair. We do have the benefit of having been provided with this particular amendment by the government, and thank you to the minister for that. I rise to speak in support of the amendment. Having, of course, not the resources that the government does, my reading of this amendment would suggest that these are mostly technical amendments and sort of amendments to the language to ensure that that language best expresses what the government is trying to express, perhaps better than that last sentence.

In different areas, in different provinces it's sometimes the case that certain things are expressed in certain ways, and it just makes it easier for courts, when they are interpreting, to continue to interpret those things in a consistent way. My understanding is that most of these changes are simply to achieve that purpose; that is, to ensure that the legislation does bring forward that which the government intended to bring forward. I do believe that we have potentially coming forward several amendments to this bill, one of which may be a subamendment to this. But with respect to just these specific provisions, I would urge members to vote in favour of these specific provisions.

With respect to the overall bill, I mean, obviously, these simply support the intent of the bill, the intent of which, I think, is quite laudable; that is, to protect individuals from impaired driving. I think that as Committee of the Whole wears on, we will have multiple questions about technicalities about this bill because it is a very, very long bill and it is a very legally challenging bill. One really has to dig in. There's a lot of expertise around this area, so I think that as we carry on, there will be a lot of conversation from members of all sides of the House on this bill.

With respect to this specific amendment, it is my view that members of this House ought to support it. Thank you.

**The Deputy Chair:** Thank you for those comments from the hon. Member for Calgary-Mountain View.

I see the hon. Member for Edmonton-Rutherford has risen for comments on A1.

3:00

**Mr. Feehan:** Thank you, Mr. Chair. I appreciate the opportunity to address this amendment to Bill 21. I hope also, while we are here in Committee of the Whole, to have a chance to speak a little bit further to some of the other aspects of the bill that cause me pause. I would never say that I was against the bill. I just was hoping for a bit of dialogue today, actually, in part so that I can go back to the communities that I speak to on a regular basis about the bill.

With regard to this particular amendment I see that the focus of the amendment is largely around providing some good clarity to the bill, making sure the language is consistent and clear to people. As such, I must say that I appreciate that the minister has taken the time to introduce this amendment, because these kinds of bills are written in such a technical way that sometimes it's difficult for members of the community to fully comprehend the nature of the bill, yet they are deeply influenced by the bill. So this sort of amendment, that helps us all to make sure that we're speaking to

the bill in an appropriate way and that the bill speaks to the citizens of the province of Alberta in an appropriate way, is welcome.

I do add to my comments that I have been spending some time speaking with members of the communities that I work with about the nature of the bill. It seems to me that there is very much a pervasive tone toward the bill in the community – and that is, first of all, one shared by myself and I think every member of the House – that anything we can do to reduce drunk driving in society is certainly a positive step in the right direction. As such, I truly wish to see some action being taken, so I hope that this bill has the desired effect. We'd certainly like to see that. I know that this bill has been modelled, in part, on the British Columbia model of a similar kind of bill, where administrative penalties are used to reduce drunk driving, done in our own way here in this province, but I know that there was at least some research done on the British Columbia model. One of the things cited in the British Columbia model was that in the period of time in which their new model had been introduced, the stats that I read were that there was approximately a 36 per cent drop in DUIs issued and a 54 per cent drop in fatalities. If anything can do that here in the province of Alberta, I certainly would love to see that happen.

My caution regarding those stats, coming from an old stats prof at the university, is that the stats are singular and not comparative and, as such, can be a bit misleading. I took a moment to look at the Stats Canada information on drunk-driving charges during that same period of time, and I just noted that, in fact, drunk-driving charges in the country of Canada have been going down precipitously since 1986. In fact, there's been an almost 65 per cent drop in drunk-driving charges across Canada from 1986 to 2015, the last stats that I happened to be able to find. I'm thrilled to know that this drop is happening across the country. You know, it gives me great pleasure to know that fewer people are dying on our roads. Why I'm concerned about it is because while we cite the B.C. model as having been very successful and therefore giving support to our desire to implement this bill in the province of Alberta, I note that other provinces that do not have this particular process also saw a decline in drunk driving over the same time.

While I appreciate that this amendment is focused on clarity, I guess I would hope that the minister and I can have a bit of a conversation about providing clarity about outcomes in terms of this bill in that I think that using the singular stat from British Columbia is misleading because it doesn't show that, in fact, it may not be related to the use of administrative penalties that there was a drop but rather a very strong and serious anti drunk-driving attitude that has been developing in Canada over the last 15 or 20 years. As such, we don't know from the stats from British Columbia whether or not this particular approach, although I'm more than happy to give it a try, is causal, in fact, or if it is simply correlational, that it happened to happen at the same time because of the overall and pervasive anti drunk-driving concerns of Canadians and the great championing of this cause by groups such as MADD, Mothers Against Drunk Driving, and other groups that have absolutely done tremendous work on behalf of the citizens of Alberta and across Canada to reduce the number of drunk-driving incidents and therefore the number of fatalities.

In this particular case I guess what I'm just hoping for is that we can see some attempt to kind of parcel out the causal effect of this legislation so that we don't simply say five years from now, "Drunk driving has gone down; therefore, the legislation was good" when, in fact, there's probably good indication, from the history of drunk-driving charges in Canada as revealed by Stats Canada, which I have available and I can make available to the House if anybody wishes to have it, that drunk-driving charges are already on the way

down. Even if we did nothing more than what we're doing now, we will see a continual line.

In fact, if you look at the graph, the graph line is very continuous, such that we know that this is happening, and thank goodness. I mean, I certainly know that when I was a young man, even though I was not much of a drinker, I did not worry about maybe having a single beer and getting into the car and driving home, thinking: well, that's not much beer, and it's not going to have an effect. But I know that the younger generation, my children, don't make that choice. They all say: "No. I'm going to have a drink. I'm going to call a car service and have myself transported or designate a sober driver." We know that the attitudes have changed dramatically. I would love to see that continue over time, and I'd like to know whether or not this type of legislation actually does have the effect that we think it might have based on the evidence that we have so far.

As such, I'd love to see if the ministry could find some way to parcel out the issue of societal attitudinal changes versus the implementation of a specific set of laws so that we can parcel out the difference between causation and causality, which is very frequently confused in this House, I notice. It frustrates me as a previous stats prof to hear stats used in this House on a regular basis which are extremely misleading. In order to avoid being in that place five years down the road, I would really love it if, in providing clarity, as this amendment does, to the language and to people's understanding of particular aspects of the bill such as the prescribed grounds being changed to, you know, grounds prescribed in the regulations, those kinds of changes, there might also be room to provide some clarity in terms of our understanding of the implications of this bill.

I do have a few other things to say, and I will during Committee of the Whole get up and speak to them because there are concerns in some of the communities that I speak to that putting more choice and decision-making in the hands of the front-line officer on the side of the road is something that we should also be monitoring and be concerned about. As we know, we are in the time of Black Lives Matter and indigenous lives matter kind of concerns, and one of the things that we're all being asked to do now is to begin to look at stats to reveal to us if there are prejudicial implications or applications in this case, perhaps, in our laws and practices and procedures. They are concerned that they haven't always had the most positive experience from the application of the laws in their communities and, as such, have been asking us to find ways to identify whether or not the application of the law is, in fact, appropriate and does not bear within it a systemic racism aspect.

As Committee of the Whole moves on, I certainly will take the opportunity to address some of those concerns in a little bit more detail, but at this particular time with regard to this particular amendment I would like to thank the minister for his work to move us along, to provide some clarity. I hope that in working together over the time in the committee, we can have some discussions about ensuring our success in the end and ensuring our deep understanding of that success and whether or not this sort of legislation has a positive net effect on the community or has a negative net effect on the community.

3:10

I certainly support the idea of reducing drunk driving, but there are other consequences to this type of legislation that we also need to have clarity on, and I would hope to see some good use of government resources in not only collecting data but analyzing that data in such a way that it informs public policy in a successful way.

Thank you very much.

**The Deputy Chair:** Thank you, hon. member.

Are there other hon. members looking to join debate on amendment A1?

[Motion on amendment A1 carried unanimously]

**The Deputy Chair:** Moving on to Bill 21 proper, are there any hon. members looking to join debate? I see the hon. Member for Calgary-McCall has risen.

**Mr. Sabir:** Thank you, Mr. Chair. I rise to speak to Bill 21, the Provincial Administrative Penalties Act. I think it's an important piece of legislation that impacts, relates to each and every one of us, our constituents, and people we represent because it's in everyone's interests to make sure we do everything in our power to make our roads safe, make our communities safe. Certainly, anything that helps us reduce impaired driving, that helps us make our roads safe, that helps us save lives – there is certainly no question about it. That's the reason that we fully support the idea of reducing impaired driving, the idea of making our roads and our communities safe.

In the area which I represent, I do have a constituent who lost her son in 2014 to an impaired driver just close to my constituency, just on the outskirts of my constituency, and I have had the opportunity to talk to that constituent and hear how that incident has impacted her life. It's certainly heartbreaking to hear. Those kinds of needless tragedies can be avoided if we can put an end to impaired driving, if we can take steps to reduce impaired driving.

At the same time, as much as we want to reduce impaired driving, I think that whatever steps we take, we have to thoroughly consider all the different aspects of any legislative scheme we are putting forward. We have to thoroughly assess its implication for road safety and its implication for people's rights because there is no denying that there are certain rights, constitutionally protected rights, that will be at play in this new model that the government is proposing, ideas that we should duly debate. We should pay due attention to this piece of legislation and try our best to strike a balance where we are achieving the intended outcome of reducing impaired driving, where we are achieving the intended outcome of keeping our roads safe, where we are achieving the intended outcome of making our communities safe, where we are getting the intended outcome of saving lives and balance that with Albertans' rights that they have under the Constitution, under the Charter so that we can avoid this legislation getting challenged in the courts.

It's my understanding that it's modelled after B.C. I'm in no way, shape, or manner an expert on criminal law or the model that B.C. put forward. I do have a legal background, but I never practised *per se* criminal law. I do understand that once that piece of legislation was challenged in the courts. That's why it's equally important that we get this legislation right, and it's important that the balance we strike of two competing interests – we have a vested interest, as I said, in keeping our roads safe and saving lives and in reducing impaired driving. We have a vested interest in that. But at the same time, we also have a vested interest in making sure that Albertans' rights are also protected.

During this debate I think we should take this as an opportunity to make sure that we are getting this right, and if that means that we have to engage with organizations who are working on impaired driving, associations like MADD Canada, if we have to engage with those victim advocacy groups, we should do so. They have been going through that. They bring lived experience. They will help us inform the debate in this House. At the same time, there are civil liberties groups who may have to say something, may have to offer something on this important issue, and having those views, having

diversity of that opinion will help us inform the debate in this House and help us strike a balance that will help us achieve the goal of reducing impaired driving and saving lives, making our communities and streets safe.

With that, I think we do have some questions as well for the government front bench with a view to understanding this model better, with a view to, I guess, understanding what these changes will mean in practice. For instance, we do know that recently cannabis got legalized in Canada. When the federal government did that, we were in government. The then Minister of Justice and now MLA for Calgary-Mountain View engaged extensively with the public, with law enforcement, with all interested Albertans, advocacy organizations to learn about their concerns with respect to impaired driving and come up with a model that followed the federal guidelines and also achieved the purpose that we were trying to achieve.

At that time we heard from many Albertans, and I think, if memory serves me correctly, the top two, three concerns were: how to keep roads safe with impaired driving; the other one was how to keep it away from children. Similarly, concerns were shared with us about how to keep it away from schools. Having engaged in those conversations certainly informed our model and informed our perspective, and we were able to come forward with the model that we have in place.

3:20

But certainly there were certain things that were not within the purview of the province. For instance, testing of the cannabis and other drugs was still something that was with the federal government. There are certain tests that they have introduced, but at the same time this thing is still new. Like, it's only been a couple of years that cannabis has been legalized, so there is no extensive data research that will help us inform how it impacts driving abilities because it was an illicit drug. I think there was no empirical study or evidence out there that will help us inform our debate, help us learn about the impacts of impaired driving or driving if you're impaired with cannabis.

