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The 30th Legislature
Second Session

Alberta Hansard

Tuesday evening, April 20, 2021

Day 100

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, April 20, 2021

[Mr. Milliken in the chair]

Statement by the Speaker

Table Officer Michael Kulicki

The Acting Speaker: Hon. members, before we proceed with tonight's business, I would like to take a moment and introduce to the Assembly a new table officer, Michael Kulicki. Michael was appointed clerk of committees and research services in March but has been with the Assembly in his prior roles of committee clerk, research officer, and senior editor at *Hansard*. Most recently he held the position of legislative editor with the Legislative Counsel office. Michael holds a bachelor's degree and a master's degree, both in political science, from the University of Alberta. Please join me in welcoming Michael to the table.

With that, please be seated.

Government Bills and Orders Second Reading

Bill 63 Police (Street Checks and Carding) Amendment Act, 2021

The Acting Speaker: The hon. Minister of Justice.

Mr. Madu: Thank you, Mr. Speaker. I am pleased to rise to move second reading of Bill 63, the Police (Street Checks and Carding) Amendment Act, 2021.

Mr. Speaker, last November Alberta's government took the historic step to ban the police practice of carding and created new guidelines for law enforcement to conduct lawful street checks, which remain an important intelligence and investigative tool. The bill before us today will go one step further by providing much-needed legal clarification of the difference between the arbitrary, discriminatory practice of carding and street checks, which, when lawfully used, are an important and effective policing tool. This distinction is spelled out in a new proposed section of the Police Act, specifically section 38.1.

To be clear, Mr. Speaker, the amended Police Act would both define carding and forbid its use. At the same time it will give police the statutory authority to collect and retain personal information that is voluntarily provided as a result of a nondetention, nonarrest interaction with a member of the public. The key distinction here is that this information is provided voluntarily by citizens, and citizens are made aware of their rights during an interaction with law enforcement. This is what is often referred to as a street check. Such interactions are very common and have always been a useful practice in law enforcement when used lawfully.

However, there is no legislation specifically permitting street checks or providing guidelines regarding their use. This legislation would provide legal authorization for street checks that the practice previously lacked. It also gives the Lieutenant Governor power to make regulations regarding clear guidelines surrounding the proper use of information gathered during street checks, a requirement for police officer training, a requirement for creating and reviewing street check standards, and an initiative to educate the public on street checks.

Mr. Speaker, this bill recognizes that there is a fundamental power imbalance within every encounter between a police officer

and a member of the public. That is why we must be careful to place limits on police authority and make sure it is wielded responsibly and does not serve mainly to reinforce social inequalities. In short, the justification for performing a street check must never be arbitrary or capricious.

What's more, Mr. Speaker, the information collected during a street check must be handled carefully and with respect for the individual's privacy. Our government worked with the office of the Information and Privacy Commissioner to include a section that would outline how and when this information may be disclosed. As well, by creating a statutory authority for street checks, this bill will make any information gathered during a street check subject to FOIP requests, thereby creating another layer of accountability for law enforcement.

Finally, this bill would amend the Police Act to authorize other regulations pertaining to street checks as needed.

Mr. Speaker, no democratic society can survive without the public's faith and trust in law enforcement. Practices like carding have significantly undermined that trust, particularly in racialized communities. This bill will enhance the relationship between police and racialized Alberta citizens, creating a greater sense of trust and fairness. It also provides clear, reasonable guidelines for a practice that law enforcement officers have often been left to interpret for themselves.

Mr. Speaker, the previous government was unwilling to address this fundamental issue of fairness for Alberta citizens. Unlike the members opposite, who merely offered bromides to racialized communities and refused to ban carding despite pressure from their own NDP-allied special-interest groups and despite protests before the steps of this very Assembly, this government is delivering real change when it comes to policing and addressing the legitimate concerns of racialized Albertans. While the NDP dithered for four years on these important matters, I trust that they will do the right thing and support this very important bill.

Mr. Speaker, with that, I ask that we move second reading of Bill 63.

The Acting Speaker: Thank you, hon. minister.

Are there any members wishing to join debate? I see the hon. Member for Calgary-McCall has risen.

Mr. Sabir: Thank you, Mr. Speaker. I rise to join debate on Bill 63. Let me say that the subject matter of this bill, carding, street checks, interactions of law enforcement with racialized communities: that issue is important to me personally. It's important to many who I represent. More broadly, it's important to racialized communities – black, indigenous, person of colour communities – across this province.

As the minister indicated, the government announced a ban on carding in November of 2020 and provided guidelines to regulate law enforcement and public interactions. At that time in their release they claimed, and I'm pretty much paraphrasing, that carding has been and continues to be illegal. That was written right in their release. I believe that's correct. Even without this legislation carding has been and continues to be illegal. There was no legal authority whatsoever for law enforcement to stop people just arbitrarily. That was offside the law always. Let me say this on record, that on this side of the House what we believe is that carding has been and continues to be illegal even without this piece of legislation, which I will get to.

With respect to interactions between the public and law enforcement, also referred to as street checks, we believe that the government must strike a balance that recognizes the police roles and functions that are needed for the police to be able to do their

duties and balances that need with the rights of citizens to be free from any targeted coercion of the state, any targeting of those individual subjects based on any discriminatory criteria. Both are important functions that are at play.

I think that this bill does not ban carding, one, and this bill falls far short in regulating those interactions of law enforcement and the public in a way that balances the need for police to have powers to investigate and perform their duties with the citizens' rights to be free from any kind of targeting. And I will explain what I'm saying, that this bill doesn't ban carding.

7:40

Let me read from the definitions that the UCP has used in this legislation. With respect to carding, and I quote, they say that is when officers randomly request personal information from a member of the public without reasonable grounds. End quote. That's in the legislation. With respect to street checks, and I quote, interactions or observations that result in an officer collecting personal information. End quote. That includes that this is for the purpose of entering that information into a database for future crime prevention activities. This is a vague description of carding and street checks and actually causes more confusion and blurs the line between what carding is and what street checks are. I do understand that there is no universally agreed upon definition of these terms and that they are defined and understood differently.

But as part of preparation for understanding this bill, I have looked at different reports, and I looked at the report from Ontario, where Justice Tulloch of the Court of Appeal worked for one year on this issue specifically and provided a report called Independent Street Checks Review. In that report Justice Tulloch defines street checks in our court. "A street check is where information is obtained by a police officer concerning an individual, outside of a police station, that is not a part of an investigation." Justice Tulloch defines street check as a broad category where police can seek information and gather intelligence. That basically covers pretty much all interactions between police and members of the public.

Then Justice Tulloch went on to define carding as a "subset of street checks in which a police officer randomly asks an individual to provide identifying information when the individual is not suspected of any crime, nor is there any reason to believe the individual has information about any crime."

These are the two definitions that I found are used in jurisprudence from the Supreme Court as well and in some other reviews of street checks. That's the distinction that's followed in many of the discussions around street checks and carding.

When I look at the definition that this bill uses, in carding it says that an officer is randomly requesting personal information. On street checks it's, again, interaction and observation that results in an officer collecting personal information. There is not a clear distinction between carding and street checks in this piece of legislation, and that is creating huge confusion. Generally as the law stands now, when a member of the public is faced with questioning from a police officer, they have no obligation to provide any information, and they can walk away unless the police officer intends to detain them or arrest them. There is no obligation on any member of the public when faced with questioning from a police officer to answer them. They're free to walk away, but that doesn't stop a police officer from asking those questions or pursuing that information. I doubt many people will be aware or will understand that they have no obligation to provide that information and that they're free to walk away.

What happens is that most people in indigenous communities, black communities, person of colour communities get targeted. They may end up providing information, and that information then

gets into different kinds of databases which don't have proper oversight. You might hear things like: that person was known to police. The person may not have committed anything, but information may have gone into databases just based on these street checks. That creates a record that the person was known to police somehow.

That report is a fairly detailed report. Justice Tulloch consulted with almost 35 law enforcement authorities in Ontario and many different communities and received written submissions, and based on that the recommendation was that carding is nothing more than racial profiling of racialized people and that it should be completely banned. That was the recommendation from that report. If this bill was doing that, I would have supported it, but this bill is not doing that. It's not banning carding completely.

With respect to street checks the same report clearly recognizes that there is a need to strike a balance between protecting individual rights and liberties and recognizing that law enforcement needs to have these interactions to collect information, to gather intelligence for crime prevention and maintaining peace and order. They recognize that function. But that report also clearly says that when a police officer is seeking that information, it shouldn't be just a mere hunch, that you can stop anyone based on who they are or where they happen be. They're required that there needs to be something which is not quite the reasonable, probable ground standard. It's more than a hunch; it's an objective suspicion that can be described of why they're stopping somebody.

The things that have been included with respect to street checks, within the scope of street checks in this piece of legislation are way too broad. It basically says any crime prevention activity. So as it stands now, this bill is essentially legislating the status quo. It doesn't provide any guidance to law enforcement authorities. I would be happy to hear from any member if they can explain what the scope of law enforcement activity will be, the crime prevention activity. It's a broad, broad term.

7:50

While other reviews recognize that police need to have some power to engage in these interactions, they also guard citizens' rights that it shouldn't be based on their hunch. There needs to be reasonable suspicion, objective suspicion. That's not quite the standard of reasonable and probable grounds that you need to detain an arrest, but still there is some protection that needed to be built in in street checks. Otherwise, this legislation does absolutely nothing to ban carding. It does absolutely nothing to regulate the street checks.

Many in the community who I have reached out to have shared these concerns. They have shared these concerns, and I can read some of those quotes from community leaders. Chief Allan Adam, Athabasca Chipewyan First Nation chief, said this, and I quote: "Carding has been the tool of the oppressor used by police forces across North America for too long. It is discriminatory, harmful, and racist, and what's more? It doesn't even work. It doesn't belong in our democracy. Don't be fooled. This isn't an attempt to make life safer for indigenous people. It can only trample on our rights. Anybody who values their rights should vehemently oppose such a draconian measure only meant to grant more power to police forces so they can harass you. Literally nobody is asking for this. We need real solutions to crime prevention, not Republican-style bullying and intimidation." End quote.

Then, Irfan Chaudhry, a professor at MacEwan University, said that the bill has the potential to legislate racial profiling. He questions: would Albertans be victim to further checks because they have been street checked in the past? Then he goes on to say: for me the biggest question is how this data will be used in a way that

does not further embed systemic bias and discrimination within our province.

Imam Syed Soharwardy with Al Madinah Calgary Islamic Assembly agreed that the bill will legitimize racial profiling. He said that it's carding again, that racism is getting legalized with this bill.

Vanesa Ortiz, secretary for the Association of Mexicans in Calgary: what if the bill fails to address the issue of discrimination during the practice of street checks and carding with excuses and loopholes? I quote: "Racialized Latino communities in Alberta carry the burden of racial profiling and discrimination on a daily basis. We know this because we live it every day. Although Bill 63 intends to reduce these disparities in the administration of justice, it fails to do so. Bill 63 must be clear and honest. Carding practices must come to an end. This is long overdue. All families deserve the right to live in peace and without fear in their own communities. We will continue to stand up against policy that strengthens and perpetuates institutional racism."

Rishi Nagar, a radio host in Calgary and also a member of Calgary Police Service Anti-Racism Action Committee and anti-racism committee for the city of Calgary, said, and I quote: "My community and my colleagues are very concerned over the way this bill is presented. Anti-racism requires bold steps, not half measures. Many racialized Albertans experience disproportionate policing on a daily basis and have called for an end to the practice of carding. Unfortunately, Bill 63 fails to do that and places vulnerable Albertans at greater risk."

Another person, Amira Shousha, Alberta regional team lead for the National Council of Canadian Muslims, said that her organization is deeply concerned about the ability of police to gather and detain information under the banners of crime prevention. I quote: "In other words it might be okay to card my friend and I and to retain that information under crime prevention activities. That's not progress; that's exactly the problem with carding and street checks in the first place."

These are some of the community leaders who have raised concerns with respect to this legislation and how it's not clear in differentiating between carding and street checks. They have also identified many loopholes, for instance, with respect to collection of information: what information can be collected, its storage, how long it will be stored, who will be supervising it, whether there will be race-based data. If we look at Justice Tulloch's report, he specifically provided for categories, that information with respect to street checks should be published and available publicly, not through FOIP requests as the minister is suggesting, on who is stopped. And categories should include indigenous, black, person of colour communities. Similarly, there needs to be data audits and annual reports, and Albertans should have access to this information as a right, not through a complicated FOIP process.

These things clearly need to be included in this bill to make it work, to, I guess, implement what you have described. If you want to ban carding, this bill needs to be amended at committee stage. I will be bringing forward amendments, and I hope that you will consider these amendments thoroughly. I don't think it's a partisan issue for me. It's something that deeply affects me and the communities I represent.

Thank you, Mr. Speaker, and thank you, Minister.

The Acting Speaker: Thank you, hon. member.

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

Mr. Rutherford: Thank you, Mr. Speaker. I want to thank the Minister of Justice for bringing forward this bill. I think it's

extremely important that we not only have this conversation but that the practice of carding is banned. I want to say that I did 10 years with the Edmonton Police Service. I was never taught to card anybody. It was never condoned, and it was not something that I believe any of my supervisors would have allowed to happen. It is a completely useless process to randomly stop people and to request information from them on the basis that simply they were just there. It should not happen.

The information obtained from that, like I said, provides – there's no investigative tool that you would get from that, and it also breaks down the relationship between communities and law enforcement. Really, law enforcement is only going to work well when the community not only trusts the police department and the constables and the sergeants and the detectives that are in their communities but are willing to work with them. That is an important relationship to maintain and to build off of. I think it's important that law enforcement as a whole hears the concerns of the communities that they are policing and works to build better relationships and bridges with them so that there is an understanding not only of what law enforcement is allowed to do but also what citizens' rights are.

As I go through this bill, I think that the minister should be applauded for banning carding, to take that step, to indicate to all officers in this province that it is not acceptable and that there are going to be consequences for doing it.

The Member for Calgary-McCall brought up racial profiling and that this might still allow racial profiling to happen. That should never happen. Any officer engaging in that should be disciplined or just removed because it is not a practice that should be condoned or accepted in any way. I don't see, when I read through this bill, that that is what it does, that it allows for, you know, a backdoor way of still having the practice of carding. Again, the information obtained: if you recorded it, there would be no opportunity to ever use it.

When it comes to street checks, I don't know if there's an impression that a street check only develops from an interaction that a police officer arbitrarily starts. A street check report is an opportunity to take a very quick piece of information. It could be in conjunction with a file that you've written on something else, something that you wanted to highlight really quickly about an individual. You could have arrested them and written a street check report because it's just a briefer piece of information. It could be from a traffic stop under the TSA, and you have produced a street check report from that. There are lots of different reasons that you would create a street check report. Sometimes it might be just listing who you could turn to if you come across a youth in trouble. Who's the parent that you might phone, or who's a guardian that you might phone? You have that snippet of information. So I think the title of it implies that it has one purpose. It's actually broader in the experience that I have as well.

8:00

Most interactions that police have with the public, I think, not only initiate from traffic-related matters but mostly 911 calls and non emergency line calls. The people that you end up dealing with are just the folks that happen to be at the scene that a citizen had been concerned about, however that plays out, and it does. But it doesn't mean the officer had initiated an interaction with somebody arbitrarily. That could still lead to a street check report as well.

I just wanted to highlight a couple of those things. I think it's important that there's training that goes with this. I think that's listed out as to how a street check report can be done, what the expectations are. I think that it's really key that officers understand. I do street check reports in warrants, so judges have accepted them under a practice that really had no regulations or parameters around

it. It offers, I think, clarification that is important so that the police know when to use it, how to use it, what the expectations are.

How it is going to be watched or audited is important as well. Street check reports that continuously show a certain behaviour could probably lead you to officers who are not using it properly. That information to be looked at and reviewed I think is important as well. Hopefully, that would lead to – if it's being used simply randomly or through racially profiling people, then it should lead to discipline or removal of the officer, frankly, because they are just not representing law enforcement properly or the community properly either.

A couple of the other things in my experience. I think the Member for Calgary-McCall brought this up as well. Objective suspicion I think he phrased it as. I think you do need a reason to start a street check report. It should be listed out in the street check. I think the legislation touches on that as well, what the reason was. Making sure that the person that you're dealing with understands what their rights are is important as well so that they have the option to leave if they so choose. You can get into aspects of psychological detention. If you're blocking the path of somebody trying to leave, they are now detained, and their Charter of Rights kicks in, and they have to be informed of their Charter of Rights. If you're not starting these processes properly, judges will never accept it, or the Crown prosecution services won't accept it either. You have to be lawfully placed at all times. You have to be interacting with people fairly and lawfully for anything else afterwards to be justifiable. You always have to have that sequence of events, because if you don't have it, then you're liable yourself. Now you're doing something that is unlawful, and it should be stopped as well.

I'm hoping that from this conversation as a whole we make it very clear to law enforcement that carding has to stop and should never be done and that the communities across Alberta understand that as well and that they understand their rights. Those relationships can be worked on, they can be built, and that trust can be regained where it has been lost. I don't know everybody's background or everybody's stories of interactions with law enforcement. I worked in two divisions in Edmonton for 10 years. I worked in a small portion of the province from 2008 to, well, April – was it? – of 2019. I have my window that I was a police officer and my training, but I'm not going to try to speak to somebody else's experience that it never happened or doesn't happen. I'm not trying to go down that path at all. I can only speak for myself and how I view it.

The parameters around street checks are going to be important as well. I know this came up when I was still a police officer, several years before I ended up resigning and becoming an MLA. The parameters are absolutely necessary because it'll give confidence to people to understand why that information is collected, what is being done with it. Also, I think it will help police officers learn from us and the direction from the minister, through this bill and the regulations, what those expectations are, what the minister's expectations are for law enforcement in working with the public. I still frequently talk to my colleagues in law enforcement. They are happy with the minister's performance and support to date. I know the minister has great appreciation for law enforcement, but that doesn't mean that he can't set the parameters and expectations for them. That is crucial, to know what those parameters are and what the expectations are so that we're able to, you know, work together.

Crime prevention is important. You're going to come across pieces of information that fit nowhere else but a street check because it's a short observation. You want to record it somewhere so that maybe some crime analyst might read it. I think the vast majority of street checks get looked at the next morning by the crime analyst, and they are never looked at again. It's just gone

because the volume of information coming in is so high. I think the Edmonton police probably cover about 350,000 files a year. There are a lot of interactions with the public. There is a place for street checks and reminding people that that title means a lot more than just interaction on the street. There are pieces of information that can be gathered and separated from longer files that could be quite useful in other investigations.

I appreciate the time, Mr. Speaker, and I look forward to further debate on this bill.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available, and I see the hon. Member for Cardston-Siksika has risen.

Mr. Schow: Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak briefly under 29(2)(a) and respond to my friend and colleague the hon. – and I truly mean honourable – Member for Leduc-Beaumont. I did speak yesterday on his bill regarding the reservists remembrance day, and I'm also grateful for his service on the police force.

I do want to make a couple of points, and hopefully he can respond to maybe one or two of them. The first point is that as a government it is not possible to legislate or regulate away discrimination and racism. That comes with education, and it begins with the family. It begins with teaching our children and our grandchildren correct principles, letting them govern themselves. As a government it is incumbent upon us to do what we can to help continue to educate and put in policies that might try to stop, wherever possible, situations that might perpetuate an issue of discrimination or racism.

