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The 30th Legislature
Second Session

Alberta Hansard

Tuesday evening, June 1, 2021

Day 107

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Second Session

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Independent: 3

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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, June 1, 2021

Government Bills and Orders Committee of the Whole

[Mr. Milliken in the chair]

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

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

The Deputy Chair: Are there any comments, questions, or amendments at this time? I see the hon. Minister of Jobs, Economy and Innovation.

Mr. Schweitzer: It's a bold move here out of the gate, but I move to adjourn debate.

[Motion to adjourn debate carried]

Bill 66 Public Health Amendment Act, 2021

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

Ms Ganley: Thank you very much, Mr. Chair. I am pleased to rise and speak to Bill 66. This bill is intended to do a number of things. As I think I've discussed fairly extensively in this House, one of those things is about reversing the changes that were originally made in Bill 10. We have been through this before, but I think it's worth continuing to point out that there are a couple of things going on in this bill. I mean, the history of Bill 10 is that it was brought in, we objected to it, and it was passed in a very quick way. The claim was that it was just clarifying.

Now, obviously, there have been different opinions on whether or not it is clarifying or not. I happen to fall into the camp of: oh, no; adding things is not the same as substituting things. In fact, you can sort of add things that have a completely different thing as opposed to just not relying on things. But, like I say, opinions differ. I think it was an overreach.

We then had a committee. That committee was very limited in its scope, the government taking what I considered to be a rather absurd position that we should consider the act separate from the effects that the act has, which kind of, I think, brings us back to the purposes of laws. What is the purpose of laws? Well, they are to regulate the behaviour of individuals, so to consider a law but not to be able to consider the effects that the law has is extremely problematic.

There were a lot of things wrong with that committee, a lot of things, but I think the thing that I continue to take forward out of it, the thing where I continue to say, "No; this was just a fundamental sort of circumvention of what the committee ought to have been doing," was the fact that we weren't permitted to consider the act. So we weren't permitted to consider the interaction between this act and the Occupational Health and Safety Act that left hundreds of workers, thousands of workers at meat-packing plants throughout the province vulnerable, that left them going to work in a situation that was unsafe, that was demonstrably unsafe, but somehow the

two acts didn't interact in the right way to demonstrate to government that it was unsafe, so no steps were taken.

I think that if there is one thing that we ought to be spending our time in this place doing, it is looking at errors like that, looking at places where things did not work together appropriately. I mean, speaking of looking at things, we are still waiting for the assessment that the government asked for from the first wave of the pandemic. It was supposed to be out months and months and months ago, and it's just been delayed and delayed and delayed, presumably because the government doesn't like what it says.

I mean, in my view, there is a certain cleansing element to saying: "Okay; we did this. It was the first time the act had been used in a really, really long time, and we made some mistakes, and we will take some responsibility for those and do a better job in the future." That is not, of course, the course of action that this government has taken, because, I guess, it never is.

In addition, in this bill what we have is a very interesting section which looks innocuous enough, and much like the instance in Bill 10 where we were told by the government, "Oh, no, no, no; don't worry; this just clarifies something," once again we were told, "Oh, no, no, no; don't worry; this just clarifies something." What it does is that it retroactively exempts public health orders from the operation of the Regulations Act. Now, that doesn't necessarily sound like much, but here's the thing: the Regulations Act is the act which requires that you file an order or regulation with the registrar in order for it to become law.

Before we had the wonder that is the Internet, lawyers found out what the laws were by way of something called the *Alberta Gazette*. When a regulation is filed with the registrar, it is gazetted; that is to say, it is put into the *Alberta Gazette* so that people can find it. Now, whether or not this is still the appropriate procedure in modern times, where the Internet exists and we can all look something up, it is, in fact, the case that if you do not file something with the registrar, it is not law.

As it turns out, one of the things that this government has failed to do is file its public health orders with the registrar, or at least we think so. They've never been gazetted, so no one has ever seen them in the *Gazette*. Because it's a shall – i.e., when the registrar, who incidentally happens to be the Minister of Justice, receives said regulation, it is meant to go into the *Gazette* – the fact that those public health orders have never been in the *Gazette* is highly suggestive that they have in fact never been in law. I mean, that's problematic, right?

We've been seeing issues where everyone has kind of wondered why these things aren't being enforced and wondered why Crown prosecutors are not proceeding forward with these charges. The government has been very silent on this issue in terms of an explanation. You know, I had actually assumed that the reason the government was being silent was because they have drafted the orders in such a way that they are so unbelievably vague that it would be very difficult to prosecute under them. For instance, one can avoid having to wear a mask for any physical or psychological reason. That pretty much gives everyone everywhere a defence. This is incredibly problematic because we've seen these people flouting these laws, essentially thumbing their nose at them. So, yes, it's important that we bring this in. It's important that we allow these laws retroactively to be validated so that they can be prosecuted.

But I think what it points to is, once again, that this government is so busy playing politics, they cannot do the hard work of governing. There have been so many examples of this. And, you know, the government likes to say: oh, well, they're obsessed with us, but we're equally obsessed with them. Well, that's the job of the opposition. That's literally how this system works: the government

governs; the opposition criticizes, suggests alternatives, basically holds the government to account. The government is not meant to be obsessed with the opposition. The government is meant to be obsessed with governing, which is the thing that they and only they have the power to do in this province. But this government, rather than governing, rather than doing the hard work, rather than working for the people of this province, spend all their time politicking and being obsessed with the opposition. I think that that is highly, highly problematic, and it represents a broken system.

I mean, this is an issue. This bill is a big issue, the fact that buried somewhere in another one of these multiple-statute-amending acts is this provision, which was not explained to the media. It was not explained to the opposition. It was not explained to the public. It is a provision that attempts to go back in time and retroactively validate laws that the government, for a year, didn't bother to make valid. One has to wonder at the motivation for that. I mean, certainly, maybe it was an oversight – I don't know – for an entire year. It seems to strain credulity that the government, who has hundreds of lawyers working for them, an entire army of lawyers – not one of those lawyers noticed this. It really strains credulity, which suggests that if the government did notice it, then why didn't they do anything about it before now, 14 months into this pandemic? I mean, it's all well and good to retroactively say: well, these are exempt from these provisions. So even though the regulation was never published in the way that it's required to be published, they were operational for a year. The fact that the government has put in this statute that they have to go back in time and retroactively validate that: to me, it says that they knew it wasn't valid, and I think that that is incredibly – and they ought to have known it wasn't valid. The registrar is, after all, the Minister of Justice.

7:40

Presumably, when the first public health order was published back in March 2020, that minister should have jumped up in cabinet and said, "Hey, guys, you have a problem," and if the government didn't seek to correct that problem, it suggests that they didn't think it needed correcting. That is very, very worrisome to me, because we have seen in this province the results of a lack of enforcement. You know, Albertans are generally very law-abiding people. But when you have a law that repeatedly, over and over again, is not enforced, eventually people get the message that the law isn't going to be enforced. That is highly problematic because it is impossible – there is no law in existence that can be enforced sheerly through use of force. The law relies on the fact that 99 per cent of the population is going to follow the law simply because it's the law and for no other reason. So when the government is reluctant to enforce that law, when the government demonstrates over and over again that reluctance, not just through failing to take the necessary enforcement steps but through having a Premier and ministers who stand up over and over again and talk about people's God-given Charter rights to violate the law, which is not even a correct constitutional argument, I think that's incredibly problematic.

I am glad to see this bill come in. I am glad to see those corrections made. I think that they are important. But I also think it points to a larger problem. It points to a larger problem, where we have a government that is so obsessed with politics, that's so obsessed with their far-right base that they can't get on about the business of governing. I think that when you're talking about a failure to file a regulation so it winds up in law – like, this isn't a left-right divide, right? This isn't like they, you know, have a different view. They believe in trickle-down economics; we don't. We believe in upstream intervention; they don't. Those are things

on which I expect us to divide because they are things on which we regularly divide. But, hey, when we pass a law, should we actually take the necessary steps to make it the law? Those aren't things that divide along partisan lines. Those aren't things that divide along a political spectrum. I think everybody agrees. If it's the law, you should take the steps necessary to have it enforced.

I suppose my closing comments on this particular bill are that I am glad that the government has taken these steps. I am glad that they corrected Bill 10. I am glad that they are correcting the situation with respect to the public health orders and the Regulations Act. Yeah, those things are important things. But I wish they would have done the hard work in the first place, and I think Albertans wish they would have done the hard work in the first place. In fact, many Albertans – I'm getting a stream of letters – hope that they will do the hard work now. I say that because, you know, we are in a situation where if we do the hard work now, that's it. We're pretty much done with this. We can be through it, and we're considering not doing that.