I think some details in this regard from the minister or anyone from the front bench will be helpful: how this new model will deal with cannabis impairment and other drugs that may still be illegal, how it will account for those, and how it will help us address those concerns relating to impaired driving under cannabis and other drugs. Some update on the testing procedure, what tests are available, and anything relating to efficiency of those tests, anything relating to what we have learned so far from those tests: this will certainly help if we get to hear from the minister.

Other things I think the bill is bringing forward are changes with respect to how this thing will be reviewed. It proposes that the driver will have seven days to ask for review. As I indicated earlier, we clearly agree that we need to do something about impaired driving. We all agree that impaired driving causes needless tragedies that can be avoided, whether it's stricter penalties, whether it's drivers' education, whatever it may be, but I think we all agree that it's something that we must take action on. It's something that, if we take action, will help us avoid those tragedies.

At the same time there are Albertans' Charter rights that are at play, and as a matter of principle no Legislature can come up with laws that will infringe on the Charter. If there is some infringement, section 1 of the Charter sets out the test that it has to be reasonable in circumstance. I think it will be, again, helpful to hear from the minister whether, in his opinion, from the advice he received from the public service or legal folks, it's enough of a time period for the review and whether the review conducted in this manner will be enough to satisfy any implications for the Charter-protected rights.

Another thing that this legislation proposes is a 30-day time frame for cases to be dealt with. I think that creating that kind of timeline and having some sort of efficiency in the justice system are critically important. We should always strive to make sure that whenever people are dealing with the justice system, when people are dealing with some kind of quasi-judicial or administrative panel, they get a fair hearing and that that hearing is done in a timely fashion, so whether we have enough capacity to address these kinds of issues within 30 days based on the data – I'm pretty sure that there will be data available.

How many impaired driving cases are coming through within the province? We can get that data or access that information through police force databases or through our judicial system databases, and based on that, we can have some rough estimate of how many cases are likely to come through this new Saferoads Alberta body, what kind of resources they will be looking at, and what kind of resources the government is willing to set aside and allocate to this process. We do know that with the previous budget, there were certain cuts made to police budgets across the province, and municipalities, rural and urban alike, have raised concerns about their capacity to deliver justice and to do their jobs. If we are not able to fund those priorities, how are we going to fund Saferoads Alberta's operations?

I think what I am trying to ask is that it would be helpful if we can hear from the front bench and the Justice minister what kind of costing they have done on this piece of legislation and how many employees, I guess, what kind of resources we are looking at and also some indication of how it's freeing up some time from the justice system or from police forces, what kind of efficiencies we are looking at on that side of the equation.

These are some of the comments, I think, with the questions and concerns I have raised, and I hope that the government will address them. I think we can have a more healthy, more informed debate in this Legislature on this important piece of legislation.

I want to reiterate that I fully understand that it's a very important issue. I fully recognize that this issue impacts each and every one of us in our constituencies, and our constituents, those who elect us and send us here to represent, certainly have a vested interest in this piece of legislation. Certainly, they have an interest in making sure that we are taking action on impaired driving and making sure that our roads are safe, our communities are safe, our streets are safe. There is no question about it, that we are in support of that goal. We are in support of that objective.

The questions that we are raising are just to better understand this model, to better understand when we say that it compares to B.C.'s model. Whether it's modelled after B.C., I think it will also be helpful to fully understand the statistics that B.C. is putting forward. It will be helpful to understand: when their model went to the court and court scrutinized that model, what was the debate there, what were the arguments there, and what were the grounds there for the challenge to their model? Those are the kinds of things that would put this bill in perspective, and this kind of information will help us understand this bill better.

I look forward to a healthy and informed debate in this House. Thank you, Mr. Chair.

3:30

**The Deputy Chair:** Thank you, hon. member.

I see the hon. Minister of Justice has risen to debate.

**Mr. Schweitzer:** First and foremost, I just want to, you know, thank the members opposite, actually, for a real positive experience in bringing forward this piece of legislation, in particular the Member for Calgary-Mountain View. We've met a couple of times now to talk about this bill, and she's very passionate about this piece of

legislation. I couldn't possibly speculate about previous government's activities as to what they were exploring, but it seems that she has a depth of knowledge in this topic area.

As well, I'll do my best to try and answer a couple of different questions that have been raised by different members. I'll do my best to try and get through some of those different areas.

You know, one of the reasons why we thought that this bill made a lot of sense was that Mothers Against Drunk Driving, chiefs of police, many other groups were very much in favour of the steps that have been taken, particularly in the province of British Columbia, which was seen as a trailblazer in this area for over a decade now. So when we did our homework in bringing forward legislation of this kind, we wanted to make sure that it had that broad-based support, that the stats were indicative of a system that actually would help us save lives in the province of Alberta. I know there was a question about stats and that stats can be put lots of different ways, but the stats that we've been shown and the advocacy groups in this area all seem to point to this being a very effective way to save lives in a province. That's foundational for us. Will this save lives? Everything that we've seen indicates that it will save lives in the province of Alberta. That's really important to us.

In doing our homework on this, we were comforted by the fact that in B.C. this matter was litigated numerous times. It went up to the Supreme Court, and it was held to be a valid system. There were a few things in commentary coming from the courts, to make sure we had that appropriate appeal mechanism built in. That is there in the legislation to make sure that it has that fairness component built into it for those that face an administrative penalty through this system. That was another piece of it that we wanted to make sure we brought in. But it is that certainty, you know, the significance of the penalty and the immediacy which are really important. It's the speed and the certainty that seem to drive behaviour patterns. That's why that's really important for us. But even if for some reason you said, "You know what? Those stats: I don't believe you," even though that the stats seem very valid with everything that we've seen on it, there are so many other benefits to the justice system as well.

From a court's perspective this will save us about 8 per cent of the trials at the Provincial Court level. That saves, you know, judicial capacity, clerk time, prosecutor time – that's all very important stuff for us – as well as from a police time perspective. A file of an impaired, under the conventional Criminal Code, would take about eight to 10 hours of time, to process that paperwork, put the person through the system, potentially appear numerous times for a criminal proceeding. It takes up an immense amount of police time. By going to the administrative process for these individuals, it's about 60 minutes to 90 minutes of police time that is involved in it, so it allows us to get our police back out there in our communities, where if they happen to pull over an impaired driver, that would take up their entire shift. This allows them to get back out there into our communities and help keep our communities safe. That's another big part of what we're looking at here.

I do believe – I don't want to speculate on amendments that may be brought forward by the opposition, but I would guess that they may have an amendment on data and data collection. We are doing our Police Act consultation right now to make sure that we get Police Act amendments done. We're hoping to bring forward legislation late next year on the Police Act, but also we're looking at policies that could be brought in to help improve things. I know that the federal government right now is actually reviewing statistics, how statistics are included. I would just say that it's probably beyond the scope of just this one piece of legislation in isolation to bring in some data requirements, but as we go through

those consultations and learn how best to make sure that we combat racism in society and make sure that our data is collected in the proper way, those types of policies would apply to legislation like this in Alberta.

As we go forward in that thoughtful dialogue, I don't want to rush through data amendments. We need to make sure that that gets done properly in Alberta. That's a part of a broader conversation at the national level as well with Statistics Canada and other areas. You know, those policies could be applied to this act very simply in the future as well.

With that, I'll sit down, Mr. Chair, but looking forward to continued debate in the House.

**The Deputy Chair:** Thank you, hon. minister.

Are there any hon. members looking to join debate? I see the hon. Member for Calgary-Mountain View has risen.

**Ms Ganley:** Thank you very much, Mr. Chair. I rise to move an amendment, not the one just referenced but another one. I will await that arriving to you.

**The Deputy Chair:** Make sure you keep a copy.

If the hon. member could please just read it into the record. This will be referred to as amendment A2.

**Ms Ganley:** Thank you very much, Mr. Chair. I move that Bill 21, Provincial Administrative Penalties Act, be amended (a) by striking out "and pay the prescribed fee" in the following sections: section 7(1), section 20(1); (b) by striking out "and the prescribed fee" in the following sections: section 11(1), section 12(1); (c) in section 15 by striking out "and the prescribed fee has been paid"; and (d) in section 35(2)(e) by striking out "fees."

**The Deputy Chair:** Please continue with your comments.

**Ms Ganley:** Excellent. Presently it's the case – and I want to be really clear about this because the intention here is not to strike out fees that people are paying for being convicted. That would, in my view, be a very bad idea. What this is meant to do is to strike out the need to pay the fee in order to file an appeal. There is a prescribed fee that needs to be paid in order to appeal the – it's not called an offence. Let me pull out my act. That will be very helpful. Sorry. It is a type of appeal. There are two appeals in this act. First, there is an immediate roadside appeal by which one can demand – the cases are different for every type of impairment, but in the case of alcohol one can demand an immediate roadside appeal. In addition to that there is an adjudication. When someone is essentially accused of this, there is the possibility to appeal afterwards within seven days to the adjudicator, and in order to do that, one needs to pay a prescribed fee.

Of course, the challenge being in opposition is that prescribed fees tend to be prescribed by way of regulation, so of course members of the opposition don't know how much that fee will be. I think it's one thing if the fee is, say, a \$30 appeal fee. It's quite another thing if the fee is, say, something like having to pay into the adjudicator ahead of time the fee that will ultimately be charged, which could be \$500 or \$1,000. It could be a fairly substantial fee. The concern around this is simply that a lot of people in this province – and this, in my view, doesn't apply just to those who are most vulnerable – find themselves frequently in the position where they're living paycheque to paycheque. In those instances those individuals may not find themselves with a few hundred dollars to spare on seven days' notice. The punishment for that ought not to be an inability to appeal.

If the fee is lower, that's, I think, less of a concern. But, again, the opposition has only the legislation to look at. I'm not suggesting what I think the government is going to make the fee. I'm simply saying that from the perspective of opposition, we can't see what the fee is, and given that the fee could be quite high, there is some concern that people will essentially be unable to appeal not because they don't have a good and valid case but because they haven't the funds to make that appeal at the time.

This is a problem that I suspect the minister is quite familiar with. It used to be the case that – work was under way when we were in government, and I think that work has continued under the current minister with respect to individuals who are held on sort of low dollar amount bail, like \$100 or \$200, because we ought not to be holding people on the basis that they don't have \$100. We should be holding people on the basis that we consider them a danger to society. This is sort of in a similar vein. Our hope is to not have individuals having to pay the prescribed fee in advance of the appeal, but certainly we think it's very reasonable to pay a fee in the instance in which one is – I don't think "convicted" is the word used – found to have committed the infraction in this case. That is all that is intended by this particular amendment.

I think, again, this bill is an incredibly important bill. I think it does a lot to move us forward. I think the concern is just with a few very small technical aspects here.

3:40

**The Deputy Chair:** Thank you, hon. member.

Are there any other hon. members looking to join debate on A2? I see the hon. Member for Edmonton-Highlands-Norwood has risen.

**Member Irwin:** Thank you, Mr. Chair. I'm not going to speak too long on this amendment, but I just want to echo some of the comments of my colleague from Calgary-Mountain View. I've not had a chance to speak a lot to this bill, but I am going to speak just a little bit to the bill but tie it back to the amendment.

You know, a couple of things come to mind here. We've got an opportunity. As the Minister of Justice just talked about, we've had a pretty reasonable debate here on this piece of legislation. I think we all share the wish that impaired driving cases need to be lowered, and we all absolutely agree that if there's anything we can do within this Chamber to save lives, we ought to do that.