While I understand that the Member for Calgary-McCall has concerns with this bill, I do take issue with the insinuation, or at least the perceived insinuation, that this bill will actually make things worse in the streets. Mr. Speaker, that is so far from the truth. I am grateful that we've heard from two lawyers this evening, and now we've heard from a former member of the Edmonton police force, certainly two different perspectives on this issue and, in fact, three if you want to count going back and forth across the aisle.

What this really is about, I think, Mr. Speaker, is sending a signal that the government is committed to continuing on creating or fostering an environment of inclusion and building relationships with the communities that are policed across this province. That is something, I would hope, that maybe the member could talk a little bit about, the banning of the practice of carding and the difference between that and street checks and how, really, what's most important here is building the relationships between our communities and the police force. Maybe he could even share some experiences from his own personal time on the police force about how he worked to build and foster these relationships of trust with members of various ethnic communities.

The Acting Speaker: The hon. Member for Leduc-Beaumont, with about two and a half minutes remaining.

Mr. Rutherford: Thank you, Mr. Speaker. To touch on a few points from my friend from Cardston-Siksika – thank you – you know, I think that the vast majority of police officers have very high ethics and morals and are really guided by those and probably don't need a lot of parameters to know that racial profiling and carding are wrong, but there is a segment of it that needs to be explicitly put out there. We need to work through education and training, which was brought up, but also supervision and auditing the work and reviewing the work that comes in to look for patterns and to take the complaints of citizens seriously – I think that law enforcement does take those complaints seriously – and to make sure that you

can take the complaint, match it up to the parameters that are expected, and then make the proper course correction, the proper training, or whatever the discipline may be, if needed, in that.

8:10

But I'd like to just sort of touch on that aspect of expectations and making sure that officers know what is expected of them when they're out on the street so that when they collect that information, they know that it is for a purpose, that it would have some use later on if needed. If randomly collected, it will mean nothing. The only thing it will have done is damaged a relationship with somebody in the community. That is somebody that you may rely on later on as a witness, but they won't trust you, so they might not come forward and help you out.

When I policed, I would always try to have really positive and respectful interactions with people, build relationships. One of the things I tried to keep in mind and that they taught us in training was to remember that the impression you leave that person with is how they're going to interact with the next officer they talk to. So you try to keep it as positive as you can, as respectful as you can. There are things that you have to do in law enforcement sometimes that some people just don't agree with. You know, that's just the reality of investigations and arresting and detention. But, for the most part, you could have positive interactions with people frequently throughout the day, and that's something important to remember, Mr. Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any other members? I see the hon. Associate Minister of Mental Health and Addictions has risen.

Mr. Luan: Thank you, Mr. Speaker. I am very much inspired by the debate on this subject, particularly when I hear colleagues from the law profession to the police and others contributing to this. I want to make a couple of points here.

Number one, I applaud the Minister of Justice and Solicitor General for making tangible contributions, through this bill, to banning carding and also putting in some parameters in terms of street checking, having criteria and turning that into intentional, professional information gathering with a purpose and having clearly defined what the prohibited grounds are for not doing that randomly. So, Mr. Speaker, I want to congratulate the minister on taking this issue and moving forward.

I am surprised that the opposition considers such a move as negative, because they are the ones that have been on many occasions talking about fighting against discrimination, racism still on the force. But when we have tangible outcomes like this moving the needle forward and they don't stand up in the House to support that and having various other excuses for saying no to this, to me it is a deep disappointment.

Let me spend a couple of seconds to share my personal experience with carding and racial profiling myself. As a person from an ethnic cultural community myself, years ago, when I was a student attending the University of Calgary as a foreign student at the time, I was stopped by police. I remember I was so confused. I felt so much injustice. Like, why do you pick on me without any reason other than that I appear to be Chinese? The only reason they said was: we're just doing a random check. At the time I didn't understand what the practice was there. I was still trying to learn Canadian ways of living and so on and so forth.

But let me tell you that from that moment it has been a question that never rested well in me in terms of why they picked me to question simply because of my appearance. So when I see our hon. minister championing this and with my colleagues making tangible

changes on this, I can tell you, from people I associate with, the Chinese community, that they applaud this. They applaud this as a tangible government effort to make antiracism real, to make tangible changes in the field so that through education, through collective awareness we raise the bar higher. So I cannot help but stand up to say that I support this bill. I support our government's direction on this, and I am calling upon the opposition to drop their political, partisan games here. Support the right movement. It is the right thing to do.

Also, if I may have the opportunity to invite my colleague the Minister of Justice and Solicitor General, who I know is another community leader, in the black community, to speak about what he heard from asking the cultural community he lives in whether they support this or not. I firmly believe that this is the right thing to do.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you, hon. associate minister.

Standing Order 29(2)(a) is available should there be any questions or comments.

Seeing none, are there any members looking to join debate? I see the hon. Member for Spruce Grove-Stony Plain has risen.

Mr. Turton: Yes. Thank you, Mr. Speaker. An absolute pleasure to rise today to speak on Bill 63, the Police (Street Checks and Carding) Amendment Act, 2021. First of all, I just want to thank the Minister of Justice and Solicitor General for his hard work on police reform, which we see in this bill and in previous legislation and policy decisions. Before I continue, I also just want to commend the Member for Leduc-Beaumont for his heartfelt service and his speech. Obviously, he brings a lot of experience to this, and I'm thankful that he shared and participated in the debate on this important issue. His riding of Leduc-Beaumont is very similar to Spruce Grove and Stony Plain, in which issues involving crime are important to our constituents. Though I represent a young riding, with many young families that want their homes to be secure and children to be safe from crime and violence, we also want our children to be able to walk and go about their day without the fear of randomly being pulled over by law enforcement for no reason.

Randomly being stopped by police is called carding, and that disproportionately affects indigenous Canadians and visible minorities, specifically First Nations communities. With Paul band First Nation and Enoch and Alexis I know in the past there have been cases where this has happened. Now, this has been an issue for some time and has gained the spotlight across the world over the past year as thousands have stood up against police brutality and racial inequality. Mr. Speaker, carding has no place in this province.

Now, I'm a strong supporter of our police forces, and I know countless women and men in uniform that strive for fairness and equality in their daily work, but there could be some bad apples. Those bad apples may try to disproportionately stop indigenous Canadians and visible minorities for no reason, and, quite frankly, that is unacceptable. So I'm happy to see that Alberta has ended carding. I think that this is a great step for our province, where 23.5 per cent of the population is a visible minority and 6.5 per cent is indigenous as per the 2016 Canadian census.

With that being said, there may be some residents that think this change may result in higher crimes. No, I disagree with that. But I think that view highlights the lack of knowledge between carding and street checks. Carding is when an officer randomly and arbitrarily requests personal information from a member of the public without reasonable grounds whereas street checks are interactions or observations that result in an officer collecting personal and/or identifying information and entering it into a database for future use. Street checks can be a very useful tool for

law enforcement investigations if it is done properly and with sufficient oversight.

I'm happy to see, Mr. Speaker, that Bill 63 will formalize the ban on carding within legislation by amending the Police Act to provide clear and legislative definitions of carding and street checks. Bill 63 will also enable the Lieutenant Governor in Council to make regulations on street checks, and such regulations would provide clear guidelines regarding what circumstances are required for street checks to be conducted, how information obtained through street checks may be used and retained, and police officer training on street checks and public education. This bill also requires that the information acquired during a street check must be disclosed to a public or government body to monitor the practice of street checks for review and reporting requirements.

Now, it's important to note that if this bill is passed, the legislation will only apply to situations where a police officer has no other authority, responsibility, or duty to collect, record, retain, store, use, or disclose information from a member of the public. There are already situations where the police are granted certain powers in their interactions with the public through provincial and federal legislation such as the transportation safety act, the Mental Health Act, the Emergency Management Act, or the Criminal Code. This legislation does not apply to interactions between the police and the public that are not principally related to law enforcement such as community initiatives like giving talks at community meetings, participating in parades, or even coaching local sports teams.

8:20

Now, there will be some fear that this legislation will target indigenous Canadians or visible minorities, but that is not the case when street checks are done properly, and this legislation ensures that. This legislation will ensure that the data collected through a street check must be provided voluntarily and that the law enforcement officer must notify citizens of their rights before a street check occurs and that any information that the citizen provides must be offered voluntarily.

Mr. Speaker, I think that Bill 63, Police (Street Checks and Carding) Amendment Act, 2021, is a fantastic step towards police reform. My only regret is that this bill didn't come earlier. Alas, obviously it was not a priority of the previous government, but for this government it is. There is still work to be done on healing the divisions between law enforcement and various groups, and I am proud of the work our government has done over the last two years to strengthen the relationship between law enforcement, First Nations communities, visible minorities, and recent immigrants. I hope that this legislation will help indigenous and visible minority communities to continue to develop trust in the law enforcement officers that keep their communities safe. Trust between law enforcement and the public is crucial for our communities and our province to stay united during our daily lives when times can get tough.

Bill 63 is a fantastic step forward for our province, and I encourage every member of this House, especially those who want progressive police reform, to vote in favour of this bill.

Thank you.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available for questions or comments.

Seeing none, are there any members wishing to join debate? The hon. Minister of Justice and Solicitor General to close debate.

Mr. Madu: Thank you, Mr. Speaker. I do want to thank members of this Assembly who have taken the time to speak on this very

important bill. You know, I do want to thank the Member for Leduc-Beaumont for his service to our province in his capacity as a member of law enforcement. I do want to thank all of my colleagues that have contributed to this debate.

You know, Mr. Speaker, we as Albertans believe that anyone who calls our province home has every right to live their lives in dignity and achieve their full potential. As someone myself who comes from the very community that has agonized over carding, I can tell you the level of happiness, the joy in that community, the appreciation to this government for having the political courage to not just put procedures in place to ban carding but to put that in a statute, something that no government in this country has tried.

Mr. Speaker, for two years the members of the black community, between 2016 and 2018, came to this Assembly and pleaded with the then government to ban this particular practice. That community, from my interactions with them across our province, you know, as we continue our review of the Police Act – between February and now we have consulted or held more than 20 engagement sessions with different community associations across this particular province. I can't tell you how thankful that they have been with putting forward this particular bill.

There are times when we must play politics, and I get that. There are also times when we must rise above petty politics, and this is one of those instances. My hope is that all members of this Assembly will come together to ensure that we take that important step to build a society in which all of us, regardless of where we come from, can feel respected.

To the members of law enforcement, let me thank them for their support. Let me thank them for their extraordinary work. You know, Mr. Speaker, there is no greater responsibility than to keep our people safe, and the men and women of law enforcement bear that particular brunt. While many of us sit peacefully, quietly on our bed at night, members from that community patrol our streets across our province, making sure that our people and communities are safe.

Let me, through you, assure them that so long as I have the honour of being the Minister of Justice, they will always have my support. But that support also comes with a huge responsibility. I call it the burden of leadership. They understand that we cannot afford to soil the relationship between them and our community. That is why I am proud to say that throughout this particular process, I've had their absolute support. It's been an absolute pleasure to work with them to make sure that this is a reality.

With that, Mr. Speaker, I close debate.

The Acting Speaker: Thank you, hon. minister.

[Motion carried; Bill 63 read a second time]

Bill 66

Public Health Amendment Act, 2021

Ms Gray moved that the motion for second reading of Bill 66, Public Health Amendment Act, 2021, be amended by deleting all of the words after "that" and substituting the following:

Bill 66, Public Health Amendment Act, 2021, be not now read a second time because the Assembly is of the view that due to the COVID-19 pandemic there has not been sufficient public consultation on the proposed legislative amendments.

[Debate adjourned on the amendment April 14]

The Acting Speaker: Hon. members, I believe we are on reasoned amendment 1, RA1. I see the hon. Member for Edmonton-Glenora has risen to debate.

Ms Hoffman: Thank you very much, Mr. Speaker and to my colleagues, for the opportunity to engage in tonight's debate of Bill 66, which, of course, is the Public Health Amendment Act, 2021. It's interesting because we, of course, dealt with a health statutes amendment act last year at the same time. This is essentially the second time in the current sitting of this Legislature – of course, we didn't prorogue – that we're considering amendments to the same bill.

Again, to sort of recap how we got here, last year at this time the government very swiftly and forcefully pushed Bill 10 through this place, through the House, to address what they said were pressing public health concerns, that it was important that they moved forward with these sweeping, overarching breaches of many people's confidence and trust in what the government was doing when it came to accessing information and also some Henry VIII clauses that were put into the legislation. At the time the Official Opposition raised a number of issues, but the government decided to forge ahead. Then there were court cases, and the court cases were interesting because there were sort of people with varied perspectives upset at the government for similar things as it related to the legislation.

The government then decided to strike a committee, that I had the opportunity to sit on with some of my colleagues, who are here, of course, tonight, to discuss recommendations on how to move forward with the legislation. That was struck late spring, early summer, I believe, by the Premier, and then, of course, the respective caucuses put forward their members. We were very keen to get to work very quickly. I think the Premier gave about a four-month turnaround from when the committee was struck to when we had to bring forward recommendations.

I will tell you that my colleagues and I showed up at the first meeting raring to go, ready. We had a list of folks that we wanted to see called to come to the committee to help us get to work and move very quickly but also very fulsomely and productively through the legislation to be able to bring forward something that we thought would serve the people of Alberta well during the current public health crisis but also if there were future ones as well. We know that we've had to use this legislation more than once, not just always around contagious illnesses, like the one we're dealing with today around COVID-19 and the subsequent variants, but also to make sure that if we have other public health emergencies – for example, the evacuation of a community and the safe return to that community, with the not so distant example of Fort McMurray wildfire just a few years ago – we have the best legislation to support us in that work.

8:30

The government stalled and dithered and found many reasons why we went over a month in that very short four-month time period without an actual meeting. When we said that we wanted to bring forward the following witnesses at the first meeting, they said: this isn't the time to do that. When we said it at the second meeting, they said: this isn't the time to do that. When we did at the third meeting, they said: there isn't time for us to do that. I have to say that it is infuriating when you show up to work, you're being proactive, and we have members of the government caucus say, like, "When we're in Edmonton, we expect to work," but then fail to do what most people would expect with that opportunity we had.

Back in July last year we sought the attendance of the Premier, the Minister of Health, the Minister of Justice, the minister of labour, the JBS Canada president, Cargill chairman, Revera president, Retirement Concepts CEO, and Extencicare CEO. Part of why we wanted to have this opportunity to engage with these senior leaders in our province was to make sure that before this

legislation came back, it was going to have kind of positive improvements to the legislation, not just getting rid of the really awful stuff that was super overreaching and brought in by the government in the spring, not just to reverse the bad stuff but actually to do some good stuff. Legislation is an opportunity to make sure that our laws are here, that they're effective, and that they're serving us today and into the future.

When we put forward these recommendations for the following folks to come and give us information to bring forward our best work and the government flat out said no, it was incredibly frustrating. However, we persisted. We recommended additional opportunities to engage with Albertans, including an opportunity to go to the communities of High River and Brooks, which were sites at that time of the two largest COVID-19 outbreaks in our province. Of course, the impacts of those were deadly, impacting workers and family members of workers to the point where some even died as a consequence of acquiring COVID-19.

We proposed that we go to those communities as well as the communities where each of the medical zones have their primary staff complement. So for south zone, Medicine Hat; for Calgary zone, Calgary, obviously; for central, Red Deer; for Edmonton zone, Edmonton; and then for the north, Grande Prairie. This would have enabled us to actually engage with folks who are doing the important work of addressing public health crisis in communities, hearing the voices of those who were directly impacted and being able to report back to this House with a piece of legislation that we could all be proud of, having not just undone some of the really awful stuff but actually proposing some really good stuff. But the government said no again.

So we decided: "All right; let's forge forward. Let's try to come up with other opportunities to engage." We proposed the same folks as we'd asked for previously, with the addition of senior leadership from the health and seniors advocates, senior leadership from Alberta Health Services, the chief medical officer. They did allow us to have the chief medical officer come and attend once, even though during that meeting, when we asked whether the CMOH would be open to coming again and the answer was an overwhelming yes, the government members decided to shut that down and prevent us from having opportunities to learn directly from Alberta's chief medical officer of health.

We also recommended that we hear from the Deputy Minister of Executive Council and secretary to cabinet, the associate deputy minister of Executive Council and deputy minister of operations. You want to talk about crossgovernment integration, responding to a public health crisis, and the impacts of a global pandemic on our province. This was absolutely, I would say, the perfect opportunity for us to talk about departments not working in silos and the opportunities for government to come together and serve the people in an effective, efficient, and focused way, but the government said no.

We also recommended the executive director and general council at the Canadian Civil Liberties Association. That one, I believe, was a yes. The deputy minister of labour: of course, the government said no. The Deputy Minister of Justice: the government said no. The JBS, Cargill, Revera, Retirement Concepts, Extencicare: the government said no. We also thought it was important to hear from workers who were impacted. UFCW local 401: the government said no. Alberta Union of Provincial Employees: the government said no.

Health sciences association – when you think about all the people working in labs across the province who were doing incredible work and still are to make sure that we have the information that we need to protect ourselves, protect one another, and make informed decisions, why they wouldn't want those lab workers to come and

give testimony on how the Public Health Act could be improved, why they wouldn't want paramedics who are working on the front lines at that time and still to this day, going into many precarious situations where they don't know if the patients they'll be working with in very close quarters in the back of an ambulance, how their health conditions could impact theirs, if those patients have COVID, what's being done to make sure that they're safe and so are the people who are treating them – the government said no. No to the Health Sciences Association of Alberta. No to the Canadian Union of Public Employees. No to the United Nurses of Alberta. No to the Friends of Medicare. No to virtually all of the stakeholders we recommended other than two.

I would say that the government in this bill has made it very clear that they didn't want to hear from Albertans and that they didn't want to hear from folks who were directly impacted by COVID-19 and find a way to make sure that this legislation could stand the test of time and that it would be beneficial for the people of Alberta, not just undo the terrible parts that the government had worked to ram through so quickly. The justification for this motion is that we don't believe that there has been sufficient public consultation.

This shouldn't come as a surprise to the government because we've been calling on them to include more public consultation back since July of last year. There has definitely been ample opportunity. If the government didn't want to go on the road, if the government didn't want us to come to their ridings, if the government wanted to keep coming to Edmonton instead of having members go to a variety of communities around the province, at least we could've set up virtual opportunities for folks in these regions with this expertise to be able to engage with us, but the government said no. Over and over and over again we gave a variety of different opportunities for the government to lead with compassion, lead with a desire to learn, take off the blinders, take out the earplugs, and welcome people to the table, welcome people to engage in the province's public health legislation to make sure that we have a bill that can stand the test of time.

We are living through, right now, one of the greatest tests of the Public Health Act in the history of our province, so why wouldn't we take this opportunity to learn from the expertise that is available to us throughout the province? The government might say: well, we need to quickly get this done because we need to undo the bad stuff that we did when we passed Bill 10. Fair. Yes. Absolutely, you shouldn't have done that bad stuff, but it was done. Now we actually have an opportunity to do something good. I feel like we've been begging government members, UCP members of the government caucus, to step up and amplify the voices of experts in their communities, amplify voices of people with lived experiences in the health care system, hear from operators who were running facilities that had massive outbreaks what government could have done to prevent that from happening, what government could be doing today to prevent the massive numbers that we're seeing in the third wave.