That really worries me because I and, I think, everybody in this room are ready to be done. I am ready for my child to be able to go regularly to school without isolating, preschool in my case. I am ready to be able to see my friends and to have my parents be able to take care of their grandchild and to go out to eat. I'm ready for a lot of things, and I think that if we do the hard work now, then we can have those things. I'm worried that if we don't do the hard work, we won't be able to have those things. We will see another wave, and we'll be back in this position again. Sooner is obviously better but sooner as science projects. Sooner and safer, not just sooner, because I don't want to be back in this situation, and, I think, neither does anyone else.

Yeah. Those are a number of different things with respect to this bill that sort of highlight, I guess, its problematic nature. Again, not the bill itself. The bill itself is not problematic. The fact that it has been brought in to essentially cover a myriad of sins, shall we say, is, in my view, problematic.

Oh, and we're at committee, which means I have 20 minutes, which explains why you're not cutting me off. Yes, I think it's worth . . . [interjections] Well, I feel like we were looking at passing standing order changes that would have allowed interjections, but anyway that's a whole side issue. Yes, we are at committee, so I still have three more minutes, which explains why I have overrun my time.

Yes, I continue to, I guess, be concerned with this legislation, again, not the legislation but the things that went before, and I hope that even if they won't publicly admit it, that even if we'll never see them come into the House and sort of mea culpa about it, this government will pay a little bit more attention to governing. Filing your order with the registrar so that it can be gazetted and it can properly be in law is a boring thing to do, but, you know, everyone has to do boring things. Taking out the garbage is boring. Doing the laundry is boring. Doing the dishes is boring. Yet these are things that everybody has to do in their everyday lives. So I hope that this government will start paying more attention to those boring but critical tasks that will enable their laws to be laws going forward, and I hope that they will pay more attention as they think critically about things like Bill 10 and listen to people.

I mean, they don't even have to listen to us. We weren't the only ones complaining about it; there were plenty of other people to listen to. That is the problem, at the end of the day, with pushing legislation through the House. You know, this government likes to talk about how many hours of debate something has had. The hours aren't the relevant factor. The relevant factor is the number of days. The relevant factor is: has it made it out there to the population? Have the people who work in these areas had time to say: oh, there's

a change to the law; why don't I go look that up, figure out what the change to the law is, and figure out what the impact is and then get back to government? That's what takes the time. It takes time for the public to understand what's happening enough to raise potential issues. With something like a pandemic, we all really ought to be in this together. We all really ought to be willing to work together, and there are many Albertans who have been willing to come forward and make those representations to government. I hope that, if nothing else, this government has learned to listen to those folks.

Mr. Chair, with that, I will take my seat.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate? I see the hon. Member for Lac Ste. Anne-Parkland has risen.

Mr. Getson: Thank you, Mr. Chair. It's really good to be back in here and to get a chance to talk to this bill, Bill 66. I really appreciate the comments from the member opposite. Obviously, in the political stripes and spectrum and backgrounds we all have different opinions. That's where this place can be one of the best places that we can ever go to express those opinions on behalf of our constituents and to have that fulsome debate.

Now, with the typical process – and I just want to comment on a couple of the statements that the member made. It won't be verbatim because I'm not a legalese-type person, not a lawyer by any means, so bear with me. I didn't take a ton of notes on this one to capture all of it, but if we need to travel back in time to look at Bill 10, as it were, since Bill 66 is relevant to that, we all were dealing with something new.

7:50

My position on this team, on this bench is typically to come off and skate across and give up the occasional shoulder check or whatever takes place out there to kind of set the record straight because that's kind of the ability that I have, and I bring that to the team. I actually checked my typical behaviours that are in this House with the common sense that we were trying to go through something a little bit different for the benefit of Albertans. We're probably one of the only provinces in the country where the opposition didn't afford that back to the government. The opposition at every turn, when we talk about politicizing – at every turn – tried to have a one-eighty point of view on it.

Now, the former Health minister – and this is, you know, hopefully, not too personal. Passing in the hallway, we have crossed paths, and typically, knowing my nature – folks at home now know my position – we don't typically have a lot of friendly interaction in the hallways. Again, that's just kind of one of those things, but when that member had kind of reached out to me and asked how I was doing that day, that's one of the things where the barriers start breaking down. Now, my response back – I'm not sure if the member will recall – was: feeling strong and dangerous. That's my side. That's my equation on this.

A lot of the members opposite had never been in these types of circumstances where you had to make real decisions. Background working on big projects, I know that I go to jail if I screw something up. I know that other people's health is in my hands, and some of the members opposite – nothing against them, Mr. Chair. They were either social workers, schoolteachers, lawyers, those types of things. They haven't been in those types of circumstances. The opposition members were, and rightly so, since we were dealing with a lot of things here, scared. [interjection] Well, child welfare. Okay. Sorry. I forgot to leave you out. But part of it is to make those decisions, so they were actually scared, physically scared.

Again, being on job sites, dealing with that, you have to get things under control, make sure that you have conditions in place so you can deal with it. That's what Bill 10 was. It was special circumstances, dealing with the situation that we had and trying to put the best that we had in place.

Now, we all agreed that a bunch of the typical procedures were suspended for the good of the province to deal with the circumstance, and again, to set the record straight, that's what we were dealing with. Now, present day, Bill 66: a lot of the items, and the members opposite had mentioned this – thank you to the Member for Calgary-Buffalo – a lot of people had mentioned this, that we needed more work. There were a lot of concerns with the original act that came out, the one that we had inherited, all us legislators here, and we pulled it off the act. Part of those were, you know, immunizations, forceful immunizations, rightly or wrongly. That was part of one of those things in those times.

There was an actual committee that was fired up to review a bunch of these acts, and that's what, really, Bill 66 is, to modernize the health measures act and to add to Bill 10 to make sure that, going forward, it kind of makes sense. Thank goodness – thank goodness – we're at a state right now where we're almost at the end of this rabbit hole. Nobody would have imagined – I don't believe even the former Health minister, passing in the hallway, would have believed it would have been to this point, that it would have taken us this long – two, three waves of the COVID; different, changing items in the global community and the countries to the south of us; the vaccination rollouts; all the things that we had to deal with – and collectively we've made it to this point.

Part of that is understanding that all Albertans are not created equal in the sense of what they believe immunizations will do, nor personal protective equipment, nor all of the other items that are out there. It doesn't mean that everyone is wrong, polarized on one side or the other. There is no absolute, but we're doing the best that we can. Everyone is absolutely doing the best we can, and we have to respect a lot of those choices and decisions, and unfortunately, with special circumstances, we suspend a bunch of those typical rights and freedoms, but we're almost there.

What I'm encouraging the members opposite and our own party on this side is to make sure that we keep that in mind, that people have been stressed to the nines. We cannot keep feeding them this animosity. I've called before for a lot of folks to just drop that baggage. Focus on the prize. Let's get through that. This summer and the fall session I am looking forward to being that player that comes off the bench and running over and doing a good cross-check, but until then we're going to talk about what's real to Albertans and talk with people.

With that, I'm going to refer back to my speaking notes now. I'll put my stick back on the ice, and we'll talk about Bill 66 and the reasons for it. This bill specifically addresses the features of the Public Health Act that have previously not been tested, again, part of the preamble I had before. While the pandemic has been terrible and put an intense pressure on all of us, the experience has served as a real-world test of the Public Health Act. Yeah, nothing like actually putting the rubber on the road and hitting the mat. That's what we had to do. Were there a few course corrections along the way? Absolutely. Absolutely. If the opposition had helped a little bit with the journey rather than yelling and screaming and hollering about where to drive all the time, every turn we went, it might have been a little bit beneficial, too. It's okay. I'll put the stick back on the ice again. We'll give you a little chatter there.

These amendments were developed using the new findings of the Select Special Public Health Act Review Committee. I believe it was both parties that were involved in that if I'm not mistaken. It was a collaborative effort – there we go – for those on the

committee and the Ministry of Health to ensure that this act was modernized in a balanced and effective manner. This bill will modernize the health acts of the legislation, strike the balance between protecting the health and safety of Albertans during public health emergencies, and maintain their individual rights by allowing for greater public transparency during the emergencies, repealing the Public Health (Emergency Powers) Amendment Act, sections of the Public Health Act, and updating the existing provisions.

Some of those specific changes would be: removal of power for the ministers to modify by legislative order, enhance the rights of individuals and add checks and balances on authorities, and modernize the act to reflect current and emerging public health challenges such as chronic illnesses. Specifically, on adding checks and balances on authorities, this bill will remove the power of the Lieutenant Governor in Council to order the mandatory immunization or reimmunization of individuals. For the folks at home, we're going to clip a little bit of this probably so we can drive part of this messaging home. I hope the opposition clips me like they usually do and tries to slant the message, so I'm going to say it twice so they get a really good feed. It removes the power of the Lieutenant Governor in Council to order the mandatory immunization or reimmunization of individuals.