As we are deliberating on a piece of legislation like this that will have an impact on people's lives, I just think about the call to justice that we all need to consider here. You know, with this amendment, removing the prescribed fees I think will help folks, as my colleague mentioned, especially folks who are low income, folks who are struggling, as she said, paycheque to paycheque. We all know that's a lot of Albertans. We know there are cases where folks are wrongly accused and want to appeal. I think that as legislators we shouldn't be supporting any additional barriers that might help folks seek justice, so I think this amendment is a simple one but an effective one that will help.

You know, I was thinking a little bit about just – I haven't actually been able to hear a lot of the debate on this bill, but I know there have been some stories shared in this Chamber around folks who've personally lost friends, family members to impaired driving or folks who have connections to people who have lost friends and family members. This is why, like I said, I'm quite appreciative of the fact that we're having a fairly reasonable debate on this piece of legislation, but I do think there are some opportunities to tweak and to make it a little bit better. This amendment will do just that.

I'm a big believer in that when people do make mistakes, there is a path to them being able to re-enter society and be supported as

well. Again, I think any opportunity that we have in this House to ensure that there aren't additional barriers for folks who are low income, folks who might be vulnerable – we've had the opportunity to talk a little bit about the justice system in this House. I think about the conversation we had around the victims of crime fund and the concerns we had around removing supports for folks who've already had to navigate what can be a really challenging system, you know, someone who may be low income who's needing to access supports like therapy, whether that's psychological services, whatever it might be. I talked about the example of a young person who was randomly assaulted and used the money from that fund to access supports for her PTSD. Why I bring that example up is to bring it back to the need to make things more accessible. You know, she talked about how she's someone who is a front-line worker and doesn't make a very high wage, and she said that without those supports she wouldn't have been able to access therapy.

What I'd like to do is that I'd like to call on the Assembly to really consider supporting the Member for Calgary-Mountain View's amendment. It's just a small thing that we can do to ensure that there aren't additional barriers for folks who are trying to navigate the justice system.

Thank you, Mr. Chair.

**The Deputy Chair:** Thank you, hon. member.

Are there any other hon. members? I see the hon. Minister of Justice has risen.

**Mr. Schweitzer:** Thank you, Mr. Chair. I really do appreciate the comments raised by the opposition members. I just want to kind of identify a few things, and I forgot to address them as well in my earlier comments around the structure of this administrative process that we'll have. It's going to be housed in the Transportation department, and the fees generated through the system and the penalties are going to pay for the system itself. About 40 full-time employees are going to be working in the Transportation department.

The Minister of Transportation every now and again gives me a little bit of a ribbing because I'm a lawyer, and sometimes lawyers love to make things a little bit more administrative in process and sometimes make things a little bit longer to get to a resolution. Sometimes. Some might give me a hard time, but sometimes that's what lawyers do. I'd say that I beg to differ, but that might lead to a lengthy debate.

The Minister of Transportation has made sure that this is actually going to provide for greater access to the justice system. People will still be free to hire legal counsel if they so choose, but the system will be far more intuitive for those that want to be self-represented through this process to make sure that they have that access to justice for them in this administrative process that we're hoping to establish here if we get the blessing of this Legislature.

When it comes to the fees, I mean, we hear your concerns, and I do understand the need for access to justice. While I'm not supportive of the amendment being prescribed here, we hear your concerns, and when we go to establish a fee structure for this, we'll make sure that it's established in a way that does not preclude access to justice for those that want to bring forward their appeals.

It's one of those things, too, where you don't want to have somebody simply run something for a why not. I mean, if there's no access or barrier at all, sometimes it gives you that opportunity just to run something even though you know there's no legitimate appeal to be brought. Having some threshold there to establish it will kind of help us deal with the caseload coming through the system as well.

Those are my comments, Mr. Chair.

**The Deputy Chair:** Thank you.

Any other hon. members looking to join debate on A2?

[Motion on amendment A2 lost]

**The Deputy Chair:** Moving to Bill 21, I see the hon. Member for Edmonton-Rutherford has risen.

**Mr. Feehan:** Thank you, Mr. Chair. I appreciate the opportunity to rise again, and I must say that I really appreciate the dialogue across the floor. I think it's very helpful. I think it's a good model for us dealing with issues that are important to all of us here in the House, and I hope that we can find future opportunities to do exactly this kind of work.

I will address just for a few moments the issue that the minister pre-emptively chatted a little bit about, and that is the data collection. I appreciate the fact that you are already anticipating that. I understand from your previous comments that we together may be pre-empting some further work that'll arrive in the House or through regulation later on in this Legislature. But I think that this is at least the opportunity to put on the table some of the concerns that have been expressed to me so that we can make sure that there's a basis for the dialogue in the future and that when the decision around data is made, the voice of the community has already been mentioned.

Before I actually get to the data collection issue itself, I just wanted to give some of the context about why this is terribly significant for some members of the community, and that is that the implications of this legislation are very strong. They are strong in a way that they have a differential effect on people depending on a number of circumstances.

3:50

For example – and perhaps the minister can correct me if I've read this wrong – my understanding is that the length of time that your car can be impounded is increasing at this particular time and that that length of time is going up to approximately 30 days based on a decision made on the street before appeal. In fact, if it was originally three days and now we're up to 30 days, even if you do put in an appeal, it takes seven days for the appeal to be put in. Inevitably, cars are going to be held for a longer period of time.

Now, that would seem to be a fairly reasonable decision if indeed somebody has been drinking and driving and one that we would support in terms of getting them off the road and not having them in that dangerous vehicle and threatening the lives of others for as long as we can possibly have that happen. However, the very nature of an appeal suggests that perhaps that isn't true and that they were not in fact drinking and driving but that there were other factors that led to the decision to apply the penalty that is there.

Now, of course, we hope that that's always on the basis of good judgment by law enforcement or whoever else is involved in this situation, and we certainly support the desire to have law enforcement make good judgments and have the appropriate training that will be necessary, particularly in this difficult time of trying to apply laws originally designed for alcohol consumption to the use of various other kinds of drugs, which has got to be a much more complex reality. We're still in fact waiting, I think, for strong roadside tests for various types of drugs. There may be some further complexity that comes up in the future.

At the present time we know that members of the community are very concerned that if that judgment is made and that judgment is incorrect, the cost or penalty to some groups of people is differentially experienced than others. It can be, for example, based on the fact that their geography is different. If you lose your licence in the city of Edmonton or the city of Calgary or perhaps Red Deer

or Fort McMurray or Medicine Hat or any of the other major cities in our province, then there is a huge inconvenience factor, which is maybe appropriate in these circumstances but one that can be resolved somewhat readily in many situations through the use of public transportation or through driving services that are available, perhaps even by walking.

However, if you live in a remote community, a small town, a First Nations community, a work site far out in the bush, for example, the penalty may be such that you in fact will lose your employment because of your inability to get to your work site even without actually having been convicted of anything. The penalty may arrive before the conviction, and that's the thing that is of concern to many members in the community, that when decisions are made on the spot, they either are a hundred per cent correct, which I hope they always are, or people are going to suffer undue consequences for incorrect decisions. I can't imagine that every police officer would be correct a hundred per cent of the time. It's just not our experience anywhere in the world, so why would it be true in that situation?

We have a differential effect here. The person who lives in downtown Edmonton receives an inconvenience, and the person who lives in a small work camp in the far reaches of northern Alberta receives a loss of employment perhaps for the next year because jobs are hard to come by in some of these small communities. That's a very differential effect. In fact, in some sense what we would say is that it's a systemic problem, that the application of the same law does not equate and, therefore, is something that we should be concerned about.

Back to the example that I like to use in the House, if at Christmastime you buy all your children a pair of pants but you buy them all in the same size, for the person who fits those pants, it's great, but for the people who are bigger or smaller, that pair of pants, although it had the same intention and was perfectly equal in terms of its buying, is not equal in terms of its application. That's the situation that we have here, that your geography may in fact cause you to be in a more serious situation given this particular legislation.

On top of that, of course, is the concern that there is a systemic problem that arises from differential application based on factors other than the issue of the vehicle and the driver's blood alcohol level. We know that members of identifiable communities have come forward and have said that they feel that decision-making on the part of officers of the law sometimes is influenced by factors other than the facts at hand in the situation where the law is being applied. They would identify, for example, race, ethnicity, or sometimes even clothing, how someone looks, what they're wearing, if they're wearing a leather jacket versus if they're wearing a sport coat. Perhaps those kind of things make a difference in terms of the decision-making by the officer at hand.

Now, I don't know that. It's not an accusation. It's a question. It's a question that leads to the ultimate request that I think we need to be speaking about in the future, and that is: how do we understand where the systemic racism or the systemic biases in these kind of laws and particularly in their application may arise? Do we have a process for identifying the fact that there is a differential effect based on race or ethnicity or, in my other example, based on geography? As responsible lawmakers should we then think about how we design the law such that we can reduce the likelihood of that bias having a severe impact on some individuals that's differential to the impact on other individuals?

I guess I am hoping that as time goes on, we'll be able to have further conversation about the processes that we use to ensure that it's not just a law equal in the sense that the wording remains the same for every person and that the rules remain the same for every person but that the outcome for everybody remains the same. It's

not just the fact that you make one law and apply it to each person, but that you have to stop and question: is it being applied rightfully but more often to one group of people versus another group of people? Does it have a differential effect when it is applied to one group of people versus another group of people? If you can discover that, in fact, there is a differential between groups of people, then you have a systemic problem.

If you have a systemic problem, it comes back to the lawmaker because it's not about the police officer on the roadside making a poor decision; it's about the way the law is constructed. The police officer may be making exactly the right decision every time, and it still has a bias because the implications are differential for somebody who lives in a remote community versus a nonremote community. I think we do have to worry about other kinds of biases coming in. Perhaps on occasion we need to be concerned here in this Legislature about the basic level of bias that may be occurring when someone pulls a car over and identifies a person not based on the behaviour of the car but rather on the looks of the person driving the car.

Now, I know that members of the black community have an expression, which I'm sure you've all heard, that they had interactions with the law based on driving while black, meaning that there were a thousand cars that went by, and the one that got stopped was the one that had an individual who has an identifiable characteristic such as the colour of their skin or perhaps the way they're dressed or in some way how they express themselves on the visuals. Members of the community are concerned that that happens. The police officers say: "No. We stopped the person who fit the criteria that lends itself to the application of this law." However, when analyses had been done – and they have been done in many jurisdictions across North America – we find that, indeed, people have the experience of differential application of the law based on the colour of their skin.

4:00

I certainly know many police officers in my life. I've worked very closely with them in my work in the area of child sexual abuse. I have deep respect for the work that they do. It's not a slam on the police officers to say that there may be a differential application because that's true of every single profession. It's something we teach in our social work classes as well. It's not because you're a bad person. It's because the circumstances lend themselves such that you're going to be invited by the structures of our laws and the structures of our institutions to apply something differentially. That's why we actually spend time with our social work students to help them understand: where is it that you're being invited to behave differentially with different clients, not by virtue of some bad decision on your part but on the nature of the decisions that are made?

I've seen, for example, some criteria listing, you know, the things you should be looking for in people when making the decision to pull them over. Unfortunately, sometimes on some of those lists we see factors will differentially affect people, one or the other. For example, in one of them there was a line that said that the person driving the car does not look appropriate for the nature of the car. Now, I don't remember the right wording of that, but essentially they were saying that this is a person driving a very expensive car, and this person doesn't look like they really own that kind of car. Now, that requires a judgment. That requires a judgment about what kind of person would own that type of car. So if you see one person driving a Mercedes-Benz down the street versus another person driving a Mercedes-Benz down the street, do you make a decision as to which one appropriately should be driving a Mercedes-Benz? Now, I know that certain police services around North America

have been working actively to reduce those kinds of criteria, and I laud them for doing that, but I think it's just an example of the concerns that the community has, that there can be both differential application and differential outcomes in terms of these kinds of laws.