8:40

Yesterday when we saw the numbers of cases – I think it was about 1,400 again, with a positivity rate that is the highest positivity rate we've had at all during COVID-19 – the metrics of how this government has responded in the first, in the second, and now in the third wave: we definitely haven't met the test of improved effectiveness and improved outcomes for the people of Alberta when you look at the positivity rates, when you look at the impacts on families, and when you look at the fact that people are continuing to die and to have long-term negative health impacts as a consequence of us, the Assembly, this legislation, and the people who are entrusted to lead it, the current government, failing to

actually act in a way that protected the lives of the citizens we're here to fight for and to make sure that we're finding ways to improve and protect their lives.

The government had an opportunity through this amendment. Let's give it, you know – what is this? Attempt six, probably, to try to get more rich feedback from the people of this province instead of continuing to sit in this Chamber with metaphorical or literal blinders and earplugs when it comes to what we can be doing to be collaborative and to create a better Public Health Act, one that will serve all of us through the remainder of this COVID-19 pandemic but also as we prepare for any other future needs with regard to the Health Act.

The Acting Speaker: Standing Order 29(2)(a) is available, and I see the hon. Member for Edmonton-Rutherford has risen.

Mr. Feehan: Thank you, Mr. Speaker. I just wanted to take a moment to react to some of the comments made by the previous speaker, the MLA for Edmonton-Glenora, and, hopefully, to get her to say a little bit more. She certainly has a very deep grasp of the efforts that have been made to improve this legislation through the committee process. You know, I was a bit saddened to hear about the very long list of people that were recommended to be asked to come into the committee to provide some advice and to learn, of course, that in every single case the current UCP government denied the opposition members the opportunity to bring people in, to have that conversation, particularly on a bill where it is patently clear that the government has already erred in their construction of this bill.

The very point of why we are here today is to correct the failure of this government in their first attempt to bring it into this House, and here they are again not taking the time to get it right. I'm very concerned about that, and I guess I just would hope that the Member for Edmonton-Glenora might take a few moments to tell us a little bit about some of the things that would have been asked or, hopefully, would have been heard from the people who came into the committee and what kind of things may have resulted from that kind of deep community conversation and led us to a place where we would have a better bill. I would ask the Member for Edmonton-Glenora to kind of walk us through a little bit more about what opportunities we're missing by having this government act in such an intransigent way.

The Acting Speaker: Thank you.

The hon. Member for Edmonton-Glenora, with about two minutes and 50 seconds on 29(2)(a).

Ms Hoffman: Thank you very much, and thank you to my colleague for the question. It gave me a chance to look at the names of some of the folks who provided written submissions. There were just four organizations who were invited to give oral presentations, and I'm trying to count up the names very quickly. I think there are 40 in each column, four columns per page, and about five pages. We're looking at hundreds of names representing written submissions that people made to our committee. I can tell you what some of the content was in those submissions, but I can't tell you what they would have said if they were invited to actually be there in person because we didn't even give them that opportunity.

These are people who, I will remind you, were in the middle of a massive public health crisis, and hundreds of people took the time to write to these committee members, to write to their local MLAs to express their desire to make this bill better, their willingness to step up and work in a supportive way to make sure that the legislation we had was going to be positive and productive.

Most of these are individuals, but there are also some organizations in here, like the College of Alberta Psychologists. I have to say that I think we could have benefited significantly if almost a year ago we would have taken the time to listen to the regulatory college that represents psychologists. I think that there are a lot of opportunities that we could have taken to find ways to support the work of psychologists and the work of Albertans in responding to this public health crisis and the impacts it's had on families.

There was also the Alberta Public Health Association, another group that this government said no to. This time they were putting their hand up wanting to extend the opportunity for collaboration as well through their written submission. I'm sure that they probably would have taken the time to come and engage with us as a committee if we would have simply said yes to the massive number of Albertans and Alberta organizations that wanted to step up and make sure that they made this bill better.

Again, mostly individuals. There are just pages and pages of names, and there was a summary document of some of the themes that were heard through the correspondence as well.

But actually bringing people together in a room, engaging with the members who are entrusted to represent the people of Alberta, and to work to fix the mess that this government rammed through last year would have been beneficial.

The Acting Speaker: Thank you, hon. members.

Are there any other members looking to join debate on RA1? I see the hon. Member for Calgary-Buffalo has risen.

Member Ceci: Thank you, Mr. Speaker, for recognizing me and for giving me the opportunity to speak to this referral. I want to say that I think it's probably in the interest of us to make sure we get this right as we know that Bill 10, which was the source of, I guess you could say, Bill 66, or the reason that Bill 66 is before us, didn't get it right. It was rushed through this House and not because the opposition didn't make a number, several recommendation on how to improve that bill, but none of those amendments that we put forward in the last iteration of this Public Health Amendment Act were supported.

I can also tell you that I wasn't a member of the select special committee that my colleague from Edmonton-Glenora was so capably reviewing the work of and the work that wasn't done, more particularly. That's the point that I would like to spend some time talking about, that the work of consulting Albertans was a missed opportunity with regard to that select special committee.

As I probably said the last time I stood up to debate this bill, I am on the Resource Stewardship Committee. We have looked at two initiatives. One is the citizen initiative and the other is recall legislation. My experience very much mirrors my colleague from Edmonton-Glenora, where the desire of the opposition members of that committee was to hear from many stakeholders and to glean their important learnings, their understanding, their direct experience and knowledge. In most cases, almost all cases, the members of government on that committee shut down that effort. It seems that they, the majority government members on the committee I was on, wrote a report that we submitted a minority report to.

8:50

In this case, where the select special committee met and made recommendations, I can tell you that the words of the opposition members on that committee were not something that would be a good report card – I'll maybe put it that way – words like “the anemic recommendations ultimately adopted by the UCP

dominated Committee in the Final Report.” That's not something that's overly – well, it's not positive. It kind of speaks to what Bill 66 is. It says – and I'll just reference it again – that “the anemic recommendations” that the select special committee came up with are built into Bill 66.

I don't think the job of consultation that was done – I heard a number of people that were not heard at the committee. They were not engaged with in any way at the committee, so we didn't learn from their testimony any of the knowledge they have as experts or people with direct experience. That's a missed opportunity. It's not good. It's not really doing the work, getting the work done that needs to happen to make sure that Albertans are best served by the legislation brought forward to them through this House.

I want to also paraphrase another comment made in the minority report of the opposition members of that select special committee. I can paraphrase it by saying that they felt that there was a failing to truly consider submissions from the public and a failing to hold meetings to discuss their proposals. My colleague, again, pointed out that this committee would have been better served to go to those places where there has been significant human tragedy in some cases, human suffering, namely places like Cargill, where we know that the actions of government were too slow in addressing the health needs of people working at that plant and their loved ones as a result of infections taking place.

This reasoned amendment gives the government members here and government members generally the opportunity to make sure we get this right, and we haven't got it right yet. Bill 66 is a do over to try and get things right as a result of all of the public backlash and lawsuits and other things that were brought forward when people actually saw the rushed, botched job that was done by government and led by the Minister of Health at the very front end of the pandemic, which now is over a year in this province.

Mr. Speaker, we have no greater role than to make sure that we are enabling legislation through this House that'll protect the lives of Albertans, and that is what select special committees are supposed to do. They're supposed to garner information to best serve in the development of legislation, and what we saw as a result of, I guess you could say, the partisan decisions that government members brought to that stage is a less than stellar report and, as was my observation earlier, an anemic report, with recommendations that suggest that the funds that were used to put together the report – through all of the staff, the lawyers involved, the people who were involved in drafting, the work of the committee support staff – were largely wasted because of the report that was brought forward and the recommendations from it.

I want to just underline that when the government and opposition work in lockstep with each other, when they put aside all of their differences, I think some pretty incredible things have taken place in this Legislature, even during my time here, work that we can all be proud of. As it exists today, the report in terms of the legislation, in terms of Bill 66, is not something that I think Albertans will see with great, you know, admiration in future years. I know that it recommends or it changes two specific things, and that's a good thing, but really we put forward a number of recommendations over the time to this bill that would improve it.

This reasoned amendment gives us the opportunity to go back and look at all of the recommendations, not only the ones that are in the select special committee report but other ones that this opposition has made with regard to the independence of the chief medical officer of health and whether those would better serve Albertans in pandemiclike situations in the future. I think that it's not a totally novel idea, Mr. Speaker. There are examples where that exists in this country, and to do that, to have an opportunity to

review that again would be something, as I said, that would better protect the lives of Albertans.

I'd like to just underline that hearing directly from Albertans, those with direct experience, those with knowledge and who are experts, as a result of this RA1, would certainly be something that would be useful. You know, this whole issue is so significant for this province in terms of the pandemic. We have to – we have to – take the opportunities with each other to make sure that we are doing the utmost to ensure that Albertans are supported, protected, and have everything they need to weather this pandemic that is wreaking havoc not only on people's personal physical health but on their emotional and economic health.

Mr. Speaker, I don't want to spend any longer than what I've said in terms of knowing that RA1 is, I think, a useful time out for all of us to take some time, work together, look at the information again and what was missed and to go back and fill that in and then bring it forward in light of Bill 66 and do something that we can all know will stand the test of time instead of – Bill 66 is here, obviously, because Bill 10 was such a bad bill. We need to be able to do better on our first efforts with regard to legislation in this province and not just treat it as, "You know, we made a mistake here; we'll bring something back; we'll fix it" and iterate and iterate and iterate when we've got the pandemic raging in this province. As my colleague said, I think there were 1,400 infections reported, about a 10 per cent positivity rate. This is serious, and the variants are growing, so we really need to get this right, Mr. Speaker, and we haven't gotten it right yet.

With that said, I'm going to take my place.

9:00

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available, and the hon. member who caught my eye is the hon. Minister of Justice and Solicitor General.

Mr. Madu: Thank you, Mr. Speaker. I just wanted to very quickly respond to some of the comments that I have been hearing from the members opposite, especially the Member for Edmonton-Glenora and, you know, the Member for Calgary-Buffalo, on this RA1 with respect to Bill 66. If you carefully listen to the submission of their commentary, it is that we have not consulted on this particular bill that is before the floor of this Assembly. We govern as a government at the instance of our people, the citizens of Alberta. Many of us know that when Bill 10 was put in place, there was public concern. It's important that we remember how we got here and what it was that the people of our province wanted us to fix.

I know that the NDP and the members opposite would seize every opportunity to play their usual politics on virtually every single matter, but we are in the midst of a pandemic. The Minister of Health and this government, with all of our health care officials and the chief medical officer of health and the folks at the Department of Health, have been consumed with responding and making sure that we protect Albertans from this pandemic. That is the focus of the Minister of Health. That is the focus of this government, to protect public health, protect Albertans, and ensure that we do not overwhelm our health care systems. The NDP can, you know, go on their rabbit hill, but on this side of the aisle we are focused on the priorities of Albertans, and we heard them despite the fact that we are dealing and responding to a historic pandemic, the likes of which we have never seen before in our lifetime, that is tasking all of government.

That said, we are also a government that must listen to our people, and when we heard their concern, this government struck a committee to deal with the people's concern with respect to Bill 10 and a few other matters. Mr. Speaker, the Select Special Public

Health Act Review Committee was struck and given the mandate to hold public consultation with respect to those concerns that we heard from Albertans.

I know that the members opposite have no interest in actually hearing from Albertans. They like to pretend and talk about it, but in the end that's not their priority. We saw that with Bill 6, we saw that with carding, and we saw that with the carbon tax. We saw that; we lived that. In the entire four years that they governed, they had no interest whatsoever in actually listening to the people except for the people that they want to listen to, their own special interests, their allies, not the people. We must make a distinction between listening to the people, our people, that sent us to this Assembly, and the NDP's special interests, that have interests far beyond that of the people that have elected us.

This bill and the committee received more than 600 written submissions from the people of Alberta – more than 600, Mr. Speaker – on a wide range of issues that they would like to see their government address with respect to the Public Health Act. The committee also heard from experts. Listening to the NDP, especially the Member for Edmonton-Glenora, you would think that that particular committee did not hear from experts. The committee did. [interjections] I hear the Member for Edmonton-Glenora, you know, heckling. But it heard from the experts.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to join debate on RA1? I see the hon. Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you very much, Mr. Speaker. I am happy to rise and speak to this amendment. I think it's important that we take the time to consider this bill thoroughly, especially in light of its history. What I'd like to address first in discussing its history are the comments that were just made by the hon. Minister of Justice, because it is not correct that there was public consultation before Bill 10 was brought in. There wasn't only not public consultation; the bill went through the House in less than 48 hours. That's, like, an unprecedented level of lack of time for the public and media and everyone else to have scrutiny of a bill. For the minister to say that there were public consultations before Bill 10 was brought in is just, I'm afraid, false, and I think it's worth pointing that out.

In my view, the reason we ought to take the time to reconsider it in this way is because we risk making exactly the same mistakes that were made then. At that time the opposition raised concerns, members of the public raised concerns, and this government didn't listen. They rushed the bill through the House anyway, despite the fact that scholars and constitutional experts were saying: this is not a good idea.

Now, there has certainly been a debate over whether or not this expanded the powers which existed previously. I certainly think that it did expand those powers significantly. But either way, the bill that is before us today is repealing not only the expanded powers brought in by Bill 10 but the previously existing powers. Whether or not the claim by the government is that they ought not to have expanded their unconstitutional powers or that they were merely clarifying those powers, they have now reversed that position in this bill and reversed that position such that they are removing both, and that's fine.

But I think it's worth sort of looking over the history of this thing because in addition to doing that, which, incidentally, Mr. Speaker, was not a recommendation of the committee – the thing that I find so interesting is that I sat on that committee, and members of the NDP caucus made these exact recommendations, and members of the UCP caucus used their majority to reject them. Now, I think it's delightful that the government has admitted that they were wrong

and we were right and has brought this legislation before this place – that’s how democracy is supposed to work – but no explanation really has been provided for that reversal of position, I mean, not that the government tends to explain their reversals of position. But, you know, I guess the whole point of legislation is: when we know better, we do better. This government sort of just turning up and saying, “Oh, no; this is always what we believed”: well, that transparently isn’t the case.

I think it’s worth talking as well about what the committee did and did not do because, as was mentioned by the Member for Banff-Kananaskis – it was earlier today or yesterday; it all sort of blurs together at a certain point – this was the first public health crisis to occur sort of under this act. It was the first sort of real test. And the act has been around for a long time, Mr. Speaker. Like, it’s legitimate that the government has to make updates to it. This is an old act, and things change. That’s why the Legislature needs to continue to exist. You know, laws can’t remain static in time. They need to be changed. They need to be updated. We’re here changing that law, and that’s fine.

9:10

But I think that when we talk about the committee that was sort of struck to deal with this overreach on behalf of the government, that committee was barred from any consideration of how the act interacted with the real world. Now, I’m all for academics. I think academics are very important. But I think that at a certain point – when we’re talking about what we do here in this place, it affects the lives and livelihoods of everyday people in this province all the time, so we can’t just consider things in a strictly academic sense. We have to consider the practical implications of those things. To suggest that one can somehow consider the sort of academic aspects of this act, as the UCP suggested, without considering the impacts that that has on the lives and livelihoods of the everyday people walking around in this province, I think, is just wrong. I actually think that that is a distinction without a difference, if you will.

Nonetheless, the decision was made in that committee to avoid having that conversation. Had we had that conversation in the committee, I think there are a lot of the aspects of the act that might have come under review that ultimately didn’t wind up being touched here. Potentially the committee might have changed its course and recommended the changes that we ultimately see in this bill. It did recommend a lot of the changes – I want to be clear: it did recommend a lot of the changes – but the changes to Bill 10 were not recommended by the committee.

Yes, it’s true that the committee received about 600 submissions. I mean, having done an extensive public consultation on the cannabis file, 600 isn’t a lot. This is a province of over 4 million people, so 600 is sort of a comparatively small number, especially since some of those weren’t even coming from in province. I think that it’s, yeah, possible to consult a lot more broadly.

I also think the committee could have done – and this has been done in many committees before, where the committee travels, it talks to witnesses, it talks to different people. But it didn’t do any of that. We had only four people appear before the committee. The explanation at the time was: well, these are just the first four, but we can have more people. But then the committee was delayed and delayed and delayed because nobody wanted to turn up for work, and eventually we didn’t have time for additional people. So we lost out on a lot of things, and as a result, I don’t think this bill does everything that it could do.

I think it’s worth discussing as well a portion of the bill that was not only not recommended by the committee but was, to the best of my knowledge, not considered by the committee, and that is a portion dealing with the idea of having the power to recover costs

of enforcement. Now, I have mentioned this before. This is a complicated thing. I’m not suggesting that it’s necessarily bad. I think there are a lot of instances in which enforcement fails, particularly against sort of larger corporate entities, because the fine for doing the thing that you’re doing wrong is very small by comparison to the cost of actually doing the thing right. The result of that is that doing the thing wrong just becomes the cost of doing business – sometimes you get caught, and sometimes you don’t, and if you do get caught, you pay the fine – but it still wouldn’t be as expensive as using proper procedures and respecting laws. So I don’t want to write off these provisions because I don’t necessarily know that they are bad.

But I do know that a statute like this doesn’t require the same level of intent necessarily that a criminal statute would require and that one of the big principles of law is that each and every individual is assumed to be sort of infused with the law. They say: ignorance of the law is no excuse. But what that means, practically, is that people who don’t know that this law exists or who don’t know exactly what the laws are – and, honestly, Mr. Speaker, I would say that that’s probably a lot of people. The laws that this government keeps bringing in are – “unclear” isn’t necessarily the right word although it’s difficult to find them all in one place. They tend to be nonobvious, right? People question them; they don’t really understand. They’re not really very intuitive. People don’t understand why certain things are allowed and certain things are not allowed under various stages.

So I think it’s entirely possible for someone to break this law without knowing that they are breaking the law. They have done the thing intentionally – they’ve done the act in question intentionally – but they didn’t know that that was the law. In such a situation, depending on the enforcement cost, this person is now being charged a significant amount of money, potentially, potentially significantly more money than is on the face of the legislation. So there are fines written out on the face of the legislation, but they could be charged, like, orders of magnitude more than those fines are worth for breaking a law without really knowing that that was the law, and especially in this world of sort of changing laws, I think that’s a concern.

Now, the question is: how is this used? Right? Just because something exists, it doesn’t mean it’s always going to be used. If it’s used in a very flagrant instance, like, say, GraceLife church – certainly, I think this government has indicated it is a situation in which this might be used. Those are people who are sort of intentionally and flagrantly violating the law, so maybe it’s called for.

But, I mean, will it only be used in those situations? It’s not clear. So I think we should take the time to consider it, particularly in light of the fact that this was not an issue that came before the committee. This was not an issue that was debated at the committee. This is, once again, something that the government is bringing into the House and sort of trotting out, and there hasn’t been a lot of explanation from the government side on how they intend to use those provisions.

You know, certainly, they have mentioned GraceLife church, but there are other examples, so it would be nice to have that clarity. It would be nice if the government members would stand up and provide that clarity on when and how this is going to be used. And, yes, I understand that individual enforcement decisions are made by law enforcement, not by politicians – and that is the way it should be – but that doesn’t mean that there will be no direction provided. And direction isn’t provided in the legislation. I get that, too. Direction is provided by other means: in regulations or procedural orders or ministerial orders or all sorts of various things. But the point is that, clearly, the government had some intention

when this provision was included, so it would be helpful to this House, I think, if they could sort of share a little bit more of that so that we are able to understand what exactly it is that's going on.