Again, Mr. Chair, you understand it full well, and many Albertans do. We inherited this act. We dusted it off the shelf. In the case of emergency, break glass: that's the same context that this is used in. Some of the items were found by both parties being part of this committee, and that was one of the items that needed to be modernized.

It removes the power of the minister and regional health authorities to conscript individuals needed to meet an emergency. Again, we have to think about, you know, the way-back machine and history of the time when these acts were written and the course of events that got them to that point. It was a different era.

It clarifies the rights of Albertans by requiring that individuals who are detained be immediately informed of the location, again, requiring individuals who will be detained to be immediately informed of the location. It establishes criteria to be satisfied before requiring an individual to be treated or examined, establishes criteria for handling an individual's personal health information collected or disclosed under the act.

The amendments require that the orders applying to the public or groups be published online.

It further requires this act to be reviewed every 10 years. Again, hopefully, the next group of legislators that come through, if they have to go through an event, will refresh it. That was one thing that I think we've all noticed. Again, a bit surprised with that break glass in case of emergency.

The legislation will offer the act to address chronic illness, which is a leading cause of death and disability in Albertans and accounts for the majority of Alberta's health care costs.

It's also important because this legislation repeals sections of Bill 10 – yes, we are repealing sections of Bill 10 – which were passed in the midst of early concerns that the Legislature would not be able to function during the pandemic, again something that we're dealing with that's way easier now, to deal with change this far on, than what it was at the onset. That wasn't just in this jurisdiction, Mr. Chair. It was right across the board, right across the country. Hats off to all the folks that have been dealing with this for the last year, both the front-line health workers, the individuals, the legislators, everybody out there, police services, teachers, everybody that's been dealing with this to get us to this point.

Now, in retrospect, we can see the Legislature is much more resilient than we'd previously thought. We recognize that these

sections of Bill 10 were unnecessary, and we're removing them accordingly, again, knowing now, going through that cycle of putting something in place, reviewing, tweaking, modernizing it, getting to the point we're at now.

With that, I'm not going to chew up a bunch of the shot clock, but there are some key messages – of course, we hit those in the speaking points – but there are also a bunch of questions that have been coming in, both in this House and otherwise. If I may just expand a little bit on those – sorry; I did mark it. I apologize for losing my place, but there are 20 minutes, and no one is going to 29(2)(a) me on this, so I'll make sure I get the right ones here.

8:00

Yeah. Why are you repealing the Public Health (Emergency Powers) Amendment Act? The proposed amendments in the health act will repeal the sections. We talked about that. It includes the additional authorities and powers that were added for the public emergency amendment act and the authorities added in 2002, so repealing that. To be precise, the proposed amendments would repeal sections 52.1(1), (2), (3) and 52.21(1) to (5) of the Public Health Act.

What was the delay? One of the other things is: well, why didn't you do it in the first place? Well, again, we had a committee, which both parties were a part of, and came up with the recommendations – obviously, that takes time – and also did a fulsome review on it. The other thing, too: it's like driving down the highway while you're shifting gears and then dropping the transmission out and changing oil while you're driving. It's not the best thing to do. You still have to go forward. It's not the most perfect situation, but you are fixing it as you go along.

I don't want to take up too much more time. I know that everyone else wants to debate a bunch of other bills that will be coming up here, Mr. Chair, but I did want to correct the record on a couple of items and also put my own personal observations on it. We're more than happy to get back to business. We're more than happy to get the province back open. I know that there are a ton of folks – and here's a personal observation. I'll encourage the opposition, as other community leaders have for a long time: our job as people that influence, our job as leaders is to lead.

We do not – I can't remember the words that the member opposite had used. Essentially, I don't pine over what the opposition is doing. Quite frankly, I don't care what the opposition is doing. I'll listen to what your comments are as a private member, but pining over what you might say or what decisions are being made – I'll listen to you once in a while, but quite frankly, Mr. Chair, there's one bus driver. That's the Premier. He's got his key people in front of him. Those are the cabinet members. Everybody else in the province: they gave him the keys to drive. He has to take the information that's based on all those people providing their input, but rightly or wrongly a lot of us are along for the ride. Now, we can influence part of that, we can talk about it, but until somebody else jumps up and grabs that shiny set of keys and the steering wheel, that's the way the system works.

My own personal observation here is that if we want to have fulsome debate and go back and forth, then, yes, let's drop the conjecture. If not, then we can drop the gloves. But I would caution and wish that we could wait until the fall session so that we can get past this. That's really what people need, because they're stressed to the nines. They don't need any more social media posts. They don't need polarization. You've got people that have been stretched to the limits, and they don't know what's real or what's not anymore. To me, Mr. Chair, that is one of the biggest injustices that leaders have done over the last while. Instead of giving people hope,

telling them that we're going to get to the end, that we're literally that close – we're literally that close.

We all want to see our family members again. There have been deaths, and there have been funerals that we haven't been able to attend. There have been lots of things, school events. There have been tons of things. We all want to get back there. We also want to plan for those little things so that we can start to get back to normal. You can't do it overnight, but we've got to give people some hope.

I'm imploring you: talk about the good things. Stress some of the good things. Park our baggage that we have in here just for a couple of weeks. Let's get people out of that because, quite frankly, they're concerned. I see the difference between driving out in rural Alberta – again, I'm fortunate that my constituency is right on the borders of Edmonton – versus when I come into the city. We've got a lot of stress, people. You've got to let them know it's okay. The immunizations are getting there to put the firebreak around. It's going through the population, helping us start to get back to normal.

With that, I'm going to end my remarks, Mr. Chair, with the plea that folks will not get too political on this. If you are, that's fine, but I've asked you nicely, and I would hope that you would consider Albertans' health, mental health, financial health, all the other stresses that they have right now. We don't need to be causing any more in here. Let's get back to work. Let's get back to where we should be. Let's get back to the real normal. I can't wait to have a mask-burning party, and I hope all of you will join me for that when we truly put COVID behind us and get to building the province and doing what we need to do.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

I see the hon. Member for Edmonton-Glenora has risen.

Ms Hoffman: Thank you very much, Mr. Chair. Many people here who I've had the opportunity to work with for two to six years know that typically, when I'm in the hallway, I do ask people how they're doing.

Mr. Schow: Hear, hear.

Ms Hoffman: Yeah. Thanks so much to the Member for Cardston-Siksika.

Typically people respond with something personal in their life, and then maybe they ask the person who asked them how they're doing the same question in return. That is often a typical human interaction that people have in society.

The Member for Lac Ste. Anne-Parkland is absolutely right that when I asked him how he was doing, he said, "Feeling strong and feeling dangerous" in the middle of the first wave while we were walking in the hallway. Then to come into this place and belittle the expertise that members of this Assembly on both sides have, the backgrounds that they've brought to this place – I ran a billion-dollar-a-year budget when I was the chair of the Edmonton public school board. I ran a \$20 billion budget when I was the Minister of Health. I was at the table making the decisions around evacuating Fort McMurray during the wildfire and how we were going to save the seniors who were at risk of perishing.

Don't come to this place and say, "Oh, I feel strong and dangerous" and think that that's a nice way of interacting with other humans who are also in this place to make decisions and carry the leadership of this province forward. Don't come to this place and belittle the lived experience, the work experience, the professional experience of other people in this Assembly. I find that incredibly disrespectful and disrespectful to the people all across Alberta who are also making incredibly difficult decisions. I had a family

member die of COVID, and we haven't been able to have a funeral, so don't tell me that I need to come to this place and talk about hope and optimism.

I am fighting for leadership, for the government to step up, for the government to show some courage, for the government to act in a way that protects lives and protects the people of this province. I am relieved that I have my first vaccine and that many of us in this place do. But leadership isn't about puffing your chest up and saying that you feel strong and dangerous when somebody asks you how you're doing.

Being part of a community, whether it has opposing views or opposing backgrounds that gets you elected to a community, to a place – I grew up in a town where every kid on the street stopped and waved when a car drove by. That's what community is, and that's what I think we should be trying to build in this province, showing some respect to one another, some caring to one another, some compassion to one another, and honouring the expertise that each of us brings.

All of us ended up here the same way. We had the privilege of putting our names forward and having people who live in the constituencies we chose to run in, first of all, select us to be their candidate for their party and, second of all, select us to have the honour, the privilege of coming to this place and making decisions on their behalf. Don't tell me that I need to come here and be a cheerleader. Don't tell me that when I come to this place, I'm not bringing the same level of expertise as others. We all have different expertise. We all have different backgrounds. I will continue to say hi to people in the hallway, and the vast majority of members from either side will usually say hi back, and we'll have a human interaction. That's the way our society should operate.

I, too, remember Bill 10 quite clearly. The government came to this place and decided to move very aggressively, in about two days, to implement what has clearly been documented through the media and through the courts as an aggressive overreach against people's rights and liberties, as an aggressive overreach on people's personal and private information. I'm glad that we're here to reverse those over-the-top decisions and to actually implement some of the recommendations that we brought forward as amendments about a year ago. That is a good step. It is a move in the right direction. But I have to say that the last year has been an opportunity to test the leadership of those who have been elected to govern in this place. Leadership is about moments, and it's about tough decisions. We've seen multiple times, over and over again, where the current Premier has been missing in action when he's been needed most.