They would like us, when designing the legislation, to be aware of those problems. Sometimes they come up not, perhaps, in the legislation but rather in the regulations. I don't have an opportunity always to address regulations, so I use the opportunity here in the House to address a concern that may in fact be responded to in regulations. I certainly would like to see this Minister of Justice and the government in general include a process in establishing these types of laws that will allow for that kind of lens of evaluation on the law as it is applied over time, that we can check to see if there is a differential application and if that differential application reveals a bias, whether it be intentional or not.

Remember, we're not suggesting that it's necessarily the bias of the individual officer or whoever else is involved in the case. Rather, it may be the pattern of enforcement that is designed, in terms of the decision-making, that has resulted in the problem. I think we always know that. One of the ways to reveal that is that if we look at the statistics and there are certain groups that are overrepresented, then we know by nature we have statistical evidence of a systematic bias. It doesn't necessarily tell you what the problem is, but it certainly tells you a problem exists and that you then have to take some time and seek ways to reduce that statistical difference between groups.

In fact, we know a law is, in fact, a good law when there is no statistical difference between the various groups who it has been applied to and you couldn't differentiate who is being affected by a law based on the colour of their skin by looking at the statistics. It looks like it's applied basically the same to everybody. That's the goal, and that should be the goal for us here in the Legislature as well, that we use statistics just to trigger for us the notion that there is an underlying systemic bias. That means that we need to have processes in place when we design these laws and bring them into the House to ensure that we're looking for that systemic bias. One of the biggest problems with systemic bias is that nobody, you know, first of all, thinks that it exists because there's no overt bias; therefore, they're not seeking to find out whether or not there is a systemic bias.

Now, of course, if a law came in that said, "Oh, we're going to apply this differentially to people based on their geographical position or the colour of their skin," we would all be appalled here in this House. We would say that that's completely terrible. But that's only first-order prejudice. We need to make sure that we are eliminating second-order prejudice, which is those invisible prejudices that people frequently are not aware of. You can't be because they're not overt, and you really need the statistics to highlight for you a problem which you would not normally recognize as a problem.

I guess in this particular case I'm hoping that we could see some work by the government on ensuring a process that would involve people who are likely to be differentially affected; for example, people who live in remote and northern communities whose outcome of this type of application of the law could be dramatically different than the outcome for somebody who lives in the city of Edmonton. If you live in a small work camp, if you happen to work in the oil field, for example, or if you happen to work in forestry and by the nature of your work are living in a place that is two hours away from anywhere else, then losing your car is also losing your income. Unfortunately, in this particular case the decision about losing your car often comes before the ultimate judicial decision about whether or not there was justification in your losing your car.

With that caution, I would just conclude my remarks and look forward to the opportunity to support this bill and, hopefully, to find ways to make the bill robust and that the processes for ensuring the success of the bill in the future are established at the beginning of the introduction of the bill.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

Are there any other hon. members looking to join debate on Bill 21? I see the hon. Member for Edmonton-Meadows has risen.

**Mr. Deol:** Thank you, Mr. Chair. Once again, I'm happy to rise, and it's my pleasure to add comments to Bill 21, Provincial Administrative Penalties Act. In the bill at hand we are discussing how to control, you know, the impact of impaired driving or to reduce the incidence of people driving under the influence. The reason I said that I'm glad for the opportunity is, first of all, to add my comments on this bill. Similarly, I wanted to appreciate the Minister of Justice for this bill and for moving forward this piece of legislation, at least for the discussion and, going forward, to resolve some of the issues related to road safety, I would say. I would say that it's my pleasure because I think, like other members of this House, as a great, you know, electorally responsible person it's in my purview and it's my duty to work for the safety not only of the constituents of my riding but also of the people of Alberta.

**4:10**

We have some of the — I would say that the draft of this bill does have some explanations, some views of the advocacy groups. That is one of the other reasons I do think this bill, hopefully, would be an effective piece of legislation that will help reduce the traffic casualties due to impaired driving. Organizations like MADD are supporting the bill. I know the draft bill is proposing something based on the B.C. model, where the collection of data that says that there have been some positive results. Making legislation similar to this — what would I say? — the positive effects that we could learn from them, and the government decided to take some of those steps and move forward to make the law in Alberta.

Then I referred to the MADD advocacy group, you know, their endorsement of this bill. I do, too, understand that they have been working on this for a very, very long time, concerned, educating people about the effect and the impact and to mitigate those impacts on Albertans.

I do have stories also. I often get calls from my constituents and from my communities. They have stories, and it's beyond explanation, the impacts of those incidents on the families. I still remember, going down memory lane, back 25 years: a young family that moved from England to Edmonton to reunify basically his greater family. His parents, sisters, and brothers were driving from Edmonton to Vancouver. Somewhere on the road — I don't exactly remember the place, but it was part of the B.C. province — they collided with a car. It turned out to be a person under the influence. The driver was under the influence, coming from south to north. It had a huge, everlasting impact on this family. The head of the family and his son lost their lives in that very accident. Watching the impact on that family very closely and in so many different ways, not only physical, not only mental, financial, economical, I just struggle where to start and where to end that story. It did not only ruin the life of the wife, son, or the parents but the impact on relationships with the relatives. Very painful stories.

When I look upon those things, that's one of the reasons that gives me some encouragement. I'd feel a little more confident and happy if my role in this House can, you know, contribute even anything to stop those kinds of incidents or accidents from happening to the



people within the province of Alberta or around in other jurisdictions, the people of Alberta experiencing these kinds of incidents.

Similarly, I have another story. The Member for Edmonton-Rutherford actually spoke about and the Minister of Justice also acknowledged some of the concerns. He was bringing up into the discussion and also acknowledged the piece of work that's being done. He mentioned the ongoing review of the Police Act, we debated yesterday Government Motion 24, the motion on antiracism, we were debating the amendment that was put forward by me: so a great length of discussion on that and then the argument brought forward by my colleague and the acknowledgement from the Minister of Justice to say that this is already being considered when we were having the ongoing review of the Police Act.

I wanted to share the story of the constituents that just came into my office last week, on Friday, during the constituency week. What had happened – I think it was in the month of December during very cold and slippery weather – was that the gentleman described that he just waited at the stop sign for more than five minutes and made a very safe turn. I just want to add that he said that he's not only a class 5 licensed driver but he's a professional driver with the class 1 licence, driving a truck for some years in Alberta.

According to him he made a very safe, you know, right turn, but given the situation of the roads, which were very slippery, his car did not really pick up speed – how do you say? – the way he probably expected, and there was a police cruiser coming from the other side. I think the gentleman does not really understand, but he just seemed to see the police turn there with its lights on, and he just moved his vehicle to the side. Then all of a sudden somebody walked up to his windows and kind of asked a number of questions.

[Mrs. Allard in the chair]

As the gentleman had just moved from in this case India not very long ago, his language was not really very fluent, and as he was, you know, you can say, struggling, he was there trying to intimate to the policeman to provide all the answers to the questions. He had his wife sitting beside him on the passenger seat, who kind of intervened and started answering the questions. Some of the answers she thought were very general, not specific to his driving in effect at the moment. The wife was a Canadian graduate and fluent in the language.

From that incident two weeks ago they got a letter at home. That gentleman got his licence suspended, not only the class 5 licence – he was driving a car that day – but his class 1 licence. He is the only family member right now earning an income. The wife stays home. And the family was going through a very tough situation as his mother is struggling with a stage 4 brain tumour, very much in the last days, and he has to visit her, to go back to India.

4:20

They were put in a very painful and tricky situation due to this, based on the judgment, I would say – this gentlemen tried to find out. "Why did I receive this letter? What had been wrong?" Somebody from the contact on the letter told him: the police officer who stopped you has actually recommended that you don't know enough English, so your licence should be suspended, and you need to retake all the licences again based on the conversation you had and because your wife intervened; your wife said that you cannot speak English, and she started speaking and providing the answers. This gentlemen needs to rewrite and retake the tests for class 5 and class 1 driver's licences. This is the very case when we're discussing some of the stereotyping and we're discussing Black Lives Matter and when we're discussing racial carding.

That is one of the aspects, I would say, in this bill that I am concerned about. I'm not saying that it would definitely happen, but we know that in the situation we are going through, what we are dealing with recently, systemic racism – I was just trying to wrap up. I don't really want to keep, you know, spending lots of time on this issue. What I wanted to say is that looking into a broader context, we in this modern society are at this point where things are moving forward, and the old beliefs, the old concepts, kind of the rest, like, are being compromised. It is naturally painful for a lot – a lot – of people.

It's not easy to accept for a lot of people, but for us as elected representatives for those people who put their trust in us, at that very moment we promised them that we will work on behalf of them without having any personal bias in it. We will look into all those issues coming to us from our constituents, the people who probably live in our riding or maybe don't live in our riding, not based on if they have voted for us or if they have voted for someone else or if they were living in someone else's riding. We have already seen the way that things have been happening. I personally also am just trying to be very, very soft and am trying to bring some experience into the conversation and not just, you know, really get into the direction where it seems that I'm opening up probably blame on one sector of the institution, of all of the province, all of society. But what I'm discussing is a reality.

This legislation in one way is giving more power into the hands of the institution, I would say. I have watched very closely not only in this province, where I have been living for 27 years, but also, you know, in different parts of the world. I have travelled and watched the political elections very closely in the U.S. and travelled to a number of European countries and Asian countries, South American countries. What the world is struggling with in these days, what we had seen the 15,000 people demanding outside this Legislature and similarly in other parts of the province, and also what I have been recently listening to – this issue is just in my hand. I'm just writing letters on behalf of my constituents and trying to find out what went wrong, why this police officer would make a judgment and refer to the transport authority to suspend the licence based on the judgment that the driver was not speaking fluently when he was asked to provide some answers to questions.

Stereotyping, you know, does happen. People do experience stereotyping, and people do experience discrimination. I would not say that the whole department, you know, purposely does it or that they don't have intent to solve this issue, but we are seeing the news coming out yesterday. It's not your own, you know, political bias – how would I say? – the limitation of the way you're perceiving things; the news that came from Lethbridge was very disturbing the other day.

All I want to say is to keep in mind that we do need the oversight when we are giving the powers to police. In this case you have drafted the bill. There are advocacy groups that are working for this, you know, sector to mitigate the impact, the experience, the damage that the people of Alberta are suffering. I do want to respect all of this, but when we are moving forward with the greater use of the powers, we have seen over and over and over, not only across North America, not only in Alberta, wherever it is, that this is how, when the police force, when some of the institutions, historically hundreds of years ago when they were founded, were perceived to do things like this. There has been stereotyping still going on, and the people, based on perceptions, make decisions. My worry in this bill is only, as even I'm happy to support this bill . . . [Mr. Deol's speaking time expired]

Thank you.

**The Acting Chair:** Hon. members, the Committee of the Whole has under consideration Bill 21. Are there any other members wishing to speak? I see the hon. Member for Calgary-Mountain View.

**Ms Ganley:** Thank you very much, Madam Chair. I rise to move an amendment.

**The Acting Chair:** This will be known as amendment A3, but I'll just take a second to get that to the table.

**Ms Ganley:** Thank you. Did you want me to start reading it in?

**The Acting Chair:** Sure. You can start reading it in. Thank you.

**Ms Ganley:** Okay. I'll apologize. It's fairly long. I move that Bill 21, Provincial Administrative Penalties Act, be amended in section 44(29) (a) in the proposed section 88.1 (i) in subsection (1) by striking out clause (a) and substituting the following: "(a) that a driver operate a motor vehicle while having a blood alcohol concentration that is equal to or exceeds 80 milligrams of alcohol in 100 millilitres of blood"; by striking out clauses (c) and (d); (ii) by adding the following after subsection (1):

(1.1) Subject to subsection (3.1), if a peace officer has reasonable grounds to believe any of the following, the peace officer shall, on behalf of the Registrar, take the actions set out in subsection (2):

- (a) that the driver operated a motor vehicle while the driver's ability to operate a motor vehicle was impaired to any degree by a drug or a combination of alcohol and a drug;
- (b) that a driver has within 2 hours after ceasing to operate a motor vehicle a blood drug concentration that is equal to or exceeds any blood drug concentration for the drug that is prescribed in regulation under the Criminal Code (Canada);
- (c) that a driver has within 2 hours after ceasing to operate a motor vehicle a blood alcohol concentration and a blood drug concentration that is equal to or exceeds the blood alcohol concentration and the blood drug concentration for the drug that are prescribed by the regulation under the Criminal Code (Canada) for instances where alcohol and that drug are combined.