Another thing I think worth noting about what the committee did and didn't consider: as I mentioned previously, I continue to think about analyzing the act but extracting that from how it operates in reality, so saying, "Oh, we can talk about the act, but we can't talk about the impacts that the act has on actual humans wandering around out there in the world" is a sentence that doesn't actually have a lot of logical significance to it. Like, I don't think it makes – we understand all the words in the sentence, but I don't know that that's really a thing.

Anyway, I think that as a result of that, we missed a real opportunity, and that opportunity was specifically to consider how this act interacts with occupational health and safety legislation. We know that there has been a problem with that interaction – we know that there has – because we've seen people get very sick and die. We've seen people be told that it's safe to go to work when it wasn't.

9:20

I like to believe, I like to assume that it's not malicious, that there wasn't necessarily an intention there on the part of this government. I like to assume that it was just a failure to consider or to think through or to act properly. Now, I think that's still a concern – I think that's a big concern, especially in light of the responsibilities that individuals in this place bear – but I'd like to think that it wasn't intentional. So if it wasn't intentional, then it was a problem with the way the legislations interact, and the committee should have had the opportunity to analyze that, because it was a huge issue. It was a huge issue that affected the lives of Albertans.

The Acting Speaker: Standing Order 29(2)(a) is available. I believe the hon. member who caught my eye is the hon. Minister of Justice and Solicitor General.

Mr. Madu: Thank you, Mr. Speaker. Again, I just wanted to quickly respond to the comments made by the Member for Calgary-Mountain View with respect to Bill 66 and the contents of the reasoned amendment before the floor of the Assembly. You know, again, a careful review of her comments will show that her commentary is completely divorced from their actual recommendations. They wrote a minority report in the committee's report. That particular report is a public document. Fellow citizens can go online and pull their report. Everything you've heard tonight is, again, typical of the NDP; it has nothing to do with the actual report, the content of the minority report that they put forward.

To be clear, you know, the Member for Calgary-Mountain View said that in my earlier comments I had said that Bill 10 was consulted upon. Far from it. I was referring to Bill 66 and that the committee's public work is that consultation that led to Bill 66, because more than 600 Albertans and experts were consulted. There were oral presentations. There were written presentations. In fact, Mr. Speaker, if you take a look at the actual committee report, on August 27, 2020, the committee heard oral presentations regarding the Public Health Act from Laura McDougall, senior medical officer of health; Kathryn Koliaska and Judy MacDonald, medical officers of health, Alberta Health Services; Dr. Deena Hinshaw, the chief medical officer of health; Mitchell Cohen from the Justice Centre for Constitutional Freedoms; and Michael Bryant, executive director and general counsel, Canadian Civil Liberties Association. The committee also heard, you know, from the College of Alberta Psychologists, the Alberta Public Health Association, and other professional associations on this particular review.

All of that taken together led to two reports, a majority report and a minority report. The majority report took into consideration the presentations – by the way, the committee was made up of members from both sides of the aisle. You know, Mr. Speaker, the suggestion that that committee did not listen to and consult Albertans and experts is factually incorrect despite everything you've heard from the Member for Edmonton-Glenora. Factually incorrect.

Mr. Speaker, you know, I would have that opportunity to speak to the actual content of the bill before this Assembly and the context of the concerns that Albertans, not special interests, not NDP special interests, have on Bill 10 and the issues that led to that committee being set up and why all of that has been reflected in Bill 66.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you, hon. minister.

With about 30 seconds left, I see the hon. Member for Edmonton-Glenora has risen.

Ms Hoffman: Thank you so much, Mr. Speaker. Let me clarify that four organizations were called to speak, and I have nothing but respect for the four organizations who were invited. We requested that about 20 organizations be invited, and the government said no to all but those four. That's the first thing I want to say.

Number two, when you say "consulted with," receiving written submissions is far different from the kind of opportunity we're talking about, where you have an engagement, a back and forth, an opportunity to learn from one another. So while hundreds of Albertans, including many organizations, took the time to submit written submissions, they were not consulted in the same way, Minister.

The Acting Speaker: Thank you, hon. member.

Are there any other members looking to join debate on RA1?

[The voice vote indicated that the motion on amendment RA1 lost]

[Several members rose calling for a division. The division bell was rung at 9:27 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Ceci	Ganley	Hoffman
Dach	Gray	Loyola
Feehan		

9:40

Against the motion:

Getson	Luan	Schow
Glasgo	Madu	Singh
Glubish	Orr	Stephan
Goodridge	Pon	Turton
Gotfried	Reid	Walker
Guthrie	Rosin	Wilson
Hunter	Rowswell	Yao
LaGrange	Rutherford	

Totals:	For – 7	Against – 23
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[Motion on amendment RA1 lost]

The Speaker: Hon. members, before the Assembly is second reading of Bill 66, Public Health Amendment Act, 2021. Is there

anyone wishing to speak? The hon. Member for Edmonton-McClung.

Before I do, hon. member – and I'm not sure if perhaps the Deputy Chair of Committees mentioned it, but my countdown clock here at the chair is not working, and the table is giving me the indication. I know that I like to often provide some heads-up to speakers about time remaining, but I will be unable to do that for you this evening, so govern yourselves accordingly.

The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Mr. Speaker. I'll miss that handy guidance but will certainly take a look at my own timer as we consider Bill 66, Public Health Amendment Act, 2021, this evening in the Legislature. I'd like to make note of a recurring theme that I believe I've mentioned in speaking to other amendments to Bill 66, and that is the theme of getting back to the drawing board. The whole reason that we are here this evening is because the government found it necessary to go back to the drawing board as a result of their disastrous Bill 10, which caused an uproar that even they couldn't withstand, obviously decided a rewrite was necessary. Committee work was done. They not necessarily respected the committee process because they didn't hear from those people that the opposition wanted to call forward. There were only four respondents that were allowed to be heard before this select special review committee.

But, Mr. Speaker, back to the drawing board is what resulted after the committee made its report and the opposition made their minority report, and we find ourselves in the same type of position with respect to Bill 66, which was an attempt to right the wrongs of Bill 10. In fact, what we're saying to the government with respect to Bill 66 is: it's time to go back to the drawing board again. We don't think that Bill 66 has gotten it right.

I think that it can be easily said, Mr. Speaker, that a government is judged by how it performs during a crisis, during an emergency, when its talents are the most required by the society they serve and when its energies and its brain power need to be focused intently on rising to the occasion. I would have to say that I believe this government has failed miserably, especially during this pandemic, when we have them currently going back to the drawing board to correct the wrongs of Bill 10. Bill 66 does not really satisfy that. It's actually created more problems than it seems to solve.

Mr. Speaker, I don't believe that we should be doing anything with this Bill 66, Public Health Amendment Act, 2021, except once again asking the government to go back to the drawing board. Therefore, what I'd like to do is move an amendment, if I may, and ask that . . .

The Speaker: I might just have you pause momentarily while we get the copies of the amendment to the page and to the table, and then we'll proceed.

Mr. Dach: Of course.

The Speaker: Hon. members, this amendment will be referred to as HA1.

The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Mr. Speaker. I'm pleased to speak to the amendment HA1. As I mentioned in my preamble, speaking about the bill itself, Bill 66, the Public Health Amendment Act, 2021, we on this side of the House believe firmly that once again the government has gotten it wrong, that the effort to right the wrongs in Bill 10, that Bill 66 tries to address, falls completely short of the goal and that what Bill 66, the Public Health Amendment Act, 2021, proposes to do – it's a hoist amendment.

What I'll do now is read the amendment. The amendment should read that I move that the motion for second reading of Bill 66, Public Health Amendment Act, 2021, be amended by deleting all the words after "that" and substituting the following:

Bill 66, Public Health Amendment Act, 2021, be not now read a second time but that it be read a second time this day six months hence.

In other words, Mr. Speaker, we're asking the government to clearly go back to the drawing board and really think this through once again in light of the discussions that we're having here tonight and the remarks and the efforts of Albertans to get through to this government to say that Bill 66 itself is a failure in terms of addressing many of the shortcomings of Bill 10, which it's purported to fix.

9:50

I hope that the time will be well spent over the next six months by the government in taking every effort possible to look at what the public is saying and to really regard closely, Mr. Speaker, what the stakeholders who hoped to make presentations to the Select Special Public Health Act Review Committee hoped to get through to the government, to really try to make an effort to hear them out. Because in that platform, which was supposedly an opportunity for the government to plainly hear from stakeholders, they chose instead to block them.

What's unfortunate is that this is a very consistent pattern of behaviour by this government. When we get into the committee system, the government chooses not to hear respondents to particular bills when it pleases them not to, and if it does, well, of course they welcome with open arms those respondents that suit their purpose. But that's not how it's supposed to work, Mr. Speaker. It's supposed to work in an open, transparent way, where committee systems welcome the respondents on both sides of an issue so that it can be fully aired. That's what I had expected to find as a legislator, that when we bring things before a committee, we would allow fairness and justice to prevail by inviting those people who wish to respond to a request from the committee to bring forward their views to actually be heard. That, unfortunately, hasn't happened.

This six-month reprieve, let's say, is something that I hope the government will reflect upon and in that time perhaps design a method that will allow them to properly hear Albertans who are very tired of being disregarded and disrespected by this government on this issue of the Public Health Act and Bill 10 and the amendments there, too, in a time frame when there shouldn't be any question of political interference in trying to come to the right conclusions about managing the pandemic and managing the jurisdictional regulations that the government sees fit to give itself in order to enforce the Public Health Act during the pandemic.

There are a lot of things that the Public Health Act does, and the government gave themselves extraordinary powers under Bill 10, which they throttled back as a result in Bill 66, and now they really need to take a look at what they've actually done because they're getting themselves into the same type of trouble that they did with Bill 10. I don't know if I want to belabour this. I certainly wanted to point out to the House that we see the same issues accruing for Bill 66, the amendment act, which was supposed to right the wrongs of Bill 10, that Bill 10 itself had suffered. The same questions in many cases prevail.

I'm hoping that six months hence, there will have been an opportunity for the government to have consulted with those stakeholders and members of the public and engage public opinion with respect to enforcement of the Public Health Act so it's such that they will come back with a revised piece of legislation that really reflects the desires of Albertans to have a government that

looks at the Public Health Act as a way of protecting them and doesn't, in an overbearing way, strip away rights but also finds a right balance in terms of making sure that the Public Health Act is able to protect Albertans who really wish to avoid contracting COVID-19.

That's the whole idea, the whole concept, the whole fear that we're facing, of course. Perhaps it was that fear that drove the government in their initial attempt to try to govern during the pandemic, when they introduced Bill 10, but it was certainly quickly seen as an overreach, Mr. Speaker. Even this government heard loud and clear that they'd gone too far. There are certainly ways of including the public in finding out how we communicate the brevity and the gravity of the public health emergency we face by ensuring that the vehicle of enforcement is one that encourages in a way that brings people together, rather than drives them apart, in a common cause during this battle that we absolutely must win against COVID-19, Mr. Speaker. It's not a question of failure being an option.

We have to as a society, as a province, provide the framework for enforcement of the Public Health Act, which gives confidence to everyone in this province that, yes, indeed, there is a way forward. There is a way to ensure that we all see that way forward and that the pathway is guided by enforcement that doesn't question the science behind the pandemic, doesn't question the chief medical officer of health in her efforts to bring forward measures that Albertans need to follow in order to be safe, in order to not transmit the disease from one to the other, in order to make sure that the enforcement measures are respected and that the basic rights of people to be healthy and be safe are something that everybody understands as a responsibility to take unto themselves, individually and as a civil goal as well.

Mr. Speaker, I would invite others who wish to speak to the amendment to come forward and ask that they bring their thoughts on what they think the government might do over the next six months to properly reconsider and withdraw some elements of Bill 66. There may be a few bits and pieces that are worth saving, but I suggest that back to the drawing board is really the recurring theme that I think must prevail here, and Bill 66 is something that the government gets a failing grade on, a government that should by now, over a year into this pandemic, be performing at a higher level during a crisis that continues to threaten the public health of Albertans.

It's not something, obviously, Mr. Speaker, that we've been able to take for granted. It keeps reminding us that it is a very severe virus, and it's morphing and changing into variants that are becoming the dominant infection in Alberta. We have a 10 per cent infection rate, and, you know, it's threatened that we're going to be following Ontario in terms of having our hospital emergency wards and ICU beds at capacity or beyond in the very near future. Right now many Albertans are wondering what this government will do to stave off that what seems a probable eventuality right now, and we don't see or have confidence in their measures so far as reflected in Bill 10, and now Bill 66, which doesn't address the needs to properly instill the confidence in the Public Health Act and make sure that Albertans follow those public health measures so that we can actually not only break the curve on this pandemic but actually get to a point where we are fully protected against it by vaccinations which everybody trusts and has faith in and also by respecting each other's space and using the protocols and measures that keep us safe, the same measures that basically eliminated the flu, the common flu this last season.

Mr. Speaker, you'll note that almost nobody in North America, including Alberta, has contracted the flu because the measures of social distancing and wearing a mask and not congregating in large

groups inside have been followed, and it just shows you how we can look after each other in a pandemic and that the importance is upon us to think carefully about that.

10:00

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Cardston-Siksika.

Mr. Schow: Well, thank you, Mr. Speaker. I appreciate you recognizing me to rise and stand on 29(2)(a) in response to the Member for Edmonton-McClung and his remarks in moving this amendment. It was a hoist amendment if I'm not mistaken. I believe that this is just another show of partisan games by the members opposite as we attempt to make modifications to the Public Health Act, to the evolving situation which is the COVID-19 pandemic as well as what we see in this bill, making sure that there are greater checks and balances within the Public Health Act, making sure that we're also listening to constituents.

Throughout the course of the last year and a half I have heard from a number of my constituents who are frustrated with what COVID has done to the province, and I understand the frustration. I share the frustration, but I do believe that with the best intent we are responding to this COVID-19 pandemic, and I am grateful every single day, Mr. Speaker, that the UCP government is handling this pandemic as opposed to members opposite, who on a daily basis have called for stricter lockdowns, have called for severe measures, including shutting down businesses. I don't understand because they say: well, you're hurting businesses with your measures, but you should be shutting them, but you should also be giving them more money. We're doing everything we can to respond to this pandemic, and I understand the frustrations opposite, but, again, this bill, which is the Public Health Amendment Act, is an attempt to respond to many of the concerns that we are hearing, so to have the members opposite continue to play partisan games by using procedural amendments to these bills, frankly, is quite discouraging.

I rose yesterday and gave this speech about raising the level of decorum and the calibre of debate within this Chamber. I used the term "iron sharpens iron," Mr. Speaker. I don't understand why that speech fell on deaf ears for members opposite when we are here acting on what we believe are the best interests of Albertans. It is unfortunate that I see oppositions across the country working in lockstep with the governments of the time to respond to the pandemic within their own jurisdictions, except Alberta, where we see on a daily basis partisan shots being thrown across the aisle and through the media with a tremendous amount of falsehoods, misleading the public. It's terribly unfortunate that that's the activity from members opposite.

Now, I'm going to be able to speak more to this, but I've simply risen at this moment to respond to the member who moved this motion and encourage all members to vote against this motion, Mr. Speaker. Thank you.

The Speaker: Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Mr. Speaker, and thank you so much to the Member for Edmonton-McClung for introducing this fine amendment. I have to say that if the government would have considered slowing down this time last year, when they rammed the precursor to this bill, the reason why we're back here, if they would have slowed down then, we wouldn't be here a year later trying to fix it. I think saying that something should return after the government has actually had time and the people of this Assembly have had time to engage with stakeholders is fair and

reasonable. I think that the specific pieces of this legislation that have been jammed in, after this Assembly considered Bill 10, after the committee considered a number of different pieces – and then now there are additional measures, including the piece around going after people who are in breach of the orders for financial compensation, something that the people of Alberta haven't had an opportunity to engage on, and the government certainly hasn't consulted with folks.

It's interesting because there are members within the government's own caucus, within the UCP, who are saying that they think the rules need to be changed or that the rules are too difficult already. Then, I imagine, that many of those same members are going to stand in this place and vote to go after people who are potentially in breach for large financial compensation. You would think that at least they'd want to consult with people around that, they'd want to consult with people about whether or not the rules that are in place are safe. Wouldn't you want to consult with them about the financial implications for people who fail to follow them?

The Speaker: Hon. members, on amendment HA1, are there others? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate, as always, the opportunity to stand up in the House and have a reasoned discussion about the unreasonable plans of the government. It's nice that at least every once in a while there is some thought being brought to the bills. It's unfortunate that it typically only is from one side of the House, and that's ours. I certainly am standing to offer my support for this hoist amendment because I think that, you know, anyone hearing the discussion over the last little while, the last few days, would certainly see that this government has not taken advantage of the opportunity to them to actually deal with the issues that they could have dealt with.

You know, it's not that often that a bill as important as a health bill is opened up in this House, and here again, as we've seen so often with this government, they open up a bill and fail to actually deal with the substantive issues that are currently out there that are governed by this bill. I mean, we certainly are in the most dramatic health crisis that we've seen in my lifetime – and I'm one of the older members in this House – so I certainly think that it was wise to open up the bill and to ask a simple, basic question, and that is: what can we learn from experience, and how can we use that learning to modify the legislation that we pass in this House in order to provide a better situation for members of the province of Alberta? But, again, I find myself disappointed that the UCP really consistently fails to learn.

You know, I was interested to hear the Minister of Justice stand up earlier and say that they had indeed consulted with members of the public and then talked about how many people wrote in to address their concerns with the legislation. He again cited the fact that there's obvious concern because people are writing in – in droves they're writing in – about this. Clearly, people are expressing their concern and upsetness about this process, and he somehow seems to think that because so many people are objecting or are concerned and want to speak to something, that somehow already is consultation. Is isn't. Consultation doesn't happen until after that fact, after people write in and tell you that they're upset and concerned and in such big numbers that you know that there must be some issues here and that the response in a proper consultative manner would be to say: well, since there is such dramatic support for a re-examination of this bill, why don't we take the time to actually re-examine this bill and invite in some of those 600-plus people that wrote in and ask them questions and try

to get to a place of deeper understanding of what their concerns are that would cause them to write in in such dramatic numbers and use that information to actually learn from the situation and to actually make changes?

If they had done that in the first place, they would have listened to people like Michael Bryant, who is the executive director of the Canadian Civil Liberties Association, who told them when they brought in Bill 10 that this was a violation of the Constitution. It can't get much more fundamental of a mistake than that in a Legislature in Canada, that you're actually violating the Constitution. They were told this by people who have expertise in that area and who came in, not only wrote in but then subsequently came in, one of the few that was allowed to even speak to it in person. Had they actually taken the opportunity to listen and to gather knowledge and to steep themselves in that knowledge and from that to draw out some fundamental ideas and principles that would help to modify the bill in an appropriate way, they would not be here in the House making up for their ill attempt in the previous sitting to bring in this legislation.

10:10

The point of this particular amendment is simply to ask them to do what they have failed to do over and over again; that is, to take the step beyond just simply having people express the fact that they are concerned to actually understanding what they are concerned about. It's a different order of understanding. I understand that the UCP gets the first level. What they never seem to understand is the second level of understanding, where you move from an expression of concern to an understanding of that concern and then on to the next level, a reflection of those concerns in the writing of the new bill. That's what we're not seeing here, as we don't see in general from this UCP government, and I am very concerned about that.