We've seen multiple times where the committee that was asked to consider reviewing yet again the Public Health Amendment Act – and it's interesting because there were amendments to the same act in the same sitting of the Legislature, but it was in 2020. Here we are in the same sitting making changes yet again. The committee that was asked to review this legislation had an opportunity. We had four months, I believe, to do our work, and during that period of time there was a stint of over one month where the chair failed to call the meeting. We were regularly saying: "These are the things we'd like to do. These are the people we'd like to have an opportunity to learn from. This is what we'd like to do to make sure that we get this bill to a better place than it is today, actually to a great place." We had four months to do that work, to roll up our sleeves and to get down to it.

The Official Opposition members recommended a number of folks to come and testify at the committee, to give feedback – many, many folks – and many folks wrote in. The amount of correspondence that we received and written submissions that we

received was significant. Presumably, a lot of those folks would have liked to have had an opportunity to discuss why it was that they were writing in and what their recommendations were.

8:10

So we proposed that we create opportunities, particularly in the areas where COVID had been especially egregious during the first wave, to hear from Albertans who had been impacted, including ridings of members of the committee, communities in each of the health regions as well as the main medical zones, the communities where the main chief medical officer, the MOH, for that area was housed as well as, of course, at that point the meat-packing plants that had been most negatively impacted.

When we put forward these proposals to go to the ridings of the government members that had so many constituents impacted – and we were open. Like, we were willing to go there. Obviously, people were coming from those communities to Edmonton to have these meetings. We assumed that they would be open to people from Edmonton going to their communities in the same way. But the government shut that down, and part of why they did, they said, was because of COVID.

Then we said: “Okay. Well, let’s look at ways we can use technology to bring these voices to the table.” This was still following the first wave. This was about this time last year, maybe a month or so later. We said, “We can use technology.” The government said no. The government said that there just wasn’t enough time. Then after waiting over a month for the government to reconvene the committee so that members could contribute, they said, “Well, there just isn’t enough time to hear from all these groups that you want to hear from, so we’ll select a small segment of them and hear from them.” I’m grateful that the chief medical officer of health was able to come.

When we were asking questions, particularly about the reporting structure and about the way Albertans could have the greatest confidence that their advice was coming unfiltered and freely, the government shut down many of those questioning opportunities. When we asked in committee if the chief medical officer of health would be open to returning for another opportunity to discuss this legislation, one of the key pieces of legislation that governs the operations of that position, the chief medical officer of health said, “Of course; this is a very high priority” – I think that was close to the paraphrasing – and that she would be very happy to return to continue the work. Then the very next meeting the government rolled in and brought forward a motion to stop hearing from anyone at all as we moved forward.

The committee process wasn’t overly collaborative. At the end of the day the government members pushed forward a report, and the opposition members also issued a minority report. Actually, a couple of the ideas ended up in this bill. I think that some of the work that the minister’s office did perhaps was more collaborative, at least in terms of the outcome of some of the changes.

There were some pieces that ended up in this bill that weren’t discussed in committee, that weren’t discussed in this House prior to but that are significant. I want to address one of them in the time that I have remaining, and that is around the government recovering costs from individuals and/or organizations when it comes to enforcing public health orders. That wasn’t something that we discussed, really, before it showed up in this bill in this place. It begs the question: were the fines not high enough to actually deter people? Were the charges not actually enforceable? Did people end up getting away with infringing? Even when issued tickets, were the tickets not actually enforceable? There have been media reports that claim as much. Then why did the government go to the next

step rather than fixing what was wrong with their existing enforcement techniques and existing enforcement mechanisms? Why did the government go so aggressively towards issuing cost recovery for organizations and/or individuals?

It begs the question – at the time that this bill came in, it was around the time GraceLife church was having services outdoors, and people were gathering in huge numbers unmasked. They were, actually, originally doing it inside the church, and then it ended up happening outside the church. Some of the people outside the church probably weren’t even part of the church because it led to, you know, people from across Canada coming to be a part of this.

So if the government were to exercise this legislation, I would love to have the government members clarify who would be issued those fees for recovery. Would it be the church? Would it be individuals? Would it be individuals who organized, aside from the church, to have these massive outdoor protests? How much would the cost be? It implies that the cost recovery could be everything around enforcement, including the cost of all of the police officers who were there, the cost of all the equipment that was there. How much would these fines have been? How much would they be on individuals, and how much would they be on the organization? I think that that level of transparency, when we have a current, lived example and a bill that’s proposing to change the fining mechanisms, would be fair and appropriate for us to consider in this place before we make final decisions with regard to this bill.

We know that there has been a significant lack of leadership on the government side, and there has been continued contention, even within the government’s own formerly united caucus, given that so many individuals signed on to a letter as well as did individual statements undermining the appropriateness of the public health orders. We know that leadership is about moments, and we know that this government has had many moments over the last year where they had an opportunity to step up to protect families, to protect jobs, to protect children, to protect the elderly and those living in long-term care, and the government has not met the challenge at hand.

When members say things around the way other Assemblies act and that they wish they were, you know, treated differently by democratically elected members of this Assembly, I have to say that I wish the government had treated the people of Alberta differently. I wish that the government had risen to the challenge. I wish that they had taken the opportunity during the debate of Bill 10 to check a little bit of their desire to seize power, their desire to govern in a way that was so ham-fisted, but they didn’t. But that doesn’t mean that we don’t have every right and, I would argue, responsibility to point that out, to point that out in this place and to demand better for the people that all of us represent and for all Albertans.

When I think about the children in daycare who have had exposures in just the last few days and their families and everything that they’re dealing with to try to address the significant pressures on their families when, of course, their child needs to come home and isolate, without any notice, it is a wonder that the government hasn’t taken more pause for consideration and an opportunity to reflect on the decisions that they’ve made and the legislation that could enable a better response to this pandemic or any other major public health crisis.

I will tell you that not only was evacuating Fort McMurray a question of leadership, but when it was safe to have people return to Fort McMurray was also a question of risk analysis and working closely to study the information, to work with the families, and to develop a safe return plan as well. It was a massive endeavour and had many public health questions raised as well. Of course, the amount of contaminants that had been released in the city itself

during the fire was an issue. The way that fires get put out often includes significant amounts of chemicals, and then how do you constrain that and reduce the risk for people who wanted to go back? And many people wanted to go back even if their home had been completely lost, to go back and search to see if there was anything that could be salvaged. That's a very natural human response, but the question, again, is around the safety of one to be able to do that when you're around so many potential risky chemicals and contaminants.

8:20

Those same decisions around public health this legislation will apply to. So if somebody decides to go back to their home in Fort McMurray and they are forcefully evacuated, essentially this bill enables the government to issue a fine, right? When I think about some of the folks that did what I understand was natural at the time, Brian Jean and the other member for Fort McMurray, who is still a member of this Assembly, so I won't say his name – when people were fleeing, they went the other way. I get why that's a natural response, the desire to be there and to help. That was absolutely in breach of the public health orders. So are we saying, if we pass this bill, that those two members should have been issued hefty fines, that they should have been forcefully removed, and that they should also have to pay for that? That is one of the changes that this bill is providing for in this legislation.

Bills are not to be taken lightly. I know that folks probably have had a briefing in caucus or in another format and been told, you know: it's really important; we've got to pass this bill. And there are some things in this bill that I think are improvements over where we're at today. It's important to remember how we got here and, of course, the story of Bill 10 and the legacy that that has left on the governing caucus, but also it's important to think about the future implications of any piece of legislation, particularly one that is created in a time of pressure, right? This bill and the predecessor to this bill were written in times of pressure. But it's important that leaders pause, take due consideration, examine the evidence, and think outside of that pressure cooker about other applications at other points in time. Bills aren't intended to be rewritten multiple times a year, even though this piece of legislation is being given that experience at this very time. They should be more lasting, and they should have more foresight taken into consideration when they're being drafted.

I also am going to take a moment just to honour some of the expertise of my colleagues and the skills that they bring in to this place. I know that there are expertise and skills on the other side of the House as well. Earlier today I had the opportunity to spend an elevator ride with a former police officer. I also had the opportunity to spend time with former child welfare workers. I can tell you that both of those people are brought in in times of tremendous pressure to make tough decisions in many situations.

I did a ride-along a number of years ago, and one of the situations that I still think about often was a call to a domestic violence situation, where the woman was fearful for her life and so was her child. I was thinking about that kid going back to school on Monday, pretending everything was fine when clearly everything was not fine. It was going to be a really tough weekend in that house. I was thinking about the social workers who were also coming later and the difficult decisions that they were going to have to make at that point in time about whether or not this family could continue to be under the same roof at the same time. The police and the social workers made a lot of those decisions in consultation.