4:30

And (iii) subject to subsection (3) by striking out clauses (b) and (c);

And (iv) by adding the following after subsection (3):

(3.1) The peace officer shall not take the actions set out in subsection (2)

- (a) if
  - (i) the driver consumed a drug after ceasing to operate the motor vehicle, and
  - (ii) the driver, after ceasing to operate a motor vehicle, had no reasonable expectation that the driver would be required to provide a sample of a bodily substance,
- or
- (b) if
  - (i) the driver consumed the drug or the alcohol or both after ceasing to operate the motor vehicle,
  - (ii) the driver, after ceasing to operate the motor vehicle, had no reasonable expectation that the driver would be required to provide a sample of a bodily substance, and
  - (iii) the driver's alcohol consumption is consistent with the driver's blood alcohol concentration as determined in accordance with the regulations

and with the driver having had, at the time when the driver was operating the motor vehicle, a blood alcohol concentration less than the blood alcohol concentration established under paragraph 320.38(c) of the Criminal Code (Canada).

And (v) in subsection (4) by adding "Subject to subsection 4.1," before "If a notice of administrative penalty is issued under this section,";

And (vi) by adding after subsection (4):

(4.1) Subsection (4)(a)(i)(B), (b)(i)(B) and (c)(i)(B) do not apply to a driver who is subject to an administrative penalty on the basis of any of the circumstances described in subsection (1.1).

And (b) in the proposed section 88.11(6) by striking out "under section 88.1(1)(b), (c) or (d)" and substituting "under section 88.1(1)(a) or (b), or 1.1(b) or (c)."

**The Acting Chair:** That was a mouthful. You have approximately 16 minutes and 30 seconds if you'd like to continue.

I'd just remind all members to make sure that their devices are on silent.

**Ms Ganley:** Yes. Thank you. The purpose of this amendment – and the minister and I and some other folks have had some pretty good conversations about this. The purpose of this amendment is to separate out two different conditions. One is the condition in which the person has a blood alcohol in excess of 80 milligrams. This section is only dealing with the over 80. It's not dealing with the over 50. That's in a totally different section, so we're dealing here with the offences that were previously Criminal Code offences which will now become administrative offences.

The intention here is to essentially leave those ones which deal with alcohol in the strictly administrative regime and to move those ones which deal with drugs and/or some combination of drugs and alcohol to the regime we have currently – i.e., before this bill passes – which is to say a combination of administrative and criminal sanctions. The only reason is that now the actual continuation of the criminal sanctions wouldn't happen in this bill. In fact, nothing in this bill would discontinue the criminal sanctions. That's something that the minister will ultimately provide by way of direction to the Crown prosecution service.

The intention of the amendment, even though we can't explicitly say, is just to move a few of those things back into the Criminal Code. The reason for that is this. We did have an extensive conversation about this one. The science is quite settled with respect to alcohol impairment. With respect to the drug impairment that's listed – and it's listed in the Criminal Code – I think the science on a lot of that is settled. That's probably true. The science with respect to cannabis is a little less settled although the movement from two nanograms to five nanograms, I think, has alleviated some of that. The fact that there is an immediate roadside appeal to deal with a blood test so that you're ensuring that you're dealing with that delta-9-THC I think – so that's the impairing by-product of the THC – is also important.

All of those things are really important, but what this is aimed at is the fact that there are still some things in this, there will still be some small number of cases that are dealt with just by way of the impaired. That's the case now. In the Criminal Code originally, before cannabis was legalized and sort of all this other complicated language came in, there was the impaired and there was the over 80, and the impaired was sort of based on the observations of the officer. I'm not saying that that's not a legitimate means of prosecution; I think it's a very legitimate means of prosecution. I think the challenge is that when you go by the administrative-only direction, when you're talking about an impaired based only on the

observations of the officer, cross-examination of that officer becomes more important than it would be in other circumstances.

This administrative model does not allow for that. So the officer writes down their notes and that goes in as evidence, but there is no ability on behalf of someone who is challenging it to cross-examine the officer. Now, again, in instances when someone is blowing over 80, I think that's actually right. I do believe that that's the correct way to go because with the roadside appeal the person has blown into two machines. Those machines have registered. What they have registered: the science behind that is extremely strong, and the records of those machines, the upkeep records, comes in in another method. I think that all of that doesn't require cross-examination. I think the challenge is – you know, the minister and the department are correct about this.

What I'm referencing here is a very, very small number of cases where they would be proceeding by way of impaired alone and by way of the observations of the officer. The drafting of this is somewhat imperfect in the sense that it may pull in just a little bit more than I wanted, but the intention is just to ensure that in that, again, very small percentage of cases, those individuals who are receiving these quite severe sanctions with respect to the sort of holding of their vehicle and the disqualifying of them from driving have the opportunity to cross-examine the officer on that evidence. That is the intention of this particular amendment. I do think that it strengthens the bill.

I've had conversations with Mothers Against Drunk Driving about this as well. They don't think that this is as big a concern as I think that it is. I do take their comments on this very seriously. I do understand what they're saying, which is to say that in the majority of cases, even when you're dealing with an impaired by drug, you're dealing with a blood test and that the science of that is good and solid. I take very seriously the research of Mothers Against Drunk Driving on this issue because they really do understand this area and have an expertise in this area and a perspective in this area that I think is very important. I think the remaining concern is just those few cases where we're talking about the evidence of an officer who is not available for cross-examination and the sort of observations of that officer proving the case such that the individual who wants to challenge the case has the onus on them to challenge the case but they don't have the officer available to them to cross-examine.

[Mr. Milliken in the chair]

I appreciate the reasons why what I just said is a very technical and a very specific concern that I am trying to address by way of this, but it would be my hope that members would vote in favour of this because I do think that that small minority of circumstances – and let's be clear. It doesn't let the person off the hook. In fact, it arguably punishes them more. The sanction is less immediate, but it does carry a criminal record with it – right? – and a criminal record follows you around for the rest of your life in a way that can impede your employment. It can impede your education, so it is a fairly severe sanction. So I do appreciate that in some ways this is moving a small minority of cases back to the old model that would have existed before Bill 21, but that's not because I don't take them seriously. It's just because I think that the sort of status of the proof in those instances is slightly different, and I do think that prosecution by way of Criminal Code is a viable alternative in this case.

Those are my comments on that amendment, and I thank all members for considering it.

4:40

**The Deputy Chair:** Thank you, hon. member.

Are there any hon. members looking to join debate on amendment A3? I see the hon. Minister of Justice has risen.

**Mr. Schweitzer:** Again, I want to thank the Member for Calgary-Mountain View for her efforts in bringing forward thoughtful amendments to this legislation. We did give it some real consideration at our department as to whether or not we could make, you know, these types of changes work. In consultation with our department they were of the mind that these types of amendments would actually potentially create a two-tiered system dealing with similar charges that would have conventionally gone through the criminal justice system in a certain way and would also potentially create three times the work in administering different processes and different systems.

As well, the law in this area has evolved. I mean, dealing with impaired driving as it relates to individuals that are under the influence of drugs, including cannabis and other drugs that are out there, has evolved over the last few years to where we're comfortable that we have the certainty in the law to be able to deal with this under an administrative process. Again, while I appreciate the amendment being brought forward, I would encourage the House to vote against this amendment.

**The Deputy Chair:** Thank you, hon. minister.

Are there any other hon. members looking to join debate on amendment A3?

Seeing none.

[Motion on amendment A3 lost]

**The Deputy Chair:** Moving back to Bill 21, are there any hon. members looking to join debate? I see the hon. Member for Edmonton-McClung has risen.

**Mr. Dach:** Thank you, Mr. Chair. Pleased to rise on the main bill, Bill 21, today, especially representing the views of many constituents and, of course, millions of Albertans who are affected by this legislation and impaired driving in particular. But I am representing in very specific terms one mother against drunk driving, that mother being mine, who I know is watching today. I will give her the old Carol Burnett tug and let her know we're saying hello. Certainly, her input and life experience and that of my family has affected my thoughts with respect to this piece of legislation. I know that it's a discussion that resulted in some accommodation being made in the thought process with regard to the depths and severity that this activity and behaviour was treated with.

[Mr. Hanson in the chair]

Of course, everyone shares the goal in this province of reducing impaired driving and, of course, doing our best to eliminate any death or injury caused by the irresponsible act of impaired driving and having legislation and changes to legislation on an ongoing basis that effectively act as the best deterrence possible to this type of behaviour.

[Mr. Milliken in the chair]

Although confounding to many at the outset when looking at this particular piece of legislation, which relies upon a psychological motivation as a form of deterrence, which is a bit confusing because, of course, it appears as though the loss of an individual's car seems to be, in many cases, more of a deterrence or a penalty than the loss of their reputation or the loss of their personal freedom by suffering a potential period of incarceration and the wrath of their community for the rest of their life.

Notwithstanding that, it is an argument that myself and family members and others that I've spoken with who have suffered the victimization of the results of impaired driving is one that we've come to accept as real. The deterrence factor: if indeed it results in the reduction, significant reduction, as appears to have been the case in British Columbia, where similar legislation has been enacted, then that is an accommodation that I think myself and other victims' families are willing to make without, of course, knowing exactly what the effects are over time.

We won't know for sure whether we've made the right decision to make that accommodation, so in my earlier remarks in earlier stages of the legislation I had made a plea that we do monitor over time the effect of this legislation and indeed look at the rate of impaired driving and the injuries and deaths that are caused and look at, I guess, the conviction rate, the penalties that are imposed, and the amount of recidivism that has taken place and act on those data that are received.

I've also made a call, Mr. Chair, for a collection of data, as had been mentioned by the hon. Member for Edmonton-Rutherford earlier in his remarks, that does monitor another aspect of this legislation – that is, a risk to individual civil liberties – and monitoring the ethnic and racial data on those individuals who are stopped, charged, convicted or found not guilty, and sentenced in the impaired driving realm of offences and making sure that we're not having evidence come forward of racialized influencing of the whole process so that indeed any individual in our society feels that they're being fairly treated in the application of the law.

We certainly know that in a wider view of police work that we're undertaking right now, a review, I would say, globally, especially in the western world – there's a major review going on in the public's mind and therefore by legislators of how indeed the implied influences and the potential racism of a particular society or even a law enforcement agent might be affecting their judgment or decision to lay a charge or what charge to lay.

Those individual concerns are something that my family has had and looks to see that the correct amount of data over time is collected and monitored and that legislators are prepared to make amendments and adaptations to the legislation on an ongoing basis so that the effectiveness of the legislation is monitored but also that the unintended consequences are minimized because they can be, clearly, significant.

We're not talking about a small matter when we're talking about an individual's constitutional rights, and if indeed we trample them in one spot, we trample them everywhere. I know that the civil and constitutional rights of individuals in our society are something that we have to be very, very careful with, whether it be this legislation or whether it be the right of assembly and protest, that is also an ongoing discussion in this Legislature and globally as well. They must be taken very, very seriously into consideration when we're creating legislation that might affect or limit in any way those precious, sacred rights that we have and that we fought so hard for over generations.

This legislation, Mr. Chair, does get people's attention. It's not only my dear mother sitting at home watching today; there are many, many Albertans who, unfortunately and tragically, have been affected by impaired driving. When there are changes or amendments to the law governing the enforcement of legislation to counter impaired driving, whether it be criminal law or now the other administrative penalties we're considering under Bill 21, they will be scrutinized by Albertans.

4:50

I know that we've heard from stakeholders such as MADD, and we've consulted with our constituents, and we've heard from them.