They had an opportunity here to really look at one of our fundamental characteristics of Canada, and that is our health care system. You know, I was very proud to be part of the party that actually introduced the whole idea of public health care into the country of Canada, to champion it, to trial it first in Saskatchewan, and then to help with the spread throughout the country. Now it's become actually synonymous with the identity of being Canadian.

I can tell you that one time I was walking down the street in New York City, and somebody stopped to ask me if I'd like to donate to somebody who was running in an American election. I kind of laughed and said: well, I'm Canadian. The first thing they said to me: oh, that's okay. Then their immediate response to me was: enjoy your health care. We hadn't had any other conversation other than me saying that I was not an American citizen, and the first thing they said to me was: enjoy your health care. It is so much an identity of Canada that it becomes fundamentally a part of who we are, not only in Canada but around the world.

They had an opportunity to take the lessons that we've learned from this particular critical time in our history and introduce it here. We certainly tried in the process of moving forward to introduce some ideas here and to ask them to actually learn from our experience so that we can get better. You know, for example, we suggested that we introduce a legislative component that provides for the powers and duties necessary for the government of Alberta to deal with the public health crisis of opioids and other deadly substances. The opioid crisis is one of the major health problems we have right now, and everybody is struggling to deal with it. Well, I'm not putting that on this government's back. It is a national crisis, the opioid crisis.

We have the opioid crisis, and we have the COVID crisis. We must learn something at this moment. We must delve into what is going on so that we can take from these horrible circumstances

some truths which will help us to develop a better health care system so that we can continue to be Canadians proud of who we are based on our relationship with a public universal health care system that takes care of people's needs and addresses the crises as they come forward, addresses COVID, addresses the opioid crisis.

We offered that opportunity to the government to do this when they had the bill open and in front of them, when they had an opportunity to say: this defines us, and therefore we should be investing as much of our energies into ensuring the rightness of this. Instead, they rushed through Bill 10 and ended up having to come back into the House to deal with the fact that they actually tried to defy the Constitution of Canada in moving their legislation forward. We're just saying: don't do it again, learn from your lessons, take the opportunity to refine the public health care act in such a way that we will be able to provide Albertans with a better service. This could be done in COVID if we took the time to examine our lessons from COVID. This could be done with the opioid crisis if we took the time to learn from that.

We offered very specific suggestions about things that might have been considered. For example, we offered the notion that perhaps we should change the powers of the chief medical officer of health. Perhaps we should move that position outside of being simply an adviser to the Executive Council but, rather, having powers by themselves. And would they allow us to do that? No, they wouldn't even allow us to bring the chief medical officer back in for further discussion of her understanding of what's been going on in these terrible times and to help us understand how we might work with her or whoever happens to be in that position of the chief medical officer to ensure that we are in the best possible position to deal with crises as they come forward, whether it be the COVID crisis or whether it be the opioid crisis. We gave the government an opportunity to do that, and they failed to do that.

Here we are now in the House making a perfectly reasonable amendment, and it's really discouraging to hear, you know, the deputy whip of the government side of the House say that asking for something as reasonable as this is somehow playing a game. The House was set up to deal with these issues in a particular way. We are using the mechanisms that have been used in constitutional and Westminster government systems in many countries for many hundreds of years, tried and tested and found to be true, and here they are objecting to the fact that we want to use the appropriate processes in this House to ensure that we have good governance.

I mean, a government that does not want to be transparent in its governance process and to be responsive to the democratically elected members opposite is a government that really has lost their place, a government that really doesn't understand the role they should be playing here in this House, where they are telling the people of Alberta: we understand what your concerns are, and we are sitting and working very hard to address those concerns in an appropriate way, and we are doing so in such a way that we are proud to stand up and defend that. Instead, what they choose to do is that they choose to act in a way which tries to hide from that kind of scrutiny, hide from that transparency of dialogue between themselves and the citizens who actually elected them into the House.

It's very discouraging to hear them not want to actually have the conversations that we need to have, to show the strength of a government who is prepared to put their decisions in front of the people and say to the people: "Does this meet the needs that you are experiencing right now? Would you come in and help us work through the angles and the possibilities so that we can further understand what it is that you're asking us to do, so that we can fulfill the very noble and privileged position that you have given us as your representatives in a democracy?" It would be nice to see a

government that had enough belief in itself, that was able to stand up and actually respond to the people in this way, respond to them in a true democratic relationship and not decry the use of a procedure of transparency in the House.

I would really like to see this motion pass. I would love to see this motion be used as an opportunity to learn, to not make the same mistake we made just a few months ago with the passing of Bill 10, and to hear from the people in the province of Alberta about the ways in which our health care could be protected. We offered an opportunity during this process for the government to actually declare its support for a publicly funded, universal health care system, and they did not agree to do that.

10:20

That should have every citizen in the province of Alberta worried. They should all be concerned that this government is not prepared to stand up and clearly defend the very thing which has become synonymous with our identity as Canadians, and that is this incredibly wonderful system we've derived in this country to provide the greatest amount of health care available to the greatest number of people at the lowest cost and with the lowest number of barriers to those people. Wouldn't that be nice?

The Speaker: Standing Order 29(2)(a) is available, and the hon. Member for Calgary-Buffalo has risen.

Member Ceci: Thank you very much, Mr. Speaker. It's my pleasure to 29(2)(a) my colleague. As I was listening to him, I was struck by a number of things he was saying around consultation. I, too, will support the hoist amendment on the floor before us. One of the primary reasons why my colleague was very passionate about why we should support this hoist amendment is that the opportunity for consultation exists, it hasn't been taken up, and there are many, many Albertans whose concerns haven't fed into the process that has led to Bill 66. I wonder about that myself, and I wonder: if the views of Albertans haven't been fed in and examined, whose views are coming forward? Is it ideological that we're perceiving a bill written from the perspective of the dominant side, the government side? I wonder if he could just reflect on that a little bit.

The issues of opioids and COVID, the pandemic, were brought up as well, and I think it's telling that if ideology is shaping Bill 66, it has shaped the response to those significant issues that are affecting Albertans – namely, opioids and how they are dealt with – as opposed to the expert views on how things like opioids should be addressed. Perhaps he can address those things.

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

Mr. Feehan: Thank you, Mr. Speaker, and I'd like to thank the Member for Calgary-Buffalo for the opportunity to say a little bit more, particularly around the issue of consultation. I think that is an area that basically all governments struggle with a little bit, but it's one that I've learned a lot more about having had the opportunity to be the Minister of Indigenous Relations in this province. Of course, consultation with indigenous people has been a very central question, really, over the history of Canada. They are constantly reminding me, quite rightly, that consultation is not just simply about having people say things to you and then going on and doing what you were going to do anyways, making your decision based on your small sphere of local influence and ignoring the things that are said to you.

You know, it's a huge frustration for the indigenous people in this province. That happens to them all the time. I mean, it's happening to them right now in this House with the bill on Métis settlements, where the minister stands up and says, "Well, we've

consulted because we had 19 meetings” or whatever the number was. They call me on a regular basis. I even had another phone call earlier today from a member of one of the Métis settlements saying: I was physically there when the minister came, and if he calls that a consultation, he doesn’t understand what consultation is, because there was no actual dialogue, and there was no reasoning out between us a process for how we are going to come to a mutual understanding and make a change. It was simply: drop by, tell people what’s going to happen to them, and then leave. Yet that’s called a consultation.

Here we are back in the same place again now, where instead of understanding about the role of consultation – and I agree. Every government has to do this better. I’m not just laying this at the feet of the UCP. But it is time. We have been given this invitation by people like the indigenous people in this province time and time again, and it is time in our history that we learn how to engage in that consultation in a deeper, more substantial way. That’s what we’re asking the government to do now. We’re asking them not simply to pretend that getting a bunch of notes from people constitutes consultation. It isn’t . . .

The Speaker: Hon. members, are there others? The hon. Member for Livingstone-Macleod.

Mr. Reid: Thank you, Mr. Speaker, for recognizing me this evening. I had actually intended to rise in favour of Bill 66, but I do feel the need to stand and speak against the amendment tonight and to share some thoughts. If you’ll bear with me while I kind of rework some of my notes here a little bit.

I recognize that the hon. member from across the aisle said that we need to go back to the drawing board, that we need to spend more time at the drawing board. Well, Mr. Speaker, we could spend more time at the drawing board, but we would never accomplish anything if that’s where we spent all of our time. It’s time for us to be intentional and to respond to the concerns that my constituents and Albertans raised again and again over the course of this last year as we experienced the pandemic, as we dealt with COVID, and as we really took the first serious look at the Public Health Act in a very, very long time.

While we’ve heard again and again from members opposite tonight that we’re not listening to Albertans and that we’re not consulting, unfortunately I think that that’s a misrepresentation. I know that for a year I’ve heard from countless constituents and Albertans, either by phone or by e-mail, by text message, expressing their concerns over the Public Health Act and concerns over government overreach, concerns over the ability of the government to mandate vaccinations for Albertans. I, for one, did not know that that was on the books, but I looked it up a year ago, when I started to hear so much about the Public Health Act, pulled out the existing Public Health Act, and there it was, that the government of Alberta had the authority to vaccinate people arriving in Alberta or residing in Alberta, right there from 1910. So we’ve responded to those. We heard from thousands of Albertans.

Just to go back to the hon. Member for Edmonton-Glenora, 636 written submissions were what came in. That’s a significant number of people who took the time to share their concerns and their ideas with the Select Special Public Health Act Review Committee, which I got to serve on.

Bill 66 is related specifically to the recommendations and the direction that the Select Special Public Health Act Review Committee received from Albertans, from individuals and experts alike, from our health experts, and was an important exercise for us to listen to the people of Alberta in terms of their response to the

real-life living out of the Public Health Act in the midst of a crisis in this province.

Many of the concerns that we heard had a theme. There were concerns over government overreach, that the government had too much power or was exercising power beyond what Albertans were comfortable with. The hon. Member for Edmonton-Rutherford said that we’re often known by our health care. I think we in Alberta are known because we’re freedom-loving people. We’re individuals that love our freedom, and we heard that again and again from Albertans when we were looking at the Public Health Act, both individually as MLAs and as the select special committee that was reviewing it.

We’ve heard from countless Albertans that we need to have checks and balances in place that would allow the government to respond in a timely manner to a crisis but also ensure that those abilities for the government to act were also brought into balance so that they wouldn’t be overriding the freedoms of Albertans, the personal freedoms and rights of Albertans in this, and Bill 66 does that.

To go back to the drawing board would simply delay things that we really must address in light of what we dealt with this last year. We need to continue to implement the pieces in Bill 66 that would modernize the act. When the Public Health Act first came in, widespread influenza was the reason why the bill was, in part, put forward. We know today that chronic disease is a much greater health risk to Albertans than pandemic influenza or some other kind of virus, so an opportunity to modernize this – this is not a reasonable amendment.

10:30

We all know that the purpose and the reason behind this amendment is really to shelve the bill so it’s not addressed, and I think that that would be a far greater disservice to the people of Alberta, by not addressing the issues and the concerns that they’ve raised, by not taking the information and consultation that they gave to the select committee, that they gave to us as their representatives, and putting it into action, getting it off the drawing board, and getting it into legislation.

I strongly oppose this amendment, and I ask the members of the House to join me in voting down this amendment tonight. Thank you, Mr. Speaker.

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

Seeing none, is there anyone else wishing to . . .

Mr. Dach: Standing Order 29(2)(a)?

The Speaker: Well, you’ve already spoken to the amendment.

Mr. Dach: Ah. Under 29(2)(a), then?

The Speaker: I would say that we’ve passed that opportunity. After I said, “Seeing none,” it makes it a little tricky.

Is there anyone else wishing to speak to the bill? The hon. Member for Edmonton-Ellerslie and then the – I think we typically go from one side to the other and spread debate around.

Mr. Schow: It’s a race, Mr. Speaker. It’s a race.

The Speaker: Oh, it is a race. Yes.

The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Cardston-Siksika.

Member Loyola: Thank you, Mr. Speaker. I guess that sums it up right there. Some people look at it as a race whereas other people can see it as: well, we co-operate. This is what Albertans would like to see. They would like to see co-operation.

Mr. Speaker, I can honestly tell you that – and I'm sure you've heard the same before; perhaps it's not the same way that I'm going to reiterate it – there is no worse kind of blindness than those that choose not to see. I accuse this government caucus of being blinded by their own ideology. We continue to see this in bill after bill that they present inside of this House. As I've stated before in debate, there's nothing wrong with starting from ideology. This is what we do as a political party. We have particular perspectives. We frame things in certain manners. But it's absolutely essential that our ideas be tested, because they are ideas. That is, in essence, the definition that underlies the word "ideology." We need to test the ideas that we have that we want to bring forward because these ideas are impacting the lives of millions of Albertans when we come into this House and we put those ideas into pieces of proposed legislation that we then debate inside of this House.

Now, as has already been stated by several members on this side of the House, my colleagues from the opposition caucus, it's our job – it's our job – to come in here not to be oppositional for the sake of opposition but to actually hold the government to account and ask them: "Yes, we know that you're coming from an ideological perspective, but have you tested this? Where's the research? Where are the investigations? Where are the statistics?" This is what we get up to ask this government time and time again, and we are met with silence. As I said, Mr. Speaker, I accuse this government of being blinded by its own ideology because it seeks to put its own ideology before all else, and that is dangerous.

Now, I want to remind the members on the other side of the House that we are indeed here to talk about public health, perhaps the most important thing, the most important aspect that we need to be debating right now because of this global health pandemic that we're currently living here in the province, throughout the country, throughout the world. Now, under the Public Health Act we're specifically here to discuss control: to control the spread of communicable diseases, including pandemics, a publicly available immunization program; and then controls of hazards in everyday environments to support safe food, safe drinking water, child care, and then personal services and living environments. That's what this bill was designed to do and what we should be debating. I cannot see a more important topic, a more important matter to discuss that should be focused on consulting as many Albertans as we possibly can.

Now, the Member for Edmonton-South West earlier in debate actually was going on about how our minority report didn't even talk about this, that we as a government caucus didn't even talk about the fact that not an appropriate number of people were consulted. For us and him and through you, Mr. Speaker, I'll quote directly from the minority report. It says:

The first meeting occurred on June 24, 2020; the Official Opposition presented a number of motions that would have invited a wide selection of experts to testify. Moreover, the Official Opposition recommended that appropriately socially distanced public hearings be held across Alberta. UCP government MLAs voted against every single proposal by the Official Opposition. In the alternative, they created a Sub-Committee of the Committee, dominated by UCP MLAs, that would meet off the record to determine which experts could be called and refine the Committee's work parameters.

In a peculiar move, UCP government MLAs determined that the Committee would not be allowed to discuss the COVID-19 pandemic, or the government's response to the pandemic,

despite the Public Health Act being the primary piece of legislation governing the pandemic response.

It's right there in black and white, Mr. Speaker, right inside of the minority report.

Now, I don't know about you, but I would most certainly believe that Albertans would be concerned that on a bill that is specifically supposed to be addressing public health concerns and, even within it, pandemic specifically, the members of this UCP caucus did not want to consult Albertans throughout the province on this particular issue. What is wrong? That's why I'm saying that this caucus, this UCP caucus, is being blinded by their own ideology. They'd rather set their own ideology in stone than to actually go out to the people of Alberta and have the people of Alberta share their insights with a committee that, I'll remind the House through you, Mr. Speaker, was designed specifically to actually review the piece of legislation that this government had brought forward. They themselves realized, because of such an incredible outcry from the public, from people of Alberta, that they had to take it back.

Not only did the people of Alberta tell them that they had to take this piece of legislation back and review it; the courts decided that it was unconstitutional, what they were putting into legislation, again, another example of this government being blinded by their own ideology. They would rather put their own ideology ahead of the constitutional rights of the people of Alberta. Again, Mr. Speaker, I tell you that this is dangerous, because what is a constitution for? A constitution is there to protect the rights of Albertans. There could be no more important aspect to the livelihoods of Albertans than public health, especially when we're in the middle of a global pandemic.

10:40

Now, as was stated in debate prior and as I'm sure everybody had figured out, Mr. Speaker, I'm speaking completely in favour of this hoist, that the government should take six months to just re-evaluate what it's doing. I'm hoping that my comments are not falling on deaf ears because they sincerely need to re-evaluate what it is that they are doing within this piece of legislation, what effects it's going to have on the people of Alberta.

Now, as was stated by several members of the opposition caucus, my colleagues on this side of the House, and specifically by the Member for Edmonton-Glenora, who actually sat on the committee – she stated and I even just quoted it inside of the minority report, that members from the government caucus refused – refused – to go out to the people of Alberta, into their own constituencies, and provide an opportunity for Albertans that they represent to provide insight, to have an opportunity to share their thoughts with the government. The only question that I have for the government members when I hear that is: what are they afraid of? Don't forget that we are here to represent the people of Alberta. Yes, I know that we all have our ideologies and our particular way of looking at the world, but at the end of the day we're here to respond to the needs of Albertans.

I'm asking this government caucus: please do not allow yourself to be blinded by your own ideology. Do not allow that. Stop. Take a second look at what it is that you are proposing within this proposed piece of legislation. Think about the e-mails, the hundreds of e-mails, that have come in on this particular subject. I know you've received them because I'm CCed on a lot of those e-mails. They come into my office as well. We've heard about the hundreds of e-mails that the Member for Edmonton-Glenora has talked about or other colleagues on the opposition benches over here. We know for a fact that those e-mails are coming in and that Albertans are concerned, and they're not happy with this particular bill.

This is the reason why we're putting together – this is the reason why the Edmonton member from the opposition here has put this hoist forward on this specific piece of legislation, because it deals with a matter that impacts each and every Albertan, impacts each and every Albertan in their daily lives, not only in the regular – but the fact that we're in this global pandemic: it's absolutely essential that we get this piece of legislation right. And this is the thing.

You know, I can't remember the riding of the government caucus member that just spoke.

Member Ceci: Livingstone-Macleod.

Member Loyola: Livingstone-Macleod. Thank you very much, hon. member.

You know, he said: yeah; we need action. Yeah. But we need action, and we need to get it right. That's what the opposition is calling on this government to do.

There was an entire select special committee put together to actually review this here piece of legislation, and the members of the government caucus that participated in this committee stalled for a considerable amount of time. They refused to go out to the people of Alberta and consult directly with them, to actually hear the insights of Albertans, and then, as even is stated inside the minority report, created this subcommittee where decisions were being made, and there was no transparency.

This government likes to talk about how they are so transparent. All of these are red flags, Mr. Speaker. All of these are red flags and are the essential – I don't even need to make the argument. Just look at that. Just look at all of these factors in the process that has taken place before this House. Anybody will tell you that no, it's not the time to bring this piece of legislation forward. This government caucus has not done its due diligence when it's come to actually going through the process when it was supposed to be focused on reviewing the piece of legislation before us.

That is why, Mr. Speaker, it is absolutely essential that we make sure to stop this right now, that we kindly ask the government to please stop, take second thoughts on this.

The Speaker: Standing Order 29(2)(a) is available. I see the hon. Minister of Justice.

Mr. Madu: Thank you, Mr. Speaker. I want to quickly respond to the Member for Edmonton-Ellerslie on his commentary on this hoist amendment, suggesting support of the hoist amendment. If we're looking for typical evidence of why the substance of what is before the floor of the Assembly does not really matter to the members opposite, all of that submission, all that you've heard tonight is your answer. The Member for Edmonton-Ellerslie, you know, reads up on ideology, but carefully listening to him, you can tell that he is completely disconnected from the work of the committee. He reels off ideology that he is accusing members on this aisle of.