Expertise that we bring to this place should be honoured and respected, expertise we bring from our financial backgrounds,

having run organizations, on this side of the House, of many millions of dollars, many of us. Yeah. I just would encourage all members of this place to consider the matter at hand, consider your colleagues as members of your community, whether they live on the same street as you or whether they live down the highway. We are all part of Alberta, and we should honour the expertise that we bring to this place instead of coming here and attempting to belittle it and using analogies about being an aggressor and shoulder checking somebody.

I don't think people elected us to come here and act like the hockey thug. I think they elected us to come here and consider good ideas and bring forward potential amendments to make good ideas better ideas, and when bad ideas come forward, to call them out.

The Deputy Chair: Thank you, hon. member.

I see the hon. Member for Cardston-Siksika has risen.

Mr. Schow: Thank you, Mr. Chair. Just a point of clarification. Am I allowed to speak without a jacket on?

The Deputy Chair: In Committee of the Whole . . .

Mr. Schow: I know I can remove it.

The Deputy Chair: . . . I believe you can.

Mr. Schow: Just for good measure, I'm going to throw it on. It looks better.

The Deputy Chair: It's a nice jacket.

Mr. Schow: Well, thank you, Mr. Chair. I appreciate the opportunity to rise in this Chamber and certainly would like to acknowledge that the Member for Edmonton-Glenora has a very positive and outgoing disposition, and I do appreciate those questions, when she asks me how I'm doing. It's happened on more than one occasion and actually prompts an honest answer: sometimes not doing so great. But I do appreciate her saying that, honestly.

I wanted to rise today and talk about why I'm supporting Bill 66. I had a number of constituents who've asked me specifically about this bill, and I believe that there is a lot of misinformation just in the social sphere about what this bill actually tries to do. While I'm sure that there are places in this bill where interpretation could make assumptions about something the government is trying to do, I can assure Albertans that the purpose of this bill is to modernize the public health care act and to ensure that there's greater transparency with public health measures. In doing that, we're also respecting the need to adapt and modify and basically move and shift with the ever-changing nature of this pandemic of COVID-19.

There are four things in particular that I wanted to address in my remarks today about why I am supporting this bill, but before I do that, I want to basically outline, for those who are watching at home, a little bit about why the government has acted the way it has in responding to this pandemic. A number of my constituents have reached out to me and asked why we're not more like Texas or Florida, where things are just wide open. I can understand the question – I think it's a fair question – but the nature of our health care system is different than that of our neighbours to the south. The reality is that there is far more capacity for health care beds and health care workers down there, so as a government we have to respect that, and I believe members opposite have also pointed this out, noting that we have health care workers tirelessly on the job working to save Albertans and, you know, we only have so many. We need to make sure that we don't burn them out.

So I have drawn this analogy of kind of a car dealership, if you will, in the sense where if we were making vehicles but we were not responsible for the warranty of that vehicle, then there's reason to believe that you could make a poor-quality vehicle because you're not required to pay for the aftermath if it breaks down. But as a government we do cover the cost of health care in this public system that we have, so we must understand that in order to avoid catastrophe down the road and having to pay for it, where some of the cases of COVID will end up in hospital, as they inevitably have – and in some instances, as we've seen waves or peaks and valleys of this virus, there has been serious concern about overwhelming that system – then we need to take measures beforehand to ensure we're building a good product or taking measures to ensure that we don't have that problem down the road. We need to build a good car, Mr. Chair.

While I understand that the public health measures that have been implemented in this province have been frustrating for so many people, myself included – in a perfect world I'd love to say, "We're done with this and no more problems and COVID isn't an issue," but the reality is that it is. COVID is real. We deal with it on a daily basis. God willing, we're out of this very soon as a result of both Albertans' good nature in taking care of each other but also of us being able to roll out vaccines at a rate that gets us where we need to go.

On the topic of vaccinations, the first reason why I am supporting this bill. Decades ago mandatory immunizations were put in the Public Health Act, and during the deliberations of the Public Health Act Review Committee, which, Mr. Chair, you were the chair of, even Dr. Deena Hinshaw, the chief medical officer of health, spoke to that committee and said on public record that this clause in the Public Health Act on mandatory vaccinations had never been used before and that she saw no purpose in keeping it. I personally put together a petition asking Albertans to support the removal of this section of the Public Health Act.

I'll refer to the bill here. I apologize. I had it all nicely marked out, as you can probably see. It is sections 38(1)(c) and (3) that are repealed.

8:30

I can read that into the record, Mr. Speaker. It says:

Where the Lieutenant Governor in Council is satisfied that a communicable disease referred to in section 20(1) has become or may become epidemic or that a public health emergency exists, the Lieutenant Governor in Council may do any or all of the following . . .

- (c) in the case of a communicable disease, order the immunization or re-immunization of persons who are not then immunized against the disease or who do not have sufficient other evidence of immunity to the disease.

Now, Mr. Speaker, I have received my first dose of the Pfizer vaccine, and it was one of the easiest things to do. I simply went online, I saw that there was an appointment the very next day at 3 o'clock at the Cardston Provincial Building, and I went in there and got it done. It was super easy. I have to give a ton of credit to the public health care workers who were in the facility who were kind of co-ordinating this effort with such a high level of professionalism. You know, I love to say that I have got to give credit to the people in Cardston because that's just the way we do things, but that's across Alberta. Our front-line health care workers are just world-class.

Now, I got my Pfizer vaccine. Dare I say it, my wife has been vaccinated as well. I don't want to, I guess, reveal that, but she has. I'm happy about that. But I also believe that it is a right to make that decision. It is my hope that Albertans will continue, if they feel

comfortable, to get vaccinated, because it is the fastest way to achieve herd immunity. Over the past 14 months – from the last numbers I saw, I believe we had well over 200,000 cases of COVID of those who have recovered from this virus. That's 14 months, Mr. Speaker. We're doing that many vaccines in almost a matter of a week, so to get to herd immunity through natural community transmission would just take too long, and we'd have to continue to play cat and mouse with this virus and deal with the peaks and valleys and continue to put at risk our health care system and overwhelming it. So this is the fastest way.

I acknowledge that there are those who don't want to get the vaccine, but I can assure Albertans that it is safe. By removing forced vaccinations from the Public Health Act, it assures Albertans that this government is not going to force that upon them. I think it's an important part of this government's commitment to personal liberty and freedom. We are all responsible for each other: the idea of ordered liberty, Mr. Chair. But the reality is that there are those who will make that decision, and I respect that. I have spoken to many of these Albertans who don't want to get vaccinated, and they say, "You know, we're doing our part," and I understand that, because we do need to keep each other safe. So that's one reason.

Two is the right to be informed of the location if you are detained. Now, I believe that this goes back to a problem we saw back earlier this year when an individual – I believe her name was, if I read this properly, Nikki Mathis. I think that on January 28 she was coming back from a trip in the U.S., and upon arriving in Calgary, she was detained by members of the Public Health Agency of Canada, or PHAC or whatever you want to call it, and did not inform her husband – I believe his name is Chris – of her location. Now, from a purely concerned spouse perspective, I mean, that would just drive me wild, not knowing where my spouse was, how to get a hold of her, if she was okay, what state of mind she was in. You know, these things: even on a good day, when I'm here, Mr. Chair, and I'm not home with my family, I worry about these things, as any individual would. You worry about your family. This bill certainly responds to that by adding in that individuals must be immediately informed of location if they're going to be detained. I think that's an important thing to note here.

The third thing is to remove the minister's rights to modify legislation by order. Mr. Speaker, I think that was a thing that got a lot of concern from constituents of mine who felt like it was consolidating too much power in the hands of the minister. I think that this bill, again, clearly identifies a need to manage public health concerns and manage a pandemic as we address these concerns, right? Continue to build a good car rather than deal with the warranty issues later down the road. But there are certain things that may just not be necessary.

This Legislature has proven, especially in recent days, our ability to vote remotely and to meet under extraordinary circumstances, something I applaud members on both sides of the House for, that we have managed to make this work and worked collaboratively to do so. But effectively we can meet. Now, if this was 1910 and a substantial number of members of this Legislature had fallen ill, we would not have the numbers to form quorum. We wouldn't have the ability to pass legislation, and I suppose there'd be a need to adapt and deal with the ever-evolving nature of a pandemic, but if you don't have the Legislature or the numbers to convene it, then you could see that there's a problem. But given modern-day technology there is that opportunity, Mr. Chair.

The last thing here is something that came up, I believe, in the Public Health Act Review Committee, which was to review the act every 10 years. Now, I suspect this act gets looked at very often. I can't remember how often the Member for Edmonton-Glenora looked at it when she was the Minister of Health. She lived and

breathed this document, I suspect, you know, looking at it. But an official review, Mr. Chair: I believe that's necessary because as technology evolves and just the nature of migration patterns in Alberta and across the county, people coming and going, different cultural demands, there's certainly a need to evaluate the Public Health Act to ensure that it is adapting and able to meet the needs of Canadians and Albertans and, if necessary, even those who are visiting this province under the circumstances that they might fall ill.