By and large they are individuals who are saying to us: yeah; if the deterrence actually ends up in lessening the amount of carnage on our highways, then we're willing to make some accommodation to the precious rights we have as human beings, as citizens of the country in terms of the process of being apprehended and charged and working through the various stages of penalization that this law contemplates under Bill 21. Notwithstanding the concerns that we have, that my family has, that MADD has had, and that my constituents have expressed, I do stand in support of the legislation, but I certainly know that it will be, I think, an ongoing piece of legislation that is probably amended again in the future as we watch with great interest how Albertans respond to their responsibility to adhere to the rules against driving while impaired.

I refer once again to the example I quite often like to use when people suggest to me or others in my company that one drink is all right, a couple of drinks, get behind the wheel: well, what's wrong with that? I'll often ask: how many drinks would you like your airline pilot to consume before getting into the cockpit? You have an equal level of responsibility, in my view, whether you're in charge of a vehicle that has 100 people in it or whether it's just yourself. The members of the driving public on that road with you are also at risk if it means you're impaired.

At some point, Mr. Chair, I think I would like to see a further movement toward zero tolerance for impaired driving or any type of consumption of intoxicating substances for drivers of motor vehicles, of course, or boats. For example, we're in the summer season right now, and there are some rather effective television commercials that I think describe the dangers quite well of how people perceive impaired driving of a recreational boat. It's not seen to be a serious crime by many, and it seems to not have totally sunk in with Albertans although I know that they're taking it more seriously. It's a little more difficult in some cases to enforce, but anybody who takes the wheel of a boat has a responsibility, just as they would behind the wheel of a car, to not be impaired and to be responsible to themselves, other boaters on the lake, swimmers on the lake, as well as people that they have as passengers.

There are going to be a number of differences, I think, that we look to as far as implementing changes down the road. I hope we never forget that this ultimate goal is to eliminate the carnage on the road, not just reduce it but actually eliminate it. There have been other jurisdictions in the world where they have gone at this from a slightly different angle. I'm thinking of some of the European countries. I believe I'm correct in suggesting that Finland has had pretty much a zero tolerance for any type of intoxicating substance if one is to get behind the wheel, and then significant criminal penalties and liabilities are imposed. In many European countries – I can recall that even when I was a much younger person travelling around Europe, you certainly would see cases of designated drivers even in the 1970s in Europe, where people were not getting behind the wheel because there was just a significant, harsh penalty that would result and not a lot of leniency.

Now, we've gone in a slightly different pathway here in an effort to actually reduce the amount of carnage on the road, but the goal, of course, is the same. The crime is equally abhorrent here as well as in Europe, and to have the number of incidents of death and injury that we still have in our province caused by impaired driving is totally unacceptable. Let's hope that we can reduce this number with the implementation of measures in Bill 21 and continue on the path towards zero tolerance with ongoing vigilance and monitoring of the effectiveness of this legislation and also make sure that the unintended consequences of potential loss of or infringements upon constitutional or civil rights or ethnic or racial profiling don't end up as results of this particular legislation. Once again, I implore us to collect and monitor data on those two fronts and ensure that we

react very swiftly to concerns that might arise as a result of analysis of that data.

Once again, Mr. Chair, I know that many Albertans are somewhat perplexed that the insurance costs or loss of an individual's car seem to be more of a penalty than a loss of a person's reputation that might result from being charged with impaired driving or convicted of impaired driving, but if indeed the administrative penalties contemplated by Bill 21 are those which psychologically motivate Albertans to make the right decision not to get in their car and drive while intoxicated, then I'm willing to accommodate some of the other unintended consequences for the time being while we monitor what the fallout might be of Bill 21's implementation.

Jurisdictionally, we can look to other provinces, and I know that the government has looked at British Columbia quite extensively to see how their law has evolved on this matter. I think British Columbia has made significant efforts over time to improve their legislation. I think that that's important, that we continue to monitor that legislation as well as other jurisdictions in the province and even globally, Mr. Chair, to know that this is an ongoing effort that strives to get to zero.

There are jurisdictions, Mr. Chair, where there's just no question about getting behind the wheel because of the types of penalties that are faced by an individual who's convicted. That's the thinking, that's the thought process that I want and I'm sure every one of us wants Albertans to get into when they are actually getting behind the wheel. When one is impaired, it's an impairment. Your judgment is impaired. You may not be thinking too clearly about that process, but it is beforehand, on a personal level that we want individuals to consider the consequences of what they're doing. If it's not going to be the sanctions of criminal law that motivate them and it will be the measures that are implemented under Bill 21, then I'm willing to accept that. Indeed, I believe that individuals in this province who've also suffered victimization under the irresponsible behaviour of somebody driving a motor vehicle while impaired or a boat while impaired or even farm machinery while impaired certainly are willing to give this legislation a sincere thumbs up and monitor it over time.

5:00

A lot of Albertans don't necessarily think about the many different types of motor vehicles under different classifications that are covered by this legislation. You would be surprised, Mr. Chair, to learn about the number of convictions that have happened in the most surprising types of motor vehicles, whether they be combines or snow mobiles, any type of motorboat or Sea-Doo, aircraft, small planes. You know, I don't know if hang-gliding counts as a conveyance where you could be charged, but I would imagine that it very well might be. But there have been people who have chosen to risk their life and limb and that of others in many different types of conveyances, including those that I've mentioned.

The ones that are very concerning, of course, to me because of my role as the critic for Agriculture and Forestry are farm machinery and farm trucks. I know that working in rural Alberta when I was a much younger person, even in the oil patch, where people would be, you know, moving rigs for days on end – I know that we worked for three days straight moving successive service rigs. There would be members of the crew who would be driving who stopped for local off-sales and kept on driving. That kind of thing, of course, is in most circles a thing of the past, Mr. Chair, but there are still some circles in this province where they practise that kind of...

**The Deputy Chair:** Thank you, hon. member.

Are there any other hon. members looking to join debate on Bill 21? I see the hon. Member for Calgary-Mountain View has risen.

**Ms Ganley:** Thank you, Mr. Chair. I rise with an additional amendment here.

**The Deputy Chair:** In this case, just because the amendment looks like it's quite extensive and long, what I will say is that perhaps the best use of our time would be for members to – obviously, there will be copies, of course, at the tables, and of course all members can receive copies if they just put up their hands. For the benefit of all members, this will be referred to as amendment A4.

If the hon. Member for Calgary-Mountain View could please, if anything, just give us the gist as well, too, please, and then please continue with your comments.

**Ms Ganley:** All right, Mr. Chair. What this amendment is designed to do is that it's designed to sort of create almost two streams. Further to the earlier conversation we had about taking out instances where we're talking about an impaired based more on observations or on things other than the sort of breathalyzer test, moving those potentially back to the partially administrative and partially criminal process, this doesn't do that, but it takes that same sort of set of offences, instances in which we're potentially talking about impaired by a drug, and it just slightly extends the time frame.

Currently what Bill 21 is proposing is that the time frame be seven days, so an individual who has received one of these sanctions at the roadside is required to file with the adjudicator within seven days their intention to appeal. This just makes that period slightly longer for a drug impairment, and I say that only because, particularly with the roadside appeal, it's my view that it's almost – the likelihood is so incredibly small that one of these things, based on alcohol alone, will ever get to the adjudicator without a breathalyzer having been involved. I perceive that to be a very unlikely scenario. However, with a drug it's more possible, in my view, or a greater proportion of the cases may make it through that system to the adjudicator without necessarily having had the sort of same type of scientific evidence.

Now, certainly it's possible that someone can demand a roadside appeal. The way that a roadside appeal is structured in the case of a drug is that you ask for a roadside appeal, and depending on the discretion of the officer, it will either be another oral fluid swab, it will be a blood test, or it will be a drug recognition expert. My concern with that is that (a) the officer is picking which method this will go through, and (b) again you're likely to see a slightly higher – because those things don't exist at the roadside the way breathalyzers do, they're not as prolific as breathalyzers are. Especially in rural areas there's a bit of a concern about the blood draw and where the blood draw is occurring and how long it takes to get the blood drawn and whether you can get the blood drawn in the middle of the night and a whole series of other things. There's just a little bit more time provided for individuals to file an appeal in those instances.

In instances where you may be dealing with evidence based on the officer, who, again, under the adjudicative process is not called and is not subject to cross-examination, we just felt it was worth while to provide the individual with a little bit of a longer period to ensure that they were able to access counsel. The reason I think that counsel is so important in this instance is that this is very, very technical. I think we all sort of out there in the world have a general understanding of how the breathalyzer machine works. They're fairly common. You know, they exist. I mean, there's the roadside one and then the evidentiary one. People may not know the

distinction there, but generally people know what it is and what it does and have a high degree of confidence in it.

I think that when we're talking about blood tests or oral fluid swabs or drug recognition experts, those things are a little bit less common, and the average person might not have the same understanding or knowledge of how best to challenge that. The idea here is just to give a person, rather than having to file an appeal right away, a little bit of time to go and seek legal advice and to find out if they ought to apply for an appeal and then do it, just because, again, this is a super technical area.

I do take seriously the case in B.C., which is to say that even though the appeal is filed in seven days, close to 50 per cent of people appealing to the B.C. adjudicator – and again the B.C. model is based only on alcohol, so it's a little bit different – are represented by counsel. So it is likely – lawyers are very good at this sort of thing – that some folks will adjust their practice in order to be able to specialize in this area, in order to be able to appear on these short timelines. I would not be at all surprised to see that happen. It certainly has happened in B.C.

But the idea here is just, while that adjustment is occurring, to provide people who are in this slightly more complicated situation of dealing with a drug impairment, which, again let me be clear, I think is, like, a hundred per cent just as serious as an alcohol impairment – both of these things endanger lives, and people that walk around saying that they're better drivers when they're high make me crazy because they're just wrong. The science makes them demonstrably wrong. So I am in no way suggesting that that is any less serious. I'm just suggesting that it's slightly more complicated, so people might need just a little bit more time to seek legal advice and to sort of get their footing in advance of the decision to file an appeal or not.

With that, I would urge all members to vote in favour of this amendment.

5:10

**The Deputy Chair:** Thank you, hon. member.

Are there any hon. members looking to join debate on A4?

**Mr. Schweitzer:** I'll just quickly respond. Again thank you to the Member for Calgary-Mountain View for a lot of hard work on bringing forward these amendments. Again, we went through these with our department to see if we could make some of them work. The advice that we received from our department is that this was something that wouldn't be appropriate in this circumstance. Carving out different timelines for different types of impaired would increase the workload dramatically and potentially complicate the system, Mr. Chair, so that's why we would encourage the House to vote against this amendment.

**The Deputy Chair:** Thank you.

Are there any members looking to join on A4?

[Motion on amendment A4 lost]

**The Deputy Chair:** Moving, of course, to Bill 21 proper, are there any hon. members looking to join debate? I see the hon. Member for Edmonton-West Henday has risen.

**Mr. Carson:** Well, thank you, Mr. Chair. It's an honour to rise to speak to Bill 21, the Provincial Administrative Penalties Act. I have been listening quite closely this afternoon and through the entire debate on this piece of legislation because I think it's an extremely important piece. When we talk about the importance of protecting those on the roads and also recognizing that through this legislation, as we move a bit closer, looking at the model of B.C. and some of

the changes that they've implemented, which I think overall are a good thing – but we have to recognize that in certain circumstances we are giving more power to the ability of police officers to carry out this work. I think that in this instance it's a fair recommendation that we're seeing through this legislation.

I have to tell you that when I first saw the announcement for this legislation and even following some of the conversations on social media, the idea of decriminalizing drunk driving, specifically in the first instance that it may happen or subsequently, was very concerning for me personally as well as many people on social media before we really had some time to digest and dissect what was actually happening in this legislation. I appreciate that the Minister of Justice has brought this forward and recognized that in jurisdictions like B.C., where these changes have been made, as best we can tell, it was the right decision, I think, in most circumstances and instances. I appreciate that we're taking action on this important issue.