To be clear, the minority report of the members opposite is a public document. In a nutshell, they provided four recommendations. In a nutshell, four recommendations. The committee was set up to address the concerns of Albertans following Bill 10. We are dealing with a pandemic. That committee work has to address those concerns.

Their recommendations. Essentially, the very first one deals with the repeal of Bill 10. Bill 66 has taken care of the concerns raised by Albertans with respect to Bill 10. It's right there. In this particular bill before the Assembly the concerns that Albertans had with that particular Bill 10 have been addressed.

Their second recommendation, "recognize the importance of universal public health care": that is what they would want that

particular committee to be dealing with, a committee with terms of reference to deal with the concerns that led to the set-up of the committee in the first place. Completely disconnected from the terms of reference.

Three, a motion to legislate duties of government to deal with the opioid crisis. This government is dealing with that. We have a full-fledged ministry of mental health and addictions led by a very capable, competent Associate Minister of Mental Health and Addictions. We are dealing with that particular issue. That is typical NDP politics.

10:50

Number four, that the office of the chief medical officer of health be made an independent office of the Legislature. In the midst of a pandemic they want us to distract the chief medical officer of health that is responsible for managing a pandemic we haven't seen in a generation. They would want us to embark down that rabbit hole. That is the NDP. This is what this is all about. There is nothing in their minority report that has to do with the concerns raised by Albertans, nothing. Everything you've heard tonight – everything you've heard tonight – is all about their ideological lockdown. It's all about the NDP's power grab and control. Nothing: they don't address whatsoever the concerns Albertans raised.

The majority report tabled 12 recommendations. Each and every one of them dealt with the concerns that Albertans had, and all of those concerns have been reflected in Bill 66, Mr. Speaker. We have serious business to transact in this Assembly, and that serious business is the people's business. The people's business stemming from Bill 10 has all been addressed in this particular Bill 66, the Public Health Amendment Act, 2021.

I will urge every member of this particular Assembly, you know, to disregard this hoist amendment. It really is a distraction. Thank you, Mr. Speaker.

The Speaker: Hon. members, the hon. Member for Cardston-Siksika has the call.

Mr. Schow: Why, thank you, Mr. Speaker. It's a pleasure to rise and speak on this bill, Bill 66, Public Health Amendment Act, 2021. I've enjoyed our debate this evening. I do have some responses to begin with with regard to comments made by the members opposite about the hoist amendment and how it's a reasonable amendment. I stand by my comments suggesting that it is more or less political games for a very clear reason.

I will defer, through you, Mr. Speaker, to the hon. Member for Lacombe-Ponoka and the Member for Fort McMurray-Wood Buffalo, who are the only returning members, I believe, on this side. Hoist amendments were moved on a number of occasions under the previous government, and not once were they ever accepted. Not once. While I understand the moxie with which members opposite approach this motion that they have moved forward, I hope they realize how unrealistic it is given that we have issues that need to be addressed right now that are in this bill, not the least of which is mandatory vaccinations, something that was put in the Public Health Act decades ago.

The Member for Edmonton-Ellerslie suggested that we are clinging to ideology. Mr. Speaker, the only thing I cling to is the single promise that I made to my constituents when I ran for office, which was that I would listen. It's the only promise I knew that I could make and that I could keep. I have listened to countless constituents not only in Cardston-Siksika but across the province about this specific issue. They were very concerned about mandatory vaccinations. So to defer mandatory vaccinations, repealing that out of the Public Health Act for six months, what

does that tell the people of Alberta who were assured that it was coming out of the Public Health Act? What it tells them is that this government is not listening, which is not correct. That is my immediate response to the hoist amendment.

With that said, I will go to my main remarks. I would like to begin by thanking the hon. Minister of Health for his time on this bill and listening to the recommendations of the committee. I think it's paramount that we take very seriously the contents of this bill and the recommendations of the committee. I know, again, that the Member for Edmonton-Ellerslie has suggested that everything was done in secret in a subcommittee. I will remind that member, who is in fact a returning member, that subcommittees are a regular feature of committee work. Those committees are delegated with a number of tasks. Yes, they are off the record, if they will, but to suggest that that was somehow done in the shadows is slightly inappropriate, Mr. Speaker. I would recommend that that member be careful when he speaks like that in this Chamber because what he's essentially telling Albertans is that something was done behind closed doors when everything was as transparent as possible.

With that said, the Public Health Act does provide authority and accountability to protect Albertans from illness and injury by enabling the control of the spread of diseases, including pandemics. It also enables an immunization program and control of hazards in everyday environments to support safe food and drinking water, child care, personal services, and living environments.

On March 17, 2020, Alberta declared its first state of public health emergency in response to the COVID-19 pandemic. Now, the Public Health (Emergency Powers) Amendment Act, or Bill 10, more commonly known, and the COVID-19 Pandemic Response Statutes Amendment Act, more commonly known as Bill 24, were enacted to support Alberta's initial emergency response and included a requirement to review the act. After hearing many concerns from Albertans and the requirement to review the act, Alberta's government created a bipartisan Select Special Public Health Act Review Committee.

During the committee's deliberations, they made 12 recommendations to the ministry about changes needed to be made in the Public Health Act. The committee received four oral presentations from six speakers. This included organizations such as the Justice Centre for Constitutional Freedoms, Canadian Civil Liberties Association, Alberta Health Services, and from Dr. Deena Hinshaw, the chief medical officer of health. The committee also received 650 written submissions from private citizens. That is no small number, Mr. Speaker, so for the members opposite to suggest that we did not receive feedback and that feedback wasn't considered, again, would be so far from the truth, way off the mark.

Bill 66 will provide a modernized vision of the Public Health Act that strikes the right balance between protecting the health and safety of Albertans during a public health emergency while maintaining the rights of individuals. Albertans have asked for transparency, especially during the COVID-19 pandemic. Bill 66 ensures that through any public health emergency there will be greater public transparency.

The proposed amendments in Bill 66 address the recommendations of the committee to protect individual rights. The changes to the Public Health Act will remove the powers of the minister to modify legislation by ministerial order. This was something that I heard a great deal about. Constituents of mine were concerned that the Health minister would use this power inappropriately. I believe that Albertans are inherently distrusting of governments, and I can understand their frustration with that. I appreciate that the minister did not use those powers inappropriately because I trust that that minister would not act in such a way. But to ensure that we are being transparent with

Albertans, we have moved to remove that power. It also enhances the rights of individuals and adds checks and balances on authorities and will modernize the act to reflect current and emerging public health challenges such as chronic illness.

Now, what does that all mean for Albertans, Mr. Speaker? These changes would address public concerns about extraordinary powers that the government may have while maintaining the ability to respond to public health challenges. It will add clear checks and balances such as removing the Lieutenant Governor in Council's power to order mandatory immunization or reimmunization of individuals.

Now, Mr. Speaker, while I'm on that point, I'd like to just take a moment and talk a little bit about, again, what I have heard from my constituents. I have heard concern about government's extended power, and I have assured my constituents and other constituents in other ridings from members in this Chamber that that is not the intent of this government. In fact, it is the intent of this government to give more power back to the electorate. But the proof is in the pudding. So, first, of course, is this bill, Bill 66, which removes mandatory immunizations from the Public Health Act. For that reason alone, I will be voting in favour of this bill. It is your choice as a family to decide whether or not to vaccinate yourself. I encourage members of the public to get vaccinated. I will be getting a vaccination myself, but it is your choice.

11:00

Further to the point of more control in the hands of the public let's talk for a minute about recall legislation. This was a promise that we made during the campaign, to fulfill recall legislation, again, putting more power back in the hands of the electorate. It's a promise made and a promise that we will keep, without, of course, presupposing the outcome of the vote on that bill. What about, Mr. Speaker, citizens' initiative referendums? Another method by which we are putting more power back in the hands of Albertans, because Albertans must feel as though their government is responding to their requests, listening to their concerns. It's something that we have done, and, again, the proof is in these three bills alone. I'm grateful to all my constituents who sent me e-mails, who called my office, and who met with me to express their concern about these issues so that I could come to this Chamber, stand up here proudly, and represent my constituents and say: yes, I'll be voting in favour of these three bills because it's what my constituents have asked me to do because they overwhelmingly support these measures.

Mr. Speaker, the bill will clarify and enhance individual civil rights such as the establishment of the rights of an individual on being detained to immediately know or to be informed of the location of where they are being detained. There are also other amendments such as requiring that the health orders that apply to the pandemic or groups are published online, requiring a review of the Public Health Act every 10 years to ensure it is being kept up to date, and supporting a step-wise approach to an escalating public health response by extending pandemic influenza authorities to other pandemics. These changes have been asked for by Albertans. We have listened, and we have put it into legislation. Again, very grateful to the Minister of Health for listening.

One change in particular, removing vaccination, has been brought to light in my constituency in Alberta, and I briefly touched on that prior. With the COVID pandemic Alberta's government noted that Albertans should be able to have the freedom to choose if they would like to be administered the vaccination. Although our government supports the vaccines that AHS is giving to combat the COVID-19 pandemic, we still believe that Albertans have that right to choose.

Under this bill Alberta's government is going towards a proactive approach to chronic disease, to health rather than reactive. Chronic disease is the leading cause of death and disability in Alberta, and it accounts for the majority of Alberta's health care costs. Currently the Public Health Act focuses on communicable disease control. It is missing the legislative tools to address chronic disease and preventable injury in our public health legislation. Alberta's new legislation would update the act so that it would include the legislation foundation and tools needed for robust data collection, effective monitoring and analysis, and a collaborative, co-ordinated approach to programs and evaluation. This would make Alberta more efficient in addressing chronic disease and injury prevention. It would also improve our ability to address the leading cause of death and disability in Alberta and bend the cost curve in our health care system.

I am proud to see such measures put in place to change the Public Health Act. It takes the advice from the committee and many Albertans who voiced their concerns. I support Bill 66, the Public Health Amendment Act, 2021, because it modernizes public health legislation while balancing protection of public health individual rights. I hope that all members of the Assembly will be able to support Bill 66. As I have spoken in favour of Bill 66, it should be noted again, if it isn't already abundantly clear, that I oppose the hoist amendment because I believe, again, that the members opposite are trying to delay what I believe to be a thoughtful and transparent approach to addressing the public health concerns both now and in the future.

Mr. Speaker, I encourage members opposite: please don't cling to this hoist amendment as the hon. member has suggested. Please do not play these partisan games with Alberta's health care system.

With that, I move to adjourn debate.

[Motion to adjourn debate carried]

Bill 67

Skilled Trades and Apprenticeship Education Act

[Adjourned debate April 15: Mr. Nicolaides]

The Speaker: Is there anyone wishing to join in the debate? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Mr. Speaker. I delight in the opportunity to be invited by you to speak to the House about such important legislation as we have before us this evening, and I'm glad to be here in the House with an opportunity to speak to Bill 67, the Skilled Trades and Apprenticeship Education Act. Again, as I have with many other bills presented by this government, I read the titles and have a certain amount of excitement that maybe we're going to get to see something that's really good here, and I must say that with this particular bill, I am anticipating that maybe there's some good that might come out of this.

I'm really, at this point in the process, in a position where I mostly have questions and am seeking answers from the government on this bill as opposed to some of the other ones, which I clearly am against from step one. Instead, in this case I would actually just really like the government to help me understand a number of parts of the bill to make sure, you know, that if I support it, I am supporting something with complete clarity about the intention of the bill and the specifics of how this will affect things.

You know, clearly the apprenticeship programs in this province are a very important part of the province. The apprenticeship programs that we've had for, well, my whole life in this province have certainly been well constructed to invite people into these incredible professions and have provided many people with really

great opportunities to engage in skilled work in a way that they contribute not only to their families and the well-being of themselves and their children, for example, if they happen to have them, but also to really help build this province. I think it's something that we should be celebrating, and we certainly should be working very hard to make sure that the apprenticeship programs are designed in a very constructive way that will make it possible for the absolute maximum number of people to engage in this educational opportunity and to become skilled tradespeople who will be able to make this a better world, particularly for those of us who do not have the ability to be skilled and adept in some of these areas.

[Ms Glasgo in the chair]

I know my father used to tease himself that the only tool he knew how to use was a telephone, and that's how he got everything done. I'm very glad that we have other people in the province who have this incredible skill to be able to do things. I know I certainly use the skills of experienced tradespeople who've been through the apprenticeship programs.

11:10

I look forward to the government answering a few questions just so I completely understand where they're going. The first piece that I have some questions about is the fact that we seem to be shifting the responsibility for the understanding of the designations and the rules around, you know, who can establish a program and the criteria for the program's existence and the nature of the examinations that will be held in the program development away from those people who had previously done this, which generally was centred in the hands of the apprenticeship board – I'm forgetting the title of it now – the Alberta Apprenticeship and Industry Training Board. There it is. A lot of that work seems to be shifting into a new position, which seems to be a registrar.

I guess I really would like members of the government to help me understand why that shift is happening so I can understand what the direction of it is. I have not in my time as an MLA had people come to me with deep concern about the work of the Apprenticeship and Industry Training Board and the work that they have been doing up till now, so I don't have a sense that this is a fix to a problem that's been identified. I'm hoping that someone on the government side of the House can identify where the problem resided with the previous circumstances, just so I can understand how this bill will actually fix the problems that were identified.

It seems to me that we have an excellent reputation in this province for apprenticeships, and we have some really fantastic institutions, such as NAIT and SAIT and a few others, that have certainly done the job up till now in relationship with the apprenticeship board. I guess the motivation here escapes me a little. It just may be that it's not my area of expertise. So I'm hoping that someone on the government side can help to identify to me some of the reasons why this new entity should be created.

The reason why I have some concerns is that I have some concerns about some of the powers that are being given to this registrar, which I kind of think should be staying with people who are actually involved in the apprenticeship system themselves and not an external body. But perhaps I'm not understanding exactly who this registrar will be. Perhaps that's another question that could be answered by members of the government side of the House as to, you know, what the nature of this registrar's position will be and how they'll be appointed and what kind of qualifications will be sought for this registrar. Is this position a political entity position, or is this an academic sort of position? Is this position representative of one of the many trades that will be housed under this registrar? I

just want to have some understanding of that, so I'm just inviting members of the government to help educate me in an area that I cannot say that I have deep knowledge in.

Certainly, there are members of my family who are, you know, registered red seal carpenters, for example, and a few other folks in my family. I certainly will be going back to those people that I know and asking them about what problems seem to be getting fixed here and how they feel about these pieces. And the more information the government gives me, the more reasonable my questions can be of the people I'll be talking to. So I certainly would like it if they could do that.

I do have some concerns about the fact that the government has framed this in a way as if they are somehow going to recognize apprenticeships and trades in an uplifting way through this bill, which seems to imply that they didn't seem to see the trades as being worthy of that recognition up to this time. I'm a bit confused by that. I just don't know why they feel they need to be elevated at this particular time. I certainly know on this side of the House, we've always viewed the trades as worthy of deep respect and support. In fact, we have a very long history in Canada of supporting people in the trades and in apprenticeship through our party, in fact, you know, putting positions within our institutions to bring forward their concerns and to make sure that their voice is well respected in the country. So I'm just confused a little bit why the government side seems to have suddenly discovered them and what that's about.

I notice that when they set up this bill, a couple of the things that they've done concern me. I've already mentioned the registrars. You know, it seems to be taking the power away from the people who've been very successful so far and giving the power to someone new. I notice also that the minister has quite substantial power here in being able to disestablish a program and interfere with the programs in a variety of other ways, which again leaves me wondering why they felt that it was necessary to have that kind of power. Are the people involved in the trades not doing the job well now such that a minister, who may or may not have a trades background, would be a better person to do that? I guess I just need to understand that a little bit.

I guess I'm also a little confused because while they're saying that they're trying to uplift the apprenticeship programs, they also are making access to those programs much more difficult by dramatically increasing tuition in these programs and cutting monies to the institutions that are providing these kinds of programs. It seems to be sort of a little bit of: the left hand doesn't know what the right hand is doing in here. We know, for example, that recently the federal government offered a substantial amount of money for the province of Alberta under the jobs now program, and it turned out that this government let the money founder, and we lost it. Perhaps the minister of labour can correct me on that if there is some news that we aren't aware of in this House.

But it seems to me that there have been a number of opportunities for this government to actually support apprenticeship programs and the trades, and they've kind of failed to do that. The situation of the bill kind of confuses me. I just want to have someone on the government side help me understand, you know, what kind of changes they're trying to get at here, what the problems are that they believe exist that need to be changed, why such extreme powers are being given to this registrar, and why such significant powers are being given to the minister. Why is there removal of some protections that have existed up to now like the compulsory trades designations authority? What was the matter with that process, and why is that being changed? You know, I certainly want to support a solid apprenticeship system in our province, and if these changes could actually provide something better for them,

you're going to get my vote. I just need to understand where you're going with these things so I can understand.

Of course, you know, as an academic in my career before I got elected, I also have some concern about some of the specific choices here. I'm worried that some of the decisions that I think really should rest with the people who are the most educated and involved in the administration of programs are being taken away from them and being given to people outside of those programs here. I'm worried about that. I'm worried that if it's not people within the professions themselves who are making the types of decisions that need to be made, we're kind of losing the plot a little bit here, and I just really want to be assured that that's not going to happen, that it's still going to be carpenters deciding what is appropriate for carpenters to learn and that that is true of all the trades and apprenticeships, the vast number of them that we have in this province now. It would take me a long time to list all the types of things you can get an apprenticeship in. I certainly would like to be assured, I guess, by the government side of the House that we're not removing the ability for program design and curriculum and pedagogy away from the people who actually understand the work and shifting it into some kind of a bureaucratic process.

11:20

I do notice that some of the authority is being shifted away from, you know, the people who have it now into the ministries themselves, and I guess that that's just a concern. Why is it that ministries are making decisions rather than professionals in the field? Perhaps I'm just reading this wrong, but that's certainly how it appears on the page. I certainly would love it if someone could answer me that.

I know that a particular piece here that is probably going to be controversial – and it may just be my previous position as an academic, but I know that they have a particular idea of making sure that members of apprenticeships can receive credits that allow them to transfer their apprenticeship educational experience into other kinds of settings. I certainly appreciate the concept there, but this is something that has actually been debated quite widely in the academic community because, of course, people often want to switch between, you know, other kinds of programs.

For example, in my case, as a social work professor I saw people from other fields wanting to come into social work and saying: well, you know, I'm already a whatever it happens to be, so why can't I get credit for that in becoming a social worker? While we appreciate that we want to respect the education that you already have, when you're coming into a profession, you also need to make sure that you actually receive a substantial amount of the education that that profession uses in order to engage in its job. If you are granted credit for all kinds of work that has nothing to do with the profession you're now entering into, it becomes dangerous because it means that your education in the new profession is extremely watered down.

I'm not against this. I just really want to put that out there. I just want to know what the guidelines are as to how that will be decided and who gets to decide that, that this is an appropriate credit to be received and be acknowledged. Of course, you know, being a red seal carpenter is a great thing, but I don't want you to skip out any classes in med school because you're getting credit from your red seal carpentry and therefore you get to miss out on your anatomy and physiology class.