For these four reasons, Mr. Chair, I will be supporting this bill, because while I understand that nothing is perfect and legislation can always be argued by lawyers – you being a lawyer yourself, you would know and lawyers across the aisle and even a couple on this side would know that you can always make an argument for or against something, so there's certainly interpretation within the bills. But the intent – and I repeat: the intent – of this bill is to ensure that we do have greater transparency within the Public Health Act, particularly during public health emergencies.

While I understand and I can appreciate the concerns of my constituents and I appreciate them reaching out to me frequently to express their concerns about all legislation that we bring forward and also a number of constituents who reach out positively, though I do find – and I suspect it's equal across all members of the Legislature – that constituents usually reach out when they have a concern or a problem, not so much to give you notes of congratulation or appreciation, though I do get those, and they are wonderful. But I can assure Albertans that we are listening, and we are working to adapt and make sure that we can keep Albertans safe while also respecting personal needs and personal circumstance, and that's why, Mr. Chair, I will be supporting Bill 66.

Now, before I take my seat, I would like to conclude by simply saying how much I appreciate the work done by Albertans during this time of difficulty. This is something that this province and this country haven't seen since the early 1900s, and there is no playbook for this, if I can use a sports analogy, which I do try to avoid, but they come out. There is no playbook for this.

You know, the Member for Lac Ste. Anne-Parkland had mentioned that he was concerned that we didn't have collaboration from members opposite, and I genuinely have felt that as well. While I understand members being critical of what the government is doing, I have felt at times that other Legislatures have been far more amicable in their desire to work together. Now, again, it's the opposition's job to hold the government to account, and having been a staffer working for an opposition party in this Legislature, I certainly have written many speeches and done lots of research to hold the government of the day to account.

But I would like to maybe remove – and I am guilty of this myself – some of the political theatre and the rhetoric from this Chamber, particularly surrounding issues of public health. The reason for that is simple: fear. Significant fear has been – how should I say this? A lot of fear has been driven and perpetuated by social media accounts and posts outlining the worst possible scenario and then passing it off as the norm. There is no mistaking that on at least two occasions during this pandemic we were careening towards what could have been an absolute health care catastrophe, but because of the good work of Albertans who took the public health measures seriously, we were able to bend that curve and stop it from being an all-out catastrophe.

8:40

I have sat in this Chamber and called points of order myself on the Leader of the Opposition and other members in this Chamber who have suggested that this government is deliberately, you know, hurting people. Just like during the Fort McMurray wildfires, where

the opposition likely disagreed with how the government of the day addressed the wildfires, there was never a question that it was nefarious in intent. At least, that's my perspective, Mr. Chair. Now, there could be members on that side who felt that way, and that's – I didn't write those speeches. But you also can't look at that instance and say: well, because you did it to us and that's how we felt, we're going to do it to you now. That was isolated to one part of the province that was devastated by a natural disaster, but we are talking about something affecting the entire country, the world.

I guess the Member for Lac Ste. Anne-Parkland certainly used some colourful analogies, but the reality is that I see this on a regular basis. I get e-mails to my office with Facebook posts and comments perpetuating this narrative of fear that has been driven in a number of instances, not all but a number of them, by members opposite and their hyperbolic comments. Again, I'm not going to sit here and suggest that I am without guilt, but in particular, in this instance, when we're talking about health care, it is a scary thought if you're a citizen, sitting at home, hearing ramped-up language from your legislators, who are in a Chamber with access to information and who live and breathe this stuff on a regular basis, who have access to information that you wouldn't normally be paying attention to and interpret it in a way that could suggest that, you know, the whole world is coming to an outright collapse and that it's the government's fault.

I don't want to belabour this point because I see that my time is running short, but I will say this. I will be supporting Bill 66, Mr. Chair. I believe that the intent of this bill is noble, to ensure that we are adapting and that we are putting more power and more control in the hands of everyday Albertans, because they know themselves well, they know their families well, and they know what's best for them. I will continue, which is my job as a legislator, to help us get out of this pandemic as fast as possible. I believe that the best way to do it is through vaccines – it's the fastest way to get herd immunity – but I also respect people's personal freedoms. I think that that's what this bill is intended to do.

With that, Mr. Chair, I appreciate the opportunity to rise and speak on this bill. I appreciate all my constituents of the great region of Cardston-Siksika for their continued outreach on my behalf. It's certainly been a tumultuous and difficult 14 months, but I do love interacting with them, whether it's in person or whether it's over the phone, to make sure that I am listening to their concerns, responding as fast as possible, which, given the amount of correspondence that a number of us are getting, is nearly impossible. Ultimately, I am grateful for them. I will take my chair.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join the debate? I see the hon. Member for Cypress-Medicine Hat has risen.

Mr. Barnes: Thank you, Mr. Chair. I appreciate the chance to speak to Bill 66, the Public Health Amendment Act, 2021. First of all, thanks to the hon. Member for Cardston-Siksika for his contributions and his heartfelt words. First of all, the good in Bill 66. It's a repeal of many of the unconstitutional aspects of Bill 10, and the authors of the bill and the government should be commended for that. Bill 10 did empower the Alberta Health minister and all cabinet ministers with the new power to write new laws unilaterally without input from elected Members of the Legislative Assembly. Bill 66 does remove that. It removes the ability for the ministers to make unilateral laws on the fly, and that's a good thing.

Before I go into areas where the bill could be greatly improved, I want to touch on the COVID crisis, the lockdown restrictions, and

the effects in Cypress-Medicine Hat for a brief second. Mr. Chair, colleagues, Medicine Hat, like so much of Alberta, also faced an extreme mental health, physical health, spiritual health, and economic crisis during the last 16 months and may for a while yet. The amount of self-harm in my community, the amount of mental health: I just don't know where to begin, how to reach out to the families and the people that were involved and going forward. We all do our best with the opportunities we have and stuff. That, to me, is why it is so important that all voices be heard, that all people have the opportunity to regain their hope, to regain their opportunity to make Alberta free and prosperous and work together in our families and our communities.

You know, Mr. Chair, there were many times when I'd be talking to an Albertan about what was happening in Cypress-Medicine Hat. Unfortunately, it was everywhere throughout the province as people confronted the pandemic, worked to protect themselves, worked to protect their families, worked to keep life going. This is why Bill 66 has had so much impact just on social media, in our constituencies, those kinds of things. A friend of mine and I were talking about a week or two ago. His son and grandson were unable to give him the hug that he deserved on a birthday, a loving family, and we know the reasons why. My God, hopefully, we can all overcome that as fast as possible, and it'll make Alberta even stronger.

I want to give a shout-out to some of the government workers. When our crisis first hit in Cypress-Medicine Hat, the associate minister of mental health and a lot of his staff came down and got right on it, set up a really strong committee. The great work of my colleague the MLA from Brooks-Medicine Hat: she was very instrumental in making a lot of good things happen there. School board people, schoolteachers, mental health people really reached out and did a tremendous job to make sure that those that needed attention had every opportunity for it and a whole bunch of empathy and skills that are amazing. My hat is off in gratitude to those people forever. Again, this is why it's essential that we get this right going forward, that we get this so families can care for each other, so families don't lose hope, and so families maybe, most of all, have the opportunity to have their voices heard in this Legislature.

Mr. Chair, there are some concerns still about eroding civil liberties and Bill 66 alarmingly expanding the powers of the chief medical officer. The chief medical officer of health has the ability to continue making laws for Albertans without input from the 87 elected Members of the Legislative Assembly, the 87 of us, that spend our time in our constituencies and, when times are normal, in the hockey arenas, the soccer pitches, and the coffee shops. They're accountable once every four years and every day by e-mail, by phone. That's alarming. Bill 66 places no checks on the chief medical officer of health and instead expands those powers, including orders which have no expiration. No expiration.

One of the things that our great research team discovered is that Bill 66 rejected recommendations from the Public Health Act select special committee's report from October 2020 as they pertained to safeguarding individual rights. The report recommended that public health restrictions would need to be reasonably necessary – reasonably necessary: that sounds like a fair test – and allow individuals to apply to court for review of health orders on an urgent basis. Mr. Chair, I understand that through technology and Zoom and Microsoft and all those good things we have, the court system kind of continued along as normal. So why a government wants to restrict any Albertan's access to court to have their day, to have their say, to make things better for Alberta families is beyond me, and I hope that the government has the opportunity and the courage to change and address that.

8:50

Mr. Chair, under Bill 66 the chief medical officer is not required to provide regular reports to the Legislature containing the medical and scientific basis for their mandate. How many times did I hear that this unelected official is really the Premier, that this unelected official is making the decisions? True or not, any time we increase transparency, any time we increase information flow, that's only good for Alberta's future.