I would also like to recognize my colleague from Calgary-Mountain View for the hard work that that member has put in, of course, in their role as the Justice minister. I remember having discussions about, whether it was pieces of legislation like this or things that were similar, the importance that that member put into ensuring that whatever we were doing, there was a balance of justice. You know, any time we were talking about strengthening fines or giving more power to the institution, the justice institution, we were ensuring that there were opportunities to strengthen the appeal process as well. Through the amendments, though we weren't able to get those through, unfortunately, I think that that member has shown continued action on trying to ensure that when this legislation or pieces like this are coming forward, we're doing everything in our power to strengthen it and not just support it or oppose it for the sake of doing so.

When we look at the idea of, you know, trying to make the fees more reasonable in certain instances or trying to lengthen the time to put together an appeal for somebody who has been charged, I think that's important. Once again, just looking at some of the differences between blood alcohol limits and being impaired by cannabis, for example, I appreciate the Member for Calgary-Mountain View and the expertise and information that that member has brought to the debate. I appreciate all my colleagues. You know, the Member for Edmonton-McClung laid out quite clearly, and has over the last four years, the importance that they believe should be put into ensuring that we are protecting roadways. That member has been personally affected by it.

You know, I appreciate when members are willing, as hard as it might be, to bring forward those stories to make them real life because sometimes, depending on the issue, we don't always have the chance to hear first-hand. Of course, in this instance we would rather that not be the case. It really just brings some important points to the conversation, so I appreciate that that member also went on to some extent about where they stood on this legislation in the first place and some of those conversations that happened that have brought them to the position that they're feeling right now.

You know, while I do have certain concerns, which I think overall have been addressed by this Justice minister and overall have been addressed by organizations like Mothers Against Drunk Driving – and I appreciate their advocacy on this important issue. I even remember being in junior high, high school, the K to 12 system, and having them come and present, whether it be videos or personal presentations, about the importance of respecting the laws in this instance and ensuring that we are doing everything in our power to be responsible as owners and operators of motor vehicles. I appreciate the work that they do advocating for those that we have lost and, hopefully, so that we don't lose any more in the future. I

would like to thank them for their consultations on this as well and, once again, the Justice minister for listening to them on these important issues.

You know, just looking once again at what we can see, the information from B.C. after moving to this model, I think that it's reasonable to hope that this legislation will lower the rate of drunk driving, and I can only hope that that's the case.

We need to ensure that we are doing everything once again in our power to ensure that it's not happening. If decriminalizing it, for lack of a better term, I suppose, is the right model to move forward on and has proven to be the right thing to do, then I would echo the Member for Edmonton-McClung that at the very least we need to ensure that we are studying the changes and ensuring that at every opportunity not only the rights of people that are being charged or prosecuted against are being protected – because at the end of the day we have to recognize that, you know, people are innocent until proven guilty, and that should continue to be the case in this instance. So we need to ensure that whether it's the appeal process or the ability to pay prescribed fees or whatever the instance might be, we are protecting the interests of all parties and that the appeal process is sound and that there is an opportunity for people to have their case heard even with the changes that are being applied.

You know, I once again think back to when – I believe it was under Alison Redford – the PCs had made some changes to drunk-driving laws, and I think at that time there was a discussion of it actually sounding at face value like they were weakening the laws, if I remember correctly. I think that those changes overall have worked, as far as I can tell looking back. After we have the opportunity to look at what's actually happening here and see some of the changes and reflect on those, I think that I'm overall in a position and prepared to probably support what we see here. We'll see how the debate continues.

Once again, I appreciate that the Justice minister has been willing to rise on the amendments that we've brought forward and speak to some extent about why that member doesn't see that our amendments are the right decision. While I disagree in most cases on that, I can at least respect that the member stood up to speak to those amendments.

With that being said, I once again appreciate the discussion that has happened on Bill 21. I look forward to continuing this debate, and I would thank the members for everyone's participation.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

Are there any other hon. members looking to join debate? I see the hon. Member for Edmonton-Castle Downs is rising.

5:20

**Ms Goehring:** Thank you, Mr. Chair. It's a pleasure to rise in the House today for the first time to speak to Bill 21, Provincial Administrative Penalties Act.

I have a long history with impaired drivers. I remember as a young child being in a car accident with my family outside of Barrhead, Alberta. We had attended a family event, and we were driving home. It was late, and we were hit. I remember – this was pre seat belt laws – we were sitting in the back of my parents' Mustang on the side of the armrests, and I remember being launched into the front seat. We were okay. My dad got out of the vehicle after he checked all of us and went and talked to the driver of the other vehicle. The thing that stood out for me in that moment was – my dad never swore. He was someone that was very cautious with his language, but he was quite upset. He came back and was swearing about this person being drunk.

I was quite little, and that had a huge impact on me. I remember for months being afraid to be in the vehicle, being afraid to drive around for the fear of this unknown drunk driver potentially coming to hit me. So having those conversations as a child growing up about: "Why would someone do that? What's going on? Why would someone who knows that alcohol impacts your ability to drive a vehicle still make the decision to get into a vehicle and drive?" I mean, those are questions that I had as a child. I mean, quite honestly, Mr. Chair, those are questions that I still have, but now with the education and the understanding of an adult, I have different responses to those questions.

When I look at the piece of legislation that's been introduced by the Justice minister, I think it's important that we're looking at ways that we can absolutely reduce impaired driving and save lives. Without question this is something that needs to happen in the province. But I have a different understanding now about the "why" behind what causes someone to get behind the wheel while intoxicated.

I know that throughout my career and throughout my life I've witnessed friends have that debate, whether or not one or two drinks was enough if they'd eaten that day, all of these different decisions, and over the years those conversations have changed. I think the majority of those conversations have changed because as a society, as people we are having those conversations, and we've determined that this is something that is absolutely not accepted, and there should be a consequence for those that choose to operate a motor vehicle while under the influence. While my understanding is that this doesn't specifically speak to cannabis and other impairing substances, I know that it speaks to alcohol, which is probably the most, I would assume, statistical reason for having an officer pull over someone, the suspicion of alcohol.

When we talk about the importance of penalties for those drivers, I think about, you know, what led to that situation, what led to them getting behind the wheel. Certainly, education, I think, is something that's had a huge part in that, and I credit MADD for a lot of their education campaigns. They make it personal. They talk about their family member that was killed or severely hurt by someone who got behind the wheel intoxicated, and I think those stories have a huge impact. So knowing that MADD is behind this piece of legislation is quite comforting because I know that their campaign throughout Canada has had huge impacts on the way that society views the decision to drink and drive. We can all recall those commercials, the visual impacts that they have for those emotional stories. Hearing that pain from someone who has a lost a loved one from impaired driving – it is so important to hear those stories.

I was really listening when the Member for Edmonton-Rutherford was speaking about differential responses and underlying systemic bias. I mean, when we're talking about police having options about how to proceed, it made me think about some of just the simple things that I've learned throughout life.

When I had graduated from college, I bought a red sports car, and I had a hard time insuring that sports car. Why? Because statistically it was pulled over a lot more. Because of its colour, apparently police flagged it more for speeding, so I couldn't get it insured with my original insurance company. Just the simple fact that my car was red led to my not being able to insure it. That tells me that there's some underlying bias that comes with simply the colour of your car. By knowing that, I would suspect that there are many other underlying systemic biases that we have. I'm not sure if the former officer . . .

**Mr. Ellis:** That's not true. I don't know what to say.

**Ms Goehring:** He's saying it's not true. My insurance company at the time denied my insurance based on the colour of my car.

This conversation led me to think about an episode from a sitcom called *Black-ish*. There's a scene where the main character – his name is Dre; he's black – is driving a Mercedes. He's got his gangster rap blaring in the car, and he gets pulled over by the police. His automatic response is to change that gangster rap and put on symphony music. He changes his posture; he takes off his sunglasses. He has this moment of trying to present himself in a different way to the police officer. I think that that's speaking to that underlying systemic bias, that he assumed because of the colour of his skin being black, that he was driving a Mercedes, and that he was listening to gangster rap, he could be treated differently. Now, it was in a comedy, and I think that that's a great way to talk with kids and people about that underlying systemic bias.

There are definitely situations that occur – and we've heard it in the news – where people are treated differently because of their appearance, whether it be their appearance of potential class, the way they're dressed, the way they carry themselves, the way they speak, and the way they look, whether it's the colour of their skin or not. Those things come into play when police are determining who to pull over, who to question, who to ask about potentially being impaired. I think that that's something that we need to talk about.

I think this is definitely a step forward when we're talking about ways to reduce impaired driving. I mean, B.C. is showing that this has had an impact in reduction, which I think is wonderful. I think that if as a province we can do that, it's absolutely something that we need to do.

I know that on this side of the House I'm very proud of the work that the Member for Calgary-Mountain View did, not just as the critic but when she was in the role of Justice. She had those meaningful conversations, she had the interactions with many, many different communities, marginalized communities, minority communities, to talk about those things that are unfortunately impacting groups of people more than others. I think that when we look at bias, this is definitely an area where that needs to be considered. Your race, your gender perhaps, the type of vehicle that you're driving: these are all things that I think unconsciously there could be a bias. So when we're giving this decision to the police to make those determinations, I think that's something that needs to be considered when going through this.

Like I said, I think that having MADD support this piece of legislation is something that's so important. I know that they're an advocacy group that ultimately wants to see zero impaired drivers on our roads. I know that that would be their goal. The fact that they're thanking government for its leadership in this tells me that this is a good step. It's something that should happen. I just think that there could be more that we could do.

Like the members on this side of the House have done, I also want to thank the Minister of Justice for responding to our amendments. When we have them, being able to propose them and then hear directly from the minister, who has worked so hard on this file, about why the amendment doesn't make sense – sometimes the amendments that we put in don't make sense, so it's nice to hear the rationale and the reasoning behind that. To hear, you know, an example of the higher workload in the last amendment that we had put forward, that's something tangible, and that's something that makes sense, and it's very much appreciated.

With that, Mr. Chair, I would like to conclude my comments, and I look forward to listening to further debate.

5:30

**The Deputy Chair:** Thank you, hon. member.

Are there any other members looking to join debate? I see the hon. Member for Calgary-Mountain View has risen with a folder.

**Ms Ganley:** Me again. I rise to move an amendment, Mr. Chair. I'm just going to grab a copy of it.

**The Deputy Chair:** Thank you, hon. member. If you could just read it into the record, and for the benefit of all, this amendment will be referred to as amendment A5. Upon reading it in, please continue with your remarks should you so choose.

**Ms Ganley:** Thank you very much, Mr. Chair. I move that Bill 21, Provincial Administrative Penalties Act, be amended as follows: (a) in section 7(1) by striking out "If a recipient" and substituting "Subject to section 23(3), if a recipient"; (b) by adding the following immediately after section 23:

If unable to retain legal counsel

23.1 If, in respect of a notice of administrative penalty issued to a recipient, the recipient provides information to the Director's satisfaction that, despite making reasonable efforts to retain legal counsel for the purpose of disputing the notice, the recipient is or was unable to do so before the expiry of the period referred to in section 7(1), the Director must

- (a) extend the periods referred to in
  - (i) section 7(1) for the period determined by the Director to provide the recipient with a reasonable opportunity to retain legal counsel, and
  - (ii) section 15 for the period determined by the Director to be fair and reasonable in consideration of the extension provided under subclause (i), and
- (b) as soon as practicable, provide the recipient with written notice of the extensions provided under clause (a).

It all sounds very technical when you read it out like that. Essentially what it's doing is providing clarity that in the instance where an individual goes to appeal, they have seven days under that adjudicative process to appeal, and there's already existing in Bill 21 a section that says that if they don't file their appeal within those seven days, they have 12 months to file the appeal, providing that they can convince the director that there was some good and valid reason that they were unable to file in the seven days. All this does is sort of add to that section that the inability to retain counsel is such a reason. Rather than leaving it to the discretion or leaving it to regulation, it simply makes it clear that that inability to retain legal counsel is a reason why the seven-day period to file an appeal ought to be extended. Again, this is just an issue of ensuring that people have access to counsel.