You know, I'm giving an absurd example to highlight the problem, not because I really think that that's an example. I just really want members of the government to assure me that we're not going to end up with absurdity at some point along the way, where credits are given just to recognize the years being put into a certain

training when the training itself really has nothing to do with the new area. That's a concern. To use my own profession, you might be an excellent carpenter and you may even use some of your knowledge from being a carpenter in entering a social work school, but that doesn't mean that we should let you skip the family therapy class or that we should let you skip the interviewing class.

I guess that's the question, and it is a big question. I mean, it is debated all the time in academia: "How do we do that? How do we recognize that you put in work?" You know, we really do need to acknowledge that if you are a red seal plumber, you've done something, and it's a wonderful something that you've done, and that needs to be honoured. But is the right way to honour it to recognize that as a way of you skipping out on some of the learning in the new profession that you're choosing to enter into, particularly if that new profession is really not connected at all; plumbing and social work, for example? I certainly think that they're both wonderful professions, and I honour people who put in the time to achieve credentials in either one, but are they transferable? That is a big question for me.

I'm putting all these things forward only as ways to kind of cast out my concerns and have members of the government side actually come back and address them for me. I would certainly love to feel relieved that, you know, my examples of absurdity are indeed that, just absurd, and that I don't need to worry about them.

I'm hoping to hear the government side stand up to walk us through each of these different sections in a way that will help me understand how we are going to ensure the integrity of the programs as they now exist, that they will stay in the hands of the people who know most about them, and that government itself will not interfere with processes which have so far been pretty successful in this province. I think we are renowned for the excellence of our trades and apprenticeship programs in this province, and I would hate to have anything happen that would undermine that in any way.

I thank you very much, Madam Speaker, for this time.

The Acting Speaker: There is no Standing Order 29(2)(a) available as he was the second speaker to speak.

Anybody else wishing to speak to the bill? I see the hon. Member for Spruce Grove-Stony Plain.

Mr. Turton: Yes. Thank you, Madam Speaker. It's a pleasure to rise today and speak about Bill 67, the Skilled Trades and Apprenticeship Education Act. First of all, I just want to thank the Minister of Advanced Education for bringing forth this important and transformative legislation. Now, this legislation is important to me for various reasons. As a dual-ticketed tradesman, a 20-year member of local 1325 of the carpenters and joiners of America, and as a member of the skilled trades caucus I have years of experience working in trades as a site foreman, a job steward, and obviously years as a rank-and-file tradesman on every construction site from Fort Saskatchewan to the Genesee power plant.

Just like many in the skilled trades, I started off as an apprentice, and, Madam Speaker, I can attest that there's nothing more fun than starting off with a second trade as well as an apprenticeship when you've already gone to get your first journeyman ticket. You know, when I think about the fond memories of my own apprenticeships, obviously they were enriching educational experiences where I learned not only about the trades but practical knowledge beyond the trade. I know that, for myself, I can remember as a young 18-year-old tradesman getting up on a ladder for the very first time and my knees shaking because I was scared of heights. But just a couple of years after that, I was a journeyman scaffolder, and it was a regular occurrence for me to be working at heights of 100, 200 feet up in the air, balancing away on tubes, and it was something that just came natural to me.

You know, during my time as an apprentice and going through scaffolding, I had the fortune of working on Hercules transport jets from the Greek air force, rappelling into tanks full of sulphuric acid, hooked up to full oxygen: some of the most amazing work experiences. I still look back and I think I was a little crazy, actually, for doing some of them. I mean, these are the kinds of experiences that I know many tradesmen and -women have learned working at these industrial sites all around the province. Now, I may not have gone to university, but I learned a tremendous amount during my apprentice education while being able to work hands on in my field, learn critical thinking skills and practical skills that are still of use to me to this very day.

I still remember as a third-year apprentice – I was on the cusp of getting my journeyman ticket – going to a site foreman. His name was Danny. I owe a lot to Danny; he really took me under his wing. I remember asking Danny, "When do you know that you could be a journeyman?" I'll never forget. He said, "Member . . ." – because I can't say my name – "when you're tired of helping out journeymen and you know more than they do, eventually you'll go to get your journeyman ticket." You know, it was just shortly after that, about a couple of months, that I finally got my journeyman ticket.

I'll never forget my very first foreman at my very first journeyman job when I had that journeyman ticket. My foreman's name was Roddy. Roddy was going to send me out on my very first job as a journeyman. I was all excited. He knew I was a brand new journeyman because I had worked on his crews as an apprentice, and he said: Member, just remember; don't screw up. He didn't say the words "screw up," but I think anyone that can use their imagination probably knows the type of language that they use on those construction sites.

I mean, back to referencing some of the comments that the Member for Edmonton-Rutherford mentioned, I think it's important that an apprentice and the education that they receive are thought of just as highly as a university or college degree, and that's obviously why I'm thrilled to speak on Bill 67. University and college are great – they are the right fit for many occupations in Alberta – but some occupations may be better taught in an apprenticeship setting. This new legislation allows that to be possible. The changes made in this legislation are based on the recommendations of the Skills for Jobs Task Force and align with the Alberta 2030 building skills for jobs strategy to transform the postsecondary education system within Alberta.

11:30

I would just like to commend the hon. Member for Fort Saskatchewan-Vegreville for chairing that committee and also as a journeyman tradeswoman. I'm thankful for her experiences that she shared with the other committee members as well as all the other government members that were on that committee.

Bill 67 modernizes apprenticeship education and the governance of skilled trade professions by replacing the 30-year-old Apprenticeship and Industry Training Act with legislation that supports a modern, flexible, and efficient system. Again, this is something that the Member for Edmonton-Rutherford mentioned.

Mr. Speaker, I spoke in this House a few weeks ago about how the 911 system had not been updated for over 30 years, and I gave great examples of how much the world of technology has changed since the early '90s. Now, although I am sure that the opposition and maybe some fellow government members would love to hear about my favourite video games from the '90s again and the technological changes that have occurred since that time, I will spare the House from going down that memory lane at least for now. But I will say that 007 and SimCity and Street Fighter were favourites of mine from the '90s.

But I will say that a lot has changed in the trades and apprenticeship education during the last 30 years, and it would be detrimental for our province and our economy if we did not adapt to the changing realities of education in our province. The Apprenticeship and Industry Training Act did not allow the flexibility to expand apprenticeship education to other professions and high-demand occupations and no longer meets the needs of industry, employers, apprentices, or postsecondary institutions. Again, this is something I know that the Member for Edmonton-Rutherford was referencing. When you think about modern-day technology and information- and knowledge-based industries, I mean, apprenticeship models would be a perfect fit for those types of industries and help prepare our youth for the future and, obviously, to meet the demands of tomorrow.

Some have questioned why the government does not just simply amend parts of the Apprenticeship and Industry Training Act, but the truth is that the act is very complex, overly prescriptive, and intertwines apprenticeship information and skilled trades so closely that amending it is practically impossible. Tens of thousands of skilled workers are planning to retire over the next decade, and we must adapt to fill these critical jobs, or we will face a substantive labour shortage moving forward.

Currently the Alberta Apprenticeship and Industry Training Board has authority over designated trades and apprenticeship programs. Under this proposed legislation the new Alberta board of skilled trades will only have authority over designated trades, and the Minister of Advanced Education and the registrar will have authority over apprenticeship training, again, another comment and point that that members opposite were referencing. This will of course allow for the expansion of apprenticeship education programs beyond designated trades – and this is really the interesting reason why I'm supporting this bill – and will allow the government to have the ability to give postsecondary institutions more autonomy on how they can set curriculum, assess learning outcomes, and deliver classroom instruction.

Madam Speaker, I know we talk a lot about apprenticeships going into professions, but I just really want members in this House to use their imagination and think about what the value would be for professional members to be able to use some of their training that they received in postsecondary institutions and perhaps go into the trades on the other way as well, to take their experiences learning in different colleges and universities around the province and potentially have the option even to take that into the trades if they wanted to go into a business, if they all of a sudden decided, "Maybe I don't want to be in a cubicle working at a desk and doing e-mails," and they want to get their hands a little dirty, get out on the site with either a welder or take up a trade like carpentry like I did.

The new Alberta board of skilled trades will be able to solely focus on matters related to designated trades and their networks.

Now, the current Apprenticeship and Industry Training Act has nearly 12,000 red tape items. I want everyone to think about that: 12,000. With this act replaced, Bill 67 will reduce this unnecessary red tape, which is a burden for employers, apprentices, postsecondary institutions, and government. Any Albertan that has gone through the apprenticeship program, that has chased employers with their blue books or their red books, trying to reference those types of hours, knows the types of burdens that this unnecessary red tape causes.

The new Skilled Trades and Apprenticeship Education Act will allow for detailed and adaptive requirements to be in regulations and policies that can be more easily changed to meet the evolving needs of the workforce. Again, this is something that we're doing to prepare our youth for tomorrow. We shouldn't be stuck in

keeping them in the same types of programs that existed decades ago. If Bill 67 passes, the government will consult with stakeholders to help shape these new regulations and policies, and I am looking forward to that in-depth consultation.

Bill 67 will allow the government to designate a trade where it makes sense and not just provide an apprenticeship education program. Apprentices will also benefit from this act by receiving an academic credential that properly reflects the level of knowledge and skills they have obtained, which will recognize the quality of apprenticeship education and open additional pathways to further education.

Madam Speaker, I will say that after working for so many years with tradesmen and -women, one of the biggest hindrances is the educational ceiling that many trade tickets have, because once you get to that journeyman ticket, there's a perception sometimes that you could get stuck, and even though you want to move to other professional credentials or occupations, it's very awkward to go back to school, start from scratch, especially when you're trying to supply for your family, pay your mortgage. It's tough. While I come from a trades background – I spent many, many years slogging away in construction sites all over the province – I also know from the experiences of the fellow workers I worked with that it is a ceiling.

This bill, this legislation, will allow those tradesmen and -women that want to better themselves and look at other educational pathways to do so. I appreciate the guidance and the leadership that the minister of postsecondary education has done to really put forth this bill. Madam Speaker, postsecondary education is rapidly changing, and there's no better time for young men and women to get an apprentice education or for those who may desire a new career path. Bill 67 is another campaign promise fulfilled, and I am excited for the future of the trades and apprentice education here in our province.

I encourage everyone in this House to vote in favour of Bill 67. Thank you, Madam Speaker.

The Acting Speaker: Standing Order 29(2)(a) is available. I see the hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Speaker. A pleasure to rise under 29(2)(a) on legislation that interests me quite a bit, having come from a family that was raised by a journeyman carpenter, a family of six that was raised by the wages earned by a journeyman carpenter. Having been exposed to the trades all my life, I certainly appreciate the comments of the Member for Spruce Grove-Stony Plain, who spoke highly about the trades and his experience in being a double-ticketed tradesman. I certainly herald the work and wisdom of those who decide to toil in the trades. It's a way of life as well as a way of work and certainly is a skill that not all of us have, to be able to go ahead and become proficient in one or more of the trades.

What I wanted to ask about a little bit this evening, Madam Speaker, is something that's in the back of my mind and recurring to me as a sense of what the government members are trying to get at when they seek to create sort of a ranking of the postsecondary options that are available to Albertans. The implication that I get a sense of is that the UCP seems to think that the apprenticeship programs or the trades option is something that has been given short shrift or that has been seen as a secondary or lesser avenue of occupation whereas they would be inclined to suggest that those who are to take the academic route and go to the university or college postsecondary stream are somehow living in a gilded cage and are being treated disproportionately better than those who take the trades and apprenticeship route.

11:40

I beg to differ with that, Madam Speaker. Perhaps members opposite in the government side could clarify for me, but the real sense that I get is that they think that somehow the trades and apprenticeship choice has been somewhat denigrated, and I think that's totally a false impression. We have historically on this side of the House, as has been mentioned by my colleague from Edmonton-Rutherford, venerated those who choose professions in the trades. I am the product of a family that benefited from the work of a tradesman, and certainly in many, many families in this province you'll have offspring who go to both streams. There will be some who choose the academic route and some who choose to go ahead and become members of a specific trade.

[The Speaker in the chair]

I don't know if indeed that's the intent of the members opposite on the government side, but certainly to create a sense of us versus them between the postsecondary streams that exist – university, college, the academic side – and the trade side is an unfortunate implication. I hope that that's not indeed what the government views as a reality in this province because if you look at the history of work in this province, both streams are venerated. I mean, one benefits from the other. The trades – I know my father's case, and the member who just spoke is a tradesman himself – will recognize that it's to their benefit as tradespeople to value and appreciate the research that emanates from the academic side of the world, where new techniques and materials and applications can be applied to their work in the trades as a result of research done by engineers and talented chemists and other professionals.

The Speaker: Hon. members, are there others wishing to speak to the bill? The hon. Member for Lac Ste. Anne-Parkland has the call.

Mr. Getson: Thank you, Mr. Speaker, for recognizing me. It's good to be back in here. Honestly, I was gone away a little bit from the House and pontificating and thinking about some of the questions and dialogue that might come up during this bill, and not to my wildest dreams did I think we would have this much in agreement between both parties. There are a few slanted twists and turns here and there, and I'm not going to hold the members opposite to too much fault on that. You know, you can't teach an old dog new tricks and habits and all those things. They kind of slant back in there.

There were some good comments from the Member for Edmonton-Rutherford. I'm going to try to cover off those first, Mr. Speaker, before I get into the speaking notes because I couldn't under 29(2)(a), and I was hoping to try to respond to him. Firstly, the fellow MLA is from academia, and he should be held in high esteem for those studies and what he contributed, no different than the tradespeople. There isn't a big difference. That was the whole point of this bill, the whole point behind the skilled trades task force and the Skilled Trades Caucus. I'm deputy chair of that, was also part of the skilled trades task force that did this. The concerns, a couple of the items that were brought up, were: okay; is it going to be done in isolation and the trades not involved? Well, that wasn't quite the case. Then it was also wondering if the trades were going to dominate it, and then it was kind of questioning how the academic stream was there.

I'm going to mention a few of my fellow task force members that were on that: co-chair Glen Feltham, a fantastic man, former president and CEO of NAIT; David Ross, co-chair, president and CEO of the southern Alberta institute; the MLA for Fort Saskatchewan-Vegreville, as the Member for Spruce Grove-Stony Plain had mentioned; Brad Bagnall, an instructor with the skilled trades of excellence in Bowness high school; j'Amey Bevan,

Alberta apprenticeship training board; Stuart Cullum, president of Olds College; Ann Everatt, president and CEO of Northern Lakes College; myself; Laura Jo Gunter, president and CEO of Bow Valley College; Paul Heyens, CEO of Alberta Glass; Dave King, dean, School of Trades and Technology at Lakeland College; Ray Massey, president of skills trades Alberta; Andy Neigel, president and CEO of Careers: the Next Generation; Terry O'Flynn, president and founding partner of Prism Flow Products Inc; Terry Parker, a good friend of mine over at Building Trades of Alberta; Dennis Perrin, Alberta and prairies contractor from CLAC; Amanda Rosychuk, senior vice-president, drainage services at EPCOR – she's also board chair of Women Building Futures – Tony Tomkiewych, a good friend of mine out in God's country, Provincial Apprenticeship Committee, industrial mechanic, millwright; Paul Verhesen, president and CEO of Clark Builders; Colin Ward, chief operating officer, Ward Bros. Construction; Jason Wright, director of apprenticeship, sheet metal society.

For the record, through you, Speaker, to the other members and for the record at *Hansard*, for the folks upstairs, these are Albertans that stepped forward to help deal with the parity of esteem, how to look at our model of how it was good.

I acknowledge the Member for Edmonton-Rutherford. Fantastic, absolutely: the Alberta trades are phenomenal. We're world recognized. When I have projects that are on the go, both in the States and otherwise, when some of my mentors who are tradespeople work in other jurisdictions right around the world – the Emirates comes to mind – the Canadian tradespeople are phenomenal, are fantastic. They do a lot of work, great stuff. That's part of the crux. There's the rub.

The North American model is substantially different than the European model. When you think of a master craftsman from Germany or you think from Austria or Switzerland and everything else, there is in that society a higher parity of esteem. This is kind of a North American problem. It's a new world, old world thing. When you look at academia, the streams that we typically talk about, we're kind of fixated, and some of the dialogue came to that. We're trying to pick one or the other. That isn't the case. In the European model and I'm becoming a civil engineer, if I was going to take my vocation, then I would need one year of the trades. Mechanical would be probably more of an example on that. So you have a technical-type background before you get into the academic model.

The apprenticeship program also starts way sooner while we find ourselves stopping and starting here. With the current model in the place that it is, we have a lot of people starting in the trades and never finishing, and that's a bit of an issue. If you back the shot clock up, you'd like to look at the European models, and what you do is that you start bringing in those developments. You take away some of the concerns and the issues that are raised, so in that grade 7, grade 8 timeline you're starting to develop these skills in parallel. A lot of those trade sets when you go to a technical college or you go trades or you go academic – those main streams in Europe kind of coalesce, but after they've been exposed to both.

When we went on the skilled trades task force, we started looking at some of the work that New Zealand did. Ontario did some work. Malaysia is a unique model. They just went and begged, borrowed, and stole from all over the different jurisdictions, and then they brought what was best. They knew they couldn't home grow and build their own infrastructure, so they put their people and went over to different jurisdictions. There was tons and tons of dialogue on how we could do this.

Do a word search on "apprenticeship," and see what comes up. That was part of the issue. When you do a word search on someone who is practising medicine, it's a completely different connotation in our language, the way that we look at it, and that was part of the

crux of the issue. It's not a this or that or the other thing or not saying that one side is pushing it down. This is literally right across the globe. This is kind of a thing in North America that we've inherited. When you look at different jurisdictions, as I said before, that hang-up isn't there.

So when we started looking at this, it was: okay, look at our current systems and see where some of the problems are. When it comes down to the legislation and the act, it's pretty darn cumbersome. A lot of the mechanics behind it – and I won't get into the specific details. I won't steal the minister's thunder, but the details behind that is that if we started to tweak or change this model, you literally had to bring it to the House. The minister had to run it through. You'd have to change the act. So by streamlining this and putting that regulatory process to it, you could allow for it to adapt.

The other thing that we're looking at – because we talked about the mainstream – is that, okay, the traditional trades are here. We all kind of understand the convention. What about all these other growing fields? When you start looking at the learning model versus where we were kind of fixated on the traditional trades, being a mainstream trade, what about all these other ones that are kind of doing it anyway? Maybe just maybe it's a different way of learning. When we spun that thing on its head and looked at how people learn, a lot of the apprenticeship model has been there forever.

Now, if you were to take a name – let's pick a name out of a hat, the proverbial hat. Leonardo da Vinci: is that a tradesperson? Is that an artist? Is that an engineer? Is that a designer? Those are the types of people that actually broke the mould, broke the convention of how we think and how we talk about things. When we think of these masters: it was a Renaissance. What I would propose is that rather than fixating on some of the partisanship, think of that. Think if we had a bunch of Albertan Leonardo da Vincis. What if we gave a field, a landscape where you could allow that type of skill set to flourish, where we didn't have some of the same conventions that we've been stuck in.

11:50

The other thing that we really have here is that, okay, we work our backsides off, we get the economy rolling, and I put this to the task force. What I want to do is that – when these major projects fire up again and we've got people to go into them and I hit that thing, that accelerator, we're going to have that screeching sound like good old Han Solo and I think it was the *Empire Strikes Back*, when the old drive didn't kick in in the *Millennium Falcon*. That's not what we need here because we've had that ebb and flow. We've got a bunch of grey hairs that are going to be retiring out, a bunch of new kids don't want to come into the streams, and there we are flying people from halfway around the world again to do our work.