Bill 66 continues to allow the chief medical officer to issue orders outside of a declared public health emergency, including orders which have no expiration, effectively entrenching the powers of the chief medical officer of health, entrenching the powers of an unelected official.

Bill 66 legally validates the existing chief medical officer of health's orders made over the past 13 months – I think this should say: the past 16 months – legally validates past orders. You know, if it's paperwork and cleaning things up, great. But I understand that there are some cases before the courts now, and I can't imagine denying any Albertan the opportunity to be heard.

Bill 66 also extends the power of health bureaucrats to be able to order places to be shut down based only on a test or a report, and neither term is defined in the amendment legislation, "test" or "report." That's without the need for an inspection. Mr. Chair, that sounds like an overreach of government to me. Existing law already allows extensive powers to inspect a public or private place and to issue orders requiring a place to be vacated or closed, but an inspection is necessary, not just a report. It seems like a step backwards.

Bill 66 explicitly empowers health authorities to collect legal fees and expenses related to the enforcement of such orders from a health bureaucrat, as mentioned above. If you don't follow a CMOH order, then the place you own can be the subject of an order from a health bureaucrat based only on a report – only on a report – to enforce the closure of your place, and then you can be stuck with the associated legal fees and expenses. It doesn't sound like democracy, doesn't sound like civil liberties to me, Mr. Chair.

Bill 66 expands the statute of limitations so it's possible to prosecute someone for a health offence for up to three years. I believe my colleague from Edmonton-Glenora mentioned: retroactive to some of the stuff that's happened in the past, are we going to, you know, dig into that and the cost and the unfairness of that? I hope the government has the courage to look at that.

Bill 66 retains the penalties introduced by Bill 10 last year, up to \$100,000 for the first offence and \$500,000 for subsequent offences, for violating the Public Health Act, fines that are very, very large. Small businesses took on tens and tens of thousands in debt during this period of time. Again, when this ties back into just a report, where's the fairness? Where's the equity? Where's the opportunity to make Alberta free and fair for all of us?

Mr. Chair, I want to look at where we're at for a sec. A recent poll showed that 78 per cent of Albertans – 78 per cent – believe that this government has mishandled the pandemic response. Eight out of 10. The Canadian Federation of Independent Business put out six months ago that the average small business had already taken on \$185,000 of extra debt. God bless them for the service they provide for us and what they do. I hope they can all dig out of that hole and have bright futures. But that is going to be tough.

I think back to a Simon Fraser University professor, Professor Allen, and a report he put out that talked about how the cost of the lockdowns may be three to 282 times greater than the benefit. He had 30 peer reviews in his paper. It was all put out there public, and the whole idea was to have input and say from as many Albertans as possible going forward, something that, we've heard from the

opposition and we heard from Albertans, didn't happen. You know, if I remember Professor Allen's report properly, he also had quite a section talking about how public voluntary compliance, especially for 16 months, can be so much better with the right leadership, with the right communication. Again, when we see that 8 out of 10 Albertans feel this government mishandled the pandemic response, it just makes you wonder.

An important part of this process should be a full audit of the government's pandemic response. We need to know what worked, we need to know what didn't work, we need to know who wasn't heard, we need to know where we got value, where we didn't, 16 months into this thing, and, of course, the importance of keeping all of our compromised people, our seniors – the opportunity to do better next time needs to be analyzed, and public trust needs to be rebuilt.

Mr. Chair, as I mentioned, perhaps most problematic under Bill 66 is that the chief medical officer of health is not required to provide regular reports to the Legislature containing the medical and scientific basis for the orders. Nor is the chief medical officer of health required to answer the questions of elected members of the Assembly, again, the 87 of us that once every four years are a hundred per cent accountable, every day through a lot of our great office staff, and our constituents and our volunteers are just as accountable. I think that with some more input from those outside the somewhat insular walls of the Legislature we can make significant improvements to Bill 66 through common-sense amendments. The type of improvement Albertans and our local experts in Charter rights and constitutional matters have repeatedly called for is for more opportunities – more opportunities – for elected officials to ask the chief medical officer of health their questions.

Mr. Chair, I have listened to the feedback of these experts and of the people in my constituency, and that is why I am tabling this amendment. I have the copies here.

The Deputy Chair: Did you keep a copy?

Mr. Barnes: I did not. Could I get one?

The Deputy Chair: Once the page brings it up, I'll know better how to move forward.

Thank you. As is the case during these times, if you put your hand up, a page will deliver a copy to you. There will also be copies on the tables at the entrances. If the hon. member could please read it in for the record, that would be very appreciated as well. For the benefit of all those tuning in, this will be referred to as amendment A1 for the purposes of debate.

Please, the hon. member.

Mr. Barnes: Okay. Thank you, Mr. Chair. Notice of amendment to Bill 66, Public Health Amendment Act, 2021. I move that Bill 66 be amended in section 16 by adding the following after the proposed section 52.1:

Chief Medical Officer required to provide information to Legislative Assembly

52.11 If an order declaring a state of public health emergency is made under section 52.1, the Chief Medical Officer must undertake the following until the order lapses or terminates:

- (a) at least once within each 90-day period that immediately and consecutively follows the making of the order, appear before the Standing Committee on Families and Communities to provide information to, and respond to questions from, Members of that Committee relating to the state of public health emergency, and

- (b) on a written request from a Member of the Legislative Assembly for information about the state of the public health emergency, provide that information in writing to the Member as soon as practicable.

9:00

Mr. Chair, that's the amendment. Some important things to note about this request: it is only in effect during a declared state of public health emergency. Secondly, "at least once within each 90-day period that immediately and consecutively follows the making of the order". This leaves ample time and flexibility for the chief medical officer. We have plenty of technology to make this possible and safe, of course, and we have seen much of this employed during the pandemic. The reason the amendment calls for the chief medical officer to go before the Standing Committee on Families and Communities is because that committee also reviews the work of the Health ministry. All we're asking for is that the chief medical officer provide information to and respond to questions from members of that committee relating to the state of the public health emergency.

Mr. Chair, this is being done in other places. We are elected members, held accountable for the questions we ask, and of course we've included "as soon as practicable" rather than a specific period because we understand that unknown factors could make this difficult.

Colleagues and Mr. Chair, I know that many, many of your constituents are asking for this opportunity for more accountability and involvement for us with the chief medical officer of health. We were elected to ask these questions. During COVID we, unfortunately, have not been able to do that. We should learn from this event, and we should all plan to do better in the future. As legislators we have had less access to our appointed chief medical officer of health than the unelected media.

Colleagues, I ask all of you to support this amendment. Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate on amendment A1? I see the hon. Member for Banff-Kananaskis has risen.

Ms Rosin: Thank you. I am happy to rise tonight and speak to this amendment on Bill 66, and further I'm just really excited, actually, to speak to the generality of Bill 66. I think that possibly for yourself, Mr. Chair, and myself this bill is about as close as you and I may ever get to passing a private member's bill, if this bill passes, since we were the chair and the deputy chair of the committee that did a lot of the legwork behind this. So I'm very excited to speak to this bill tonight and to speak further to the amendment.

There's been a lot of talk about this bill, and it's been forthcoming for some time. As everyone who's listening right now knows, all the hundreds of people out there, we've just gone through Alberta's very first state of public health emergency since the inception of our province, and what people may not know is that this was the very first public health emergency we've ever had. I think every government in the entire world who's tried to navigate COVID-19 has stumbled their way through it and done the very best job that they can, but it is interesting to note that this is the very first time it's ever happened in our history.

With that state of public health emergency, we had to open up the Public Health Act and use a lot of the powers and the clauses that are in this act to help govern ourselves over the past 15 months. I actually want to go through this bill piece by piece. I have a fairly binary brain; it's pretty black and white up there. So rather than getting into sensationalism tonight, I'm actually just going to go through this bill and through the current, existing Public Health Act

and talk about some of the pieces that I really strongly support and actually highlight some of the reasons and the clauses in the existing Public Health Act that I think will really raise Albertans' concern and will help Albertans understand why this new piece of legislation, Bill 66, is so vitally important.

In Canada and, further, in Alberta we are so, so fortunate to live free and full lives and to be protected from government overreach. Interestingly enough, the Public Health Act really is one of the few rare pieces of legislation that allows for more overreach than I think any common person would be comfortable with, but they're just not necessarily aware of it because the powers in this act typically are not utilized, in fact, as I said, have never been utilized, really, before in our province's history.

To highlight some of the key parts of this act that our Select Special Public Health Act Review Committee delved into and dug into last summer, I just want to read a few of the clauses of the Public Health Act in its current form into the record.

One of the most prominent issues we've heard with the Public Health Act is that in its current form it allows for mandatory immunizations. To read that in, it's section 38(1)(c).