I do take seriously the comments of the minister that there has been a shift in legal practice in B.C., so there are a number of lawyers who have moved into this space. In somewhere between 40 and 50 per cent of instances cases before the adjudicator in B.C. are in fact represented by counsel, so I have confidence that the market will sort of move us there ultimately. But in the interim, most criminal defence lawyers, people who are working in that space now, are typically sort of booking to look at the file, like, several weeks into the future. I do believe that the market will sort of shift to allow people to move into this space and they will be able to react more quickly, but in the interim I think that providing this amendment, just saying that if you're unable to retain counsel, that is a good and valid reason to sort of extend that period to file your appeal, is helpful.

Again, because this is a super technical area, it's very difficult, honestly, even as a lawyer, to understand all of the ins and outs,



especially when you sort of move away from the alcohol area into the drug area. The concentration levels are different under the Criminal Code. For some drugs it's any concentration. Some drugs: it's a certain concentration. You know, the sort of validity in the amount of testing that's been done around them has differed. Most of these things are illegal, so it's difficult to have valid scientific studies of the impairing effects of substances which are illegal because to even run those studies, you need dispensation from the government to basically break the Criminal Code. So it can be challenging to do that.

Again, I think that in most instances and by far the vast majority of instances this won't be a problem. This is really just to deal with the very, very small minority of cases where you're talking about something very technical and the person wasn't able to retain legal counsel. Again, this is not to undercut the severity of the behaviour. The behaviour is extremely severe, but even in the case of severe behaviour we need to give people procedural rights because that is the system in which we live. It's important. It's an important aspect of the system in which we live.

I would urge members to vote in favour of this. It is, again, simply an attempt to ensure that while we sort of await the legal market kind of adjusting to this new model, individuals who are unable to retain counsel in the necessary time do have a valid excuse to extend their appeal. I would urge all members to vote in favour of it.

**The Deputy Chair:** Thank you, hon. member.

Are there any members looking to join debate on amendment A5?

[Motion on amendment A5 lost]

**The Deputy Chair:** I see the hon. Member for Calgary-West has risen for debate on Bill 21.

**Mr. Ellis:** Well, thank you very much, Mr. Chair. I'd like to adjourn debate on Bill 21.

[Motion to adjourn debate carried]

## Bill 27

### Alberta Senate Election Amendment Act, 2020

**The Deputy Chair:** Are there any comments, questions, or amendments with respect to this bill? I see the hon. Member for Edmonton-Gold Bar has risen.

**Mr. Schmidt:** Thank you, Mr. Chair. It's a pleasure for me to rise and offer a few comments with respect to Bill 27. Now, as I understand it, Bill 27 amends Alberta's elections financing laws so that we are allowing third-party spenders to spend up to \$30,000 on so-called Senate elections, and I have a few points that I would like to make with respect to this piece of legislation. My first point will deal with the issue of urgency, my second point will deal with the problematic framework that we have when it comes to senatorial elections in the province of Alberta, and then I'm sure my third point will come to me as I'm making my first two points, so I look forward to what I'm going to say at that point during my speech.

5:40

The first point that I want to make is with respect to urgency of this bill. Mr. Chair, as I've said on numerous occasions in this Chamber during this unprecedented time, Alberta has many pressing issues. We have some serious public health issues. I note with great concern today the update that was provided by Dr. Deena Hinshaw, the chief medical officer of health for the province of Alberta, that today we reported 86 new cases of COVID, and that

follows on approximately 90 cases reported for each of the last three days: Saturday, Sunday, Monday. This is a significant increase in the number of new daily cases reported in the province of Alberta. This is the highest daily number of cases that we've had since May 10, which was before the government reduced some of the restrictions around activity in the province, and this is incredibly concerning.

I am beginning to question the government's response to this pandemic, and I certainly have concerns with respect to contact tracing. We saw the Information and Privacy Commissioner basically say that the contact tracing app that was developed by the province of Alberta has been a colossal failure. So I begin to wonder if the government's response to containing the pandemic is adequate. In the last three or four days dealing with the increase in the number of cases of COVID that we've seen, we've seen nothing from the government with respect to whether or not they even consider this to be a matter to be dealt with urgently. Yet here we are dealing with Senate election financing.

It's incredibly frustrating for my constituents, Mr. Chair. People in my constituency desperately want to know if their children can hug their grandparents, if their kids can participate in summer camps that were scheduled to be going on. I've had precisely zero constituents contact me and wonder what the rules around financing of senatorial elections will be. With respect to urgency I think that my constituents are very frustrated that we are spending the precious time that we have here in the Legislature dealing with something that could be dealt with at a later date.

On top of the serious public health concerns that we're noting with the COVID pandemic come serious economic concerns. Statistics Canada released the labour force survey results last Friday, and it was incredibly concerning to me and to many people in Edmonton-Gold Bar that Alberta continues to have the second-highest unemployment rate of any province in the country. Hundreds of thousands of people all across the province are still out of work, and hundreds of thousands more have had their hours reduced so that their income security is in question. They don't know what the next months hold for them. Will they be able to hang onto their jobs? Will they be able to afford to put food on the table and keep a roof over their heads? They don't know what's going to happen with respect to whether or not their kids are going to go back to school in September or whether it's safe to send them back to school in September and what impact the uncertainty with respect to kids in school will have on their economic security. There are no answers from this government with respect to these incredibly important questions.

I also hear from many small businesses in my constituency that this government's response to keeping them afloat during this economic depression that we find ourselves in has been woefully insufficient. I have yet to hear from an unemployed constituent in Edmonton-Gold Bar, I have yet to hear from a small business that's struggling to keep afloat, I have yet to hear from a parent who is concerned about whether or not their kids are going back to school and they will be able to go back to work and whether or not their kids will be safe when they're back to school: I have yet to hear from any of those people, Mr. Chair, any concern about how senatorial elections will be financed.

**Mr. Rutherford:** Why are you talking about it, then?

**Mr. Schmidt:** I hear the Member for Leduc-Beaumont ask why we're talking about it so much. That's the question that I'm asking members of this Chamber. Why are we spending our precious time talking about senatorial elections when there are incredibly

important and urgent matters of public health and economic security that are facing all of the members of this Chamber?

Now, I've heard from many constituents, also, some speculation as to why we're spending our time dealing with this issue. Many of my constituents are wondering whether or not this is a distraction on behalf of the members of Executive Council to deflect away from their failures to deal with the COVID pandemic and the economic fallout that we've seen from that, and I don't have a good answer for them. We certainly haven't heard a convincing argument from members of Executive Council, who have brought this forward, or UCP backbenchers, who are supporting this legislation, as to why this issue needs to be dealt with right now.

It's incredibly concerning to the people who have elected me to represent their interests in this Chamber. I certainly would like – I would rather be in a position where I could go back to the citizens of Edmonton-Gold Bar and say: hey, this is what we're doing to make sure that you are healthy and safe and that your job is secure and that you're able to put food on the table and keep a roof overhead for you and your family. I hope that members of Executive Council step up their efforts, do a better job of looking after Albertans during this unprecedented time.

My second point, Mr. Chair, was with respect to the role of senatorial elections, so-called senatorial elections, here in Alberta. Certainly, on that matter we've heard members of Executive Council and their cheerleaders in the backbenches talk about strengthening democracy. I hear cries in support of this term: strengthening democracy. It's very interesting to me, this issue of democracy and senatorial reform, because I think that if there's one thing that both our parties here in the New Democratic Party and members of the United Conservative caucus can agree on it's that the Canadian Senate is not a democratically legitimate body.

Now, our long-held position with the NDP, both federally and provincially, has been to abolish the Senate. Members of the Conservative Party, both federally and provincially, have taken a different approach. They've advocated for electoral reform, electing Senators to that Chamber. I remember that when Prime Minister Harper was elected, his party was elected, one of his key platform planks was Senate reform. In an attempt to make progress on that issue, he referred the issue to the Supreme Court, and the Supreme Court told him quite clearly that the issue of senatorial elections could not be imposed unilaterally by the federal government, that it required a constitutional amendment that required the approval of both the federal government and seven out of 10 provinces.

5:50

Much to my chagrin as well as to the chagrin of many in the New Democratic Party all across this country the Supreme Court also ruled that abolition of the Senate would require unanimous consent of the federal Parliament and all of the provinces in Canada, which effectively shut the door to meaningful Senate reform in this country. We have been down the road of constitutional amendments many times, and it is a painful process that threatens to tear our country apart every time we touch this issue of the Constitution and reform. So very wisely, in my view, Prime Minister Harper abandoned Senate reform.

I don't understand why it is that the members of this government are so keen on continuing to press this issue of senatorial elections. The Supreme Court also said that not only could the federal government not impose senatorial elections or in any meaningful way change the process by which Senators are selected without the consent of seven provinces; they also couldn't impose term limits. That means that even if we elect a Senator, or so-called elect a

Senator, they're there until they're 75 years old regardless of the job they do, the platform positions that they put forward, their record in office. They're there until they're 75 whether we like it or not.

I would hope that all members of this Chamber would agree that in order for elections to be meaningful, members who are elected have to be up for re-election. This is why we have periodic elections in every democracy, in every representative democracy around the world, in every legitimate representative democracy around the world. In order for it to be considered to be democratic, people have to be able to express their views on the job that an incumbent has done, and that is not the case with a Senator.

Now, I note that there have been several instances where we've held senatorial elections in the past, and from time to time federal Prime Ministers choose to appoint those people who have been selected through the senatorial election process, but those people are there until they're 75 years old regardless of what they do.

I don't want to suggest that Senators don't do valuable work from time to time. You know, over the past five years I had the occasion to meet Grant Mitchell, who, some will remember, was a member of this Chamber for a while. He was at the time a Senator. Forgive me; I can't recall if he's still currently a Senator or not. Senator Mitchell was working on some important legislation with respect to protecting underground infrastructure on property that was – it's not that Senators don't do valuable work. Senator Grant Mitchell was certainly an example of an Alberta Senator who was doing valuable work, but he was never up for re-election.

Mr. Chair, my constituents are incredibly frustrated that this is not an urgent matter and that senatorial elections are not an actual exercise in democracy, so for those reasons I cannot support this legislation. Thank you very much.

**The Deputy Chair:** Thank you, hon. member.

Are there any other hon. members looking to join debate on Bill 27? I see the hon. Member for Calgary-West.

**Mr. Ellis:** Thank you very much, Mr. Chair, and I'd like to thank the previous member for his comments there. I move that the committee rise and report progress on bills 21 and 27.

Thank you.

**The Deputy Chair:** Okay. I would say that first we'll probably adjourn and then report progress when we rise.

**Mr. Ellis:** Sure. I move that we adjourn and that then we report progress on bills 21 and 27.

Thank you.

[Motion to adjourn debate carried]

**The Deputy Chair:** I see the hon. Member for Calgary-West has risen.

**Mr. Ellis:** Right. Thank you. Once again, Mr. Chair, I move that we rise and, of course, report progress on bills 21 and 27.

[Motion carried]

[Mr. Milliken in the chair]

**The Acting Speaker:** I see the hon. Member for Bonnyville-Cold Lake-St. Paul.

**Mr. Hanson:** Thank you, Mr. Speaker. Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bills: Bill 21 and Bill 27. 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, hon. member.

Does the Assembly concur in the report? All those in favour, please say aye.

**Hon. Members:** Aye.

**The Acting Speaker:** Any opposed, please say no. That is carried.  
I see the hon. Member for Calgary-West.

**Mr. Ellis:** Mr. Speaker, thank you very much for recognizing me. I move that the Assembly adjourn until 7:30 this evening.

[Motion carried; the Assembly adjourned at 5:57 p.m.]







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