So when we looked at that model, how do we get the kids hooked? How do we get people to finish these trades? How do we get other crafts to take on that apprenticeship model without it being so cumbersome? And that's where some of the tweaks came back into being.

Again, going through that whole process was fantastic. COVID came up during the middle of that, too, which was the other thing. So then we started looking at coding. Okay. How do we pull in the computing sciences? How do we look at aircraft maintenance engineers? How do we look at all these other items that aren't trades yet? And that's when we started to really change the conventions, change the names, and then looking at a different way of thinking about it. We put this big report together, and then, lo and behold, the minister put a large portion of it in there. So it wasn't without tons of dialogue; it wasn't without help from polling. We went around as well, and we actually did polling out there to ask Albertans what they thought.

Part of the other issue that we thought, apparently, was some of the teaching dimensions. Sometimes when kids are going through school: if you're smart with your books, well, then you go to academics, and if you're not so smart with your books, you must be good with your hands. We had to park that as well.

When we're talking about some of the most successful company owners out there, they are people that came through the trades first. So to do your business, to understand really how your business works, you're typically more hands on. You'll hire the accountants. You'll hire other guys. And then a lot of times the transferable skill sets – going back to the Member for Edmonton-Rutherford, he made a really good point on that, when you're looking at these ladders, the traditional ladders. A friend of mine is a vice-president of a bunch of companies. He's an MBA, and he's also a mechanical engineer, and his wife is also a teacher, so they have these really interesting conversations. But my friend, Tom, what he said was: you know, Shane, the whole problem is the whole system in North America is designed to fail. If you don't produce a university prof and you hang a left somewhere, you've failed because there seems to be these off ramps and we're not looking at it the right way. So again we came back and had some of those dialogues about the da Vinci model and how that works.

The whole process, if we can rejig it and get people thinking about those transferable skill sets – if I'm a tradesperson and have applied mathematics and I want to get into a technical program or technical college or a university in the engineering stream, then I should be able to look at some of these items that actually line up. Conversely, if I'm a second-year university student that figures out: look, I am not going to be pushing paper; I don't want to be sitting in an office in Calgary; I'd rather be out on a job site somewhere. At that job site it might be the field engineer, it might be the superintendent, it might be something else. Okay, if I take those skills sets that I have, how can I apply them over here in this stream?

Then we talked to building trades. If you look at the boilermakers, they are phenomenal the way they train people. There are tons and tons that transfer across. Three streams to own your company and become a multimillionaire: either you're going into the engineering stream, you're going into the business stream, or you are going into the trades. Typically the most successful ones have transferable skill sets right across. When we started looking at those models, that's what we were trying to build here.

With that, I think I've spoken, I believe, I hope – and if I can get any nods just to make sure that I did cover off. I know it's out of parliamentary procedure. If there are any items that I missed, I apologize for that.

The need to change legislation, the demand for the workers: we talked about that. Registration of apprenticeship has dropped more than 35 per cent over the last six years. That's a problem. I hit that accelerator, and there's no one there to do it. And we have a ton of people that drop off the board. There was overlap between ministries as well of who actually had authority and controlled those items, so we needed to streamline that. It'll address the modernization of the education process of skill trades professionals and increase competitiveness. We are competing on a global stage. If we want to really ramp up our industry sectors, we need to attract and retain, and also we want to have those transferable skill sets.

An example of why I am so fixated on aerospace and manufacturing in aviation is because when you look at some of the studies of the skilled workforce – we have this industrial complex that we've taken for granted for a number of years – 80 per cent of those skill sets we built up in the energy sector because of the high-quality performance, the high-level quality, the rigour, the craftsmanship, everything else are transferable over to aerospace. So

why would we not look at those streams of how we can transfer and integrate that? We want to be very, very competitive in that regard.

Modernizing the education, the apprenticeship, governance, skilled trades profession and making sure that our provincial workforce is skilled, competitive, and equipped to deal with the challenges of the future. Again, we've got emerging markets as well. So when something is so rapidly advancing, if we've got antiquated legislation here, the rest of the world is already nimble and adapt. They can say that these people are skilled and they have a level of proficiency and competence. If we don't have that piece of paper to back it up, then our workforce, regardless of how skilled they are, may be in a deficit position.

Oh, yeah, it was a campaign promise. Look at that. Promise made, promise kept. We try not to make promises that we can't keep, you know, back to my members on this side. We did recognize it. Again, it's not partisanship, folks, so we don't need to start fighting amongst ourselves. It's for the right reasons – and we did say that – and it affects people out in my area and right across the province, so it is actually genuine.

Equal value of apprenticeship education with other forms of postsecondary education and encourage more Albertans to pursue the professions of trade not as an alternate option but as a meaningful career. When Glen, the gentleman from NAIT, the former CEO, was talking about whatever certificate that was that went across the stage when somebody gets their trade certificate or myself – I'm a civil engineering technologist – if I get that technology thing, how does it compare to something that's in a university under an accredited program? Well, it turned out that once we physically went down that academic rabbit hole, that piece of paper was essentially useless. That's a problem. These people are putting in two years, three years, four years, five years, six years, you know, unless they get a master seal. The actual technical college itself really didn't line up with some of the academic streams. This act kind of changes that. It addresses it and says that it is actually something of value that can be recognized elsewhere, which is a big deal.

Approximately 7,820 new apprentices were registered in 2020, a decrease from 11,627 new apprentices that began the program in 2019. Again, addressing the ebbs and the flows. How are we going to get people into this, get them excited, get them proud about what you're doing? Look at those transferable skill sets and how you move over.

Oh, why is it important to separate apprenticeship education from a trades certificate? That was, I think, one of the questions, and I hope I can answer it here. Apprentice education is proven strong at supporting student learning success. Apprenticeship models learn at great potential to produce professionals beyond the skilled trades. Basically, what that's saying here is I've got a couple options. Maybe I'm good at both.

You know, Mr. Speaker, I'm not a trades person, but I can operate equipment. I grew up on a farm, so I can weld. I can do a bunch of farmer-type stuff. My job at most job sites: I was the universal translator. Early in my career there was the engineering staff that was in the office. I worked for the contractor, and I got strapped with the saltiest old superintendent you had out there. My job was to go around and troubleshoot and translate, and that is the translation of . . .

Speaker's Ruling

Referring to a Member by Name

The Speaker: Well, I'd like to thank the hon. Member for Lac Ste. Anne-Parkland, but I'd also like to remind him that, no matter what the context is, the use of the name of individuals who are inside the

Chamber – you were perhaps just checking to see if I was listening when you were talking about Tom and he said, "You know, Shane," which would be a wildly inappropriate use of unparliamentary language. Maybe you were talking about some random individual, not yourself, but that just proves that I am listening, even at this hour.

The hon. Member for Edmonton-Glenora on 29(2)(a)?

Debate Continued

Ms Hoffman: Yes, please. Thank you so much, Mr. Speaker, to have an opportunity to respond to the debate and to the previous speaker with questions and comments. I have to say that, absolutely, our side of the House is a big supporter of hands-on learning and opportunities for students at any stage of life and learning. Having opportunities to engage in tangible real life experiences is a positive.

I do want to touch a little bit on the context of coding by pen and paper. This has been something that was brought up not so long ago by the Education minister when there were questions around the proposed mess of a curriculum that has been shopped around to Albertans and is overwhelmingly being rejected by the people of Alberta. When a question was asked about programming, which is something that I'm very excited has been a concept that has been maintained through this rewrite now under the UCP government, something that we absolutely pushed really hard for and worked with outside expertise to make sure that it was incorporated in the curriculum – the question asked was: what about enough technology for students to actually be able to practise their coding skills that they are teaching them in class? The minister responded by saying: well, lots of things can be taught on pen and paper. I want to say that they absolutely can be taught, but this is completely counter to I think the work that we're saying is so important in terms of apprenticeship and hands-on learning.

12:00

When I was young, I took piano lessons. There was absolutely a theory component that had pen and paper, but there was also a piano. There was also somewhere to actually ensure that that theory you learned on pen and paper was executable when it came to the goal, which was to learn how to play the piano.

I think that when we look at it in the context of adult apprenticeships or junior and senior high apprenticeships or when you look at it from the context of teaching students hands-on skills at any point throughout the K to 12 system, the government stepping up and actually putting the resources in place to ensure that hands-on learning experiences can be meaningful and true experiences is something that the government would be wise to prioritize.

I also want to say how much I appreciate that we have, over the last 20 years in particular, grown apprenticeship experiences in the K to 12 system. But, really, over the last two years we've seen a significant erosion of that through the challenges that dual credit has experienced. I'll speak specifically to the health care aide program in the Barrhead and Westlock areas. There was almost 100 per cent success in terms of students who did the dual credit and became health care aides, staying and working in those communities and getting jobs right away in those fields. But because of the changes that this government has implemented through their cuts to education funding and the changes they made to dual credit, those opportunities have essentially evaporated in the community. And what a terrible time for that to have happened, a time when we need more hands-on learning and more health care aides working in health care centres in communities throughout our province, especially in the wake of COVID-19 and the third wave, that we are currently experiencing.

I have to say that I hope the government takes some of the words that they speak in this place around apprenticeship and applies that concept of hands-on learning and appropriately resourcing and staffing programs to ensure that students or lifelong learners at any stage in their learning can have true, meaningful, anywhere, anyplace, any time, hands-on learning experiences in their communities,, with professions and with opportunities to explore fields that could be beneficial, obviously, to the community, beneficial to the citizens, and beneficial to the learner as well.

Those are some of the thoughts that I believe the member opposite has inspired when I think about some of the discussions as it relates to apprenticeships. Making sure that there is actually appropriate government support to fulfill the sentiments that are being said in this place I think would be helpful as we move forward as a province. I do think that hands-on learning experiences are beneficial, and that's why I think the government should appropriately fund technology for schools, especially when we're sending so many students home to learn remotely. I was reading just a few minutes ago about Calgary charities trying to step up and give more technology to students in grades 7 through 12 who are being sent home to learn remotely yet again, Mr. Speaker.

The Speaker: Hon. members, are there others wishing to speak? The hon. Member for Cardston-Siksika.

Mr. Schow: Thank you, Mr. Speaker. It's an honour to rise and speak to this bill. I'd love to talk about it, but instead what I will do is move to adjourn debate.

[Motion to adjourn debate carried]

Bill 58 Freedom to Care Act

[Adjourned debate April 20: Mr. Schweitzer]

The Speaker: Hon. members, at second reading of Bill 58, the Freedom to Care Act, I see the hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Mr. Speaker. I am pleased to rise and speak to this act, the Freedom to Care Act. I have a number of questions that I would like to put on the record here at second reading, which I think is the time for that. My hope is that when the minister either closes debate or is up at Committee of the Whole, she can provide some answers with respect to this act.

It's an interesting act. I've certainly heard the government's stated reasons for it. It's not long, so it was easy to read it in depth. I think the first question I would like to ask about this is: what problem is it solving? You know, certainly, I've heard members indicate that there's a problem with volunteers potentially finding themselves in a liability situation. I'm surprised to hear that, and I would like to hear some examples of it, the reason being that for four years I served as the Minister of Justice and Solicitor General and heard a lot about liability and court things and civil suits and sort of all things legal, I guess. A lot of people write in to the Minister of Justice, and I had a strange tendency to want to review my own correspondence, so I read a lot of it.

You know, some people raised really legitimate things. One of the bills that I brought forward, which removed, essentially, the limitation period for victims of sexual assault, actually came from a letter, from someone writing in and saying: "This is a problem we have in Alberta. They've fixed this in other places. You should consider doing it, too."

I never received any correspondence or e-mails that I recall on this subject, suggesting that a volunteer had been subject to liability in this way. I do not recall the department ever briefing me on this problem sort of coming up by way of a court case, so I'm a little surprised to discover this. I understand that similar legislation exists in only one jurisdiction. It was passed almost 20 years ago. So, yeah, I'm wondering if maybe someone can provide us with an explanation of specifically in what instance this has become an issue, because I think that that would be helpful.

I mean, the preamble itself sort of says that volunteers face these barriers, but again I don't recall having heard about this. Now, that doesn't mean that the correspondence didn't go elsewhere or that no one has ever had this problem. Just a few sort of specific examples of instances in which this has come up would be helpful to me.

I'm also curious about, in the definitions section, definition (a), which talks about charitable purpose. It's quite broad. I'd be interested to know if a similar definition exists in other legislation or where exactly this definition came from, because it is a very, very sort of broad definition, which will become relevant later, when we talk about sort of what gets swept into charitable purpose and the function of charitable purpose in the act.

"Volunteer" is also defined and will become relevant in a moment, and it talks about performing a service for a not-for-profit organization or the Crown, which is interesting, and that it doesn't receive compensation for the services or reimbursement and that it can include a director, officer, trustees but does not include an individual performing services under a court order. One of the reasons that this definition is interesting is that it catches professionals. A professional can be a volunteer. Lawyers, for instance, many of them, I'd like to say most although I'm not sure that that's totally appropriate, provide volunteer services. My concern is that when you're protecting them blanket from liability in their volunteer capacity, does that include professional liability? That's a big problem.

12:10

Currently, if I'm a lawyer volunteering to give advice to someone, I am still held to standards in professional ethics. I am required to give advice that is not negligent. In my opinion, that's right, because even if you are in a position where you are seeking services from a lawyer who is providing them for free, I believe that that regulated professional should still be held to the regular standards of professional competence, and I believe that that's true for all regulated professionals. I mean, my concern would be – say that you're a lawyer, and you provide negligent advice. Or you could be a psychologist, and you could sort of act in a way – I mean, there are therapies, quote, unquote, out there that a psychologist would not be permitted to do because they are harmful to the individual receiving them. I would want to ensure that those people were not exempt from liability for failing to act in a professional and competent manner.

You know, when I volunteered in community theatre, which I did a lot, people sort of came in and built sets, sometimes volunteered. Sometimes those people were professionals. I would assume that they still have to behave in a non-negligent way. I'd just be really interested to know what the interaction between this protecting volunteers from liability and sort of professional negligence is, because it looks to me like they're protected from all liability, and I think that would be problematic.

In fact, it says:

This Part applies to any claim for damage caused by an act or omission of a volunteer, and it limits liability.

No volunteer is liable for damage caused by an act or omission . . . if

- (a) the volunteer was acting within the scope of the volunteer's responsibilities.

I mean, that sounds to me like it catches, potentially, professional negligence.

Then it exempts some things out: wilful, reckless, or criminal misconduct or gross negligence – I mean, those are obviously important things to exempt out – damage caused while operating a motor vehicle, anything that constitutes an offence, anything where the person was unlawfully impaired by alcohol. Those are all good exemptions, but the exemptions don't include preventable negligence. Also, the organization is still liable, and they can't third party the volunteer, which, I mean, seems like a fine way to handle that. I'm just interested in that particular choice.

Then we get into a section on exemptions, which is very interesting.

The Lieutenant Governor in Council . . .

That's cabinet.

. . . [can], by order, exempt a non-profit organization from the application of any regulations made under any other Act other than regulations that solely apply to [not-for-profit] organizations.

I mean, that's huge. That's a huge exemption. It literally enables them to be exempted from any regulation and any act, from any law. I'm curious why this needs to be this broad and what problem they were attempting to solve that required a solution that was this broad or whether there isn't perhaps a more precise solution. I mean, to me, that's quite troubling.

It further goes on to talk about the Lieutenant Governor in Council – again, that's cabinet – making regulations:

- (c) defining any word or expression . . . not defined in this Act;
(d) . . . remedying any confusion.

I think the concern is that – oh, and here's the big one:

- (a) designating an organization as a [not-for-profit] organization for the purposes of this Act.

I mean, what that sounds like to me is that cabinet can literally designate any organization and then exempt that organization from literally any rule: from environmental rules, from occupational health and safety rules, from all sorts of rules. I think that's – I mean, that, to me, is incredibly problematic.

I cannot think of a situation in which a power that broad could possibly be necessary, so it really troubles me, actually. This whole act kind of troubles me. You know, what I ultimately don't want to see – I mean, yes, it's important that people be able to volunteer. Yes, it's important that volunteer-driven organizations exist. Absolutely, it is. But volunteers are in all sorts of situations, and we don't necessarily want any organization that has volunteers to sort of have this situation where the volunteers are exempt from liability. In particular, I don't think we want a situation in which literally any organization can be designated as a not-for-profit and once designated can be exempted from anything. I think any reasonable person reading this legislation would be troubled by it because that provision at minimum appears to be a solution in search of a problem. I can't understand under what circumstances. I mean, if the government could even provide some sort of example of a situation in which they think they need a power this broad to exempt folks from regulations – there are a lot of acts that already have means by which organizations can be exempted from their regulations, and this applies to all of the other acts where there is no method to gain an exemption probably because the act does something really important.

You know, you can't exempt yourself from occupational health and safety. Whether your people are employees or whether they are

volunteers, you still have to try to make them safe. You can't exempt yourself from certain environmental liabilities. You know, you can't just dump things into a river where other people get their drinking water from. I think that that's a really good rule, and I don't think that – and these are just examples. I'm not suggesting anyone is going to do this. But I think my concern is that if they didn't need a provision this broad, why did they write a provision this broad? If there was a specific problem that needed solving, why not write a solution for that specific problem?

I think the other concern that continues to sort of eat at me with respect to the volunteers is the issue of, again, professional liability because there are a lot of professionals out there. You know, it seems on its face with the title and with what the government has said about it that the intentions of this act are good, but there are these sort of few provisions that leave concerns for me in a lot of ways because I do think that if you're holding yourself out as a professional, whether you're being remunerated for your professional service or not, if you are holding yourself out to the individual as such professional, you ought to be subject to the normal standards of professional conduct.

I think a lawyer should have to give advice that meets a reasonable standard as required by the Law Society to every person that they give legal advice to regardless of whether they're being paid for that. I think that is a really important support for the system of sort of pro bono lawyers operating because otherwise people would be scared to seek pro bono services from a lawyer. They might not seek that advice at all because if you don't know that you're getting advice that's being held to a reasonable standard, I mean, what's the point of getting advice at all? You might as well ask your neighbour, you know, what they think. Maybe the lawyer is acting in a nonnegligent manner, but maybe they're not.

Those are some of the concerns I have about this bill. I know the government is likely to get up and say: trust us. I think they may understand why I find that difficult to do. I mean, there are a number of reasons I don't want to digress too far into. But, yeah, I do think that there are a significant number of concerns here. I don't think it's at all clear to me what the examples are. That is what would give me confidence in this legislation, if the government could provide me specific examples of the instances in which this would come up. There's probably case law, I assume, in which volunteers have been successfully sued that is the problem that this act is trying to solve. I mean, if there is no such case law, then I can only assume that this entire act is a solution in search of a problem. Yes.

12:20

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

Seeing none, is there anyone else wishing to speak to the bill?

If not, I am prepared to call the question.

[Motion carried; Bill 58 read a second time]

The Speaker: The hon. the Deputy Government House Leader.

Mr. Madu: Thank you, Mr. Speaker. I do want to thank all members of this Assembly for a job well done today. We've moved through, you know, several bills before the floor of this Assembly, so I want to thank all of us for our co-operation tonight.

Mr. Speaker, with that I move that the Assembly be adjourned until 1:30 p.m. on Wednesday, April 21, 2021.

[Motion carried; the Assembly adjourned at 12:22 a.m. on Wednesday]

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