In the case of a communicable disease, the Lieutenant Governor in Council may

order the immunization or re-immunization of persons who are not then immunized against the disease or who do not have sufficient other evidence of immunity to the disease.

Then there are some other clauses in there that not many people know exist because they haven't gained as much media attention, but if people knew they existed, I think they would be extremely concerned and would want them changed, which is why I'm excited about Bill 66 tonight.

To highlight some other aspects, section 31(1):

Where a medical officer of health knows or has reason to believe that a person may be infected with a communicable disease referred to in section 20, that person shall, at the request of the medical officer of health, submit to any examinations necessary.

Section 20(1):

Every person who knows or has reason to believe that the person is or may be infected with a communicable disease prescribed in the regulations for the purposes of this subsection shall immediately consult a physician to determine whether the person is infected or not, and if the person is found to be infected, shall submit to the treatment directed and comply with any other conditions prescribed by the physician until the physician is satisfied.

Another one, section 40(1):

A certificate is authority . . .

- (b) for a physician to perform any test or physical examination required to determine whether that person has a communicable disease and to detain that person at the facility for the period required to obtain the result of the examination.

Another one, section 44(1):

Where one physician supported by a laboratory report demonstrating evidence of an infectious agent certifies or 2 physicians certify that a person is infected with an organism that produces a disease prescribed in the regulations for the purposes of this section and that the person refuses or neglects

- (a) to submit to medical, surgical or other remedial treatment . . .

. . . the physician or physicians shall each issue an isolation order in the prescribed form.

Mr. Chair, while a lot of the dialogue around what needs to change in the Public Health Act has been aimed and targeted toward mandatory immunizations, there are powers for far more egregious things in this act that currently exist with regard to forced treatments and examinations and surgical or remedial treatments against

people's will. In fact, some clauses specifically say "with or without" the person's consent. As a free person living in our country and in our province, I think anyone who hears this language in a piece of legislation that has governed our province since 1910, well over 110 years, should be concerned that those powers have always been there and that we've never known about them.

I just really want to highlight some of the things that Bill 66 will do. I think that this is an extremely positive piece of legislation. As I said, Mr. Chair, this is probably the closest thing you and I may ever get to a private member's bill, being the chair and the deputy chair of the committee that did the work behind this bill. I know there are many other members of the Assembly here tonight that also worked on that committee.

Another reason, I guess, before I get into the details of why I'm excited about Bill 66, is that I actually thought there was a great amount of collaboration that went into this bill between our government and the opposition members. I thought the entire demeanour of the committee was very positive and cordial. We also even went so far as to accept some of the amendments from the opposition in our committee recommendations and to include them in this bill. I think this bill is a great win not only for Albertans and the rights and freedoms of those living in our province but, really, is a true testament to the great work that can be done when the Members of the Legislative Assembly work together.

Now that we've gone over some of the scariest, we'll say, parts of the current Public Health Act, what this Bill 66 does is fix almost all of those things and more. First off, Bill 66 one hundred per cent removes any ability for governments to make vaccines mandatory in Alberta. The entire clause that allows for this, 38(1), will be removed from the Public Health Act. No question about that.

9:10

There's been some talk as to whether this bill actually, in fact, will remove the power for mandatory immunizations, and I can tell you, with 110 per cent certainty, that it will. That entire clause will be removed, and no vaccinations will be made mandatory in Alberta now or ever in the future.

This bill also introduces strong criteria that must be met before examinations or medical treatments can be ordered or forced on people and legislates that any such actions must be exercised only as a very last resort for any individuals who refuse to take personal responsibility to ensure that their communicable diseases do not spread to others. Mr. Chair, I believe that is a far more appropriate approach for Alberta and, really, for anywhere. Here in Alberta we are responsible, self-determining people, and Albertans are fully capable of taking personal responsibility and making the choices that they need to do to protect themselves and their communities and their neighbours and their families and friends. This bill will remove – well, it won't remove that power, but it will introduce extremely strong criteria to make sure that medical examinations and treatments cannot be forced on any Albertan without it being an absolute last resort.

Bill 66 also introduces strong criteria that must be met before an isolation order can be issued on an individual. Interestingly, to take a piece right out of the Canadian Charter, under Legal Rights it says in section 9 that

everyone has the right not to be arbitrarily detained . . .

and in section 10 that

everyone has the right on arrest or detention

- (a) to be informed promptly of the reasons therefor.

Mr. Chair, this bill will introduce strong criteria that must be met before an isolation order can be issued, meaning that an isolation order no longer will be able to be issued arbitrarily on an individual who has a communicable disease.

Then, also, going on in that same vein, it will ensure that those individuals who are detained or are given an isolation order are immediately informed of the purpose for and the location of their detention if it is under a public health order. As the Member for Cardston-Siksika mentioned earlier, there was a lady who came back from vacation over the Christmas holiday and was involuntarily detained, and her husband was not given any notice of her whereabouts. That won't happen in Alberta anymore. If people are detained under a public health order, they will be given notice, immediately upon their detention, of their whereabouts and why they've been detained.

Another thing that this bill does is that it removes the ability for the Minister of Health to modify existing legislation without the due process of this Legislative Assembly. This has been a lot of controversy over the past year. It really first came to light under Bill 10, when we modified the clause that talked about this power, but what most people don't realize is that the power to modify existing legislation without the due process of the Assembly has existed since, I believe, 2001 or 2002, after the events of 9/11. This power was never introduced by our government, and it has been long standing in the Public Health Act for nearly two decades. Nonetheless, we realized quite quickly that it was an offence and an affront to democracy to allow any minister to unilaterally change legislation without due process. This act also removes that power for the minister to amend legislation without going through the proper democratic process.

Finally, the last thing that this bill does is that it for the first time introduces and defines the role of our chief medical officer of health, and in doing so, it limits her powers. Of course, we appreciate our chief medical officer of health's guidance and assistance over the past year, but we do want to make sure that any individual's powers are not unending, whether they be elected or nonelected. One of the biggest concerns we heard in our consultations about the current Public Health Act was that her role was not fully defined, so it could be expanded to extents that the public may not be comfortable with. Bill 66 for the first time will also introduce a definition for the chief medical officer of health's role and, in doing so, will limit her power and make sure that any future chief medical officer of health has powers to keep Albertans safe but within reason.

Mr. Chair, I am very excited to be supporting this piece of legislation tonight. It sounds as though, interestingly, there are parts of this bill that may have support from all members of the House. I do not know if the entire bill will, but it does sound as though parts of the bill will. I am actually quite glad to hear that. It's been talked about several times tonight, the need to depoliticize public health. Over the course of the past year Alberta has really had a problem with the politicization of public health, and I think that's actually a shame. Public health should never be controversial. It shouldn't be political. It should be done in collaboration with every member of this Assembly in the best interest of Albertans.

Before I close, it's quite interesting. There is a review that is conducted, called the parliamentary review, and it is a publication that is printed quarterly in our country. It's an academic document, a few hundred pages in length, and it really, essentially, once every quarter, assesses the performance of every democratic Legislature or parliament in our great Dominion, compares them to one another on their performance. It's interesting. If we read the third-quarter edition from last year's edition, under the section titled How Canadian Provincial Cabinets Responded to the COVID-19 – this parliamentary review document is extremely apolitical; it's done by academics and through academic analysis – it quotes, “Quebec, Saskatchewan, Ontario, and Nova Scotia have demonstrated a [very] congenial path, at least in the early days of the crisis,” but in

Alberta their “opposition was less than cooperative in supporting” the government. [interjections] Yes.

Mr. Chair, this is not done by a partisan publication; this is done through a third-party academic review of how every parliament and Legislature in the Canadian Dominion has handled COVID-19. Even to the academics it is clear that our opposition has been completely unwilling to work with the government in doing what was in the best interest of Albertans throughout this pandemic. Rather than handling the pandemic with compassion and support and providing a message of hope, what we saw was a lot of fear and a lot of moves that were made for media headlines.

Mr. Chair, tonight I'm extremely honoured and happy to speak to Bill 66. I think this is a fantastic piece of legislation that really does extremely strengthen the rights of Albertans under the Public Health Act, more so than many Albertans may even have been aware of in areas where they may not have been aware that their rights and freedoms were limited. I do hope, since this bill was drafted in co-operation with the opposition, through our committee, and some of their amendments were accepted that they put forward and put into the making of this bill, that everyone will support this bill.

In closing, I suppose, and I guess I've been reading a lot of quotes tonight and a lot of pieces of legislation, but like I said, my brain can be fairly analytical, so I just thought that I would close tonight on this very important discussion about the rights and freedoms that we have in this amazing country and province of ours . . .

Ms Gray: Point of order.

The Deputy Chair: Hon. member, a point of order.

Ms Rosin: . . . by reading the opening from . . .

The Deputy Chair: Hon. member. Hon. member, a point of order has been raised.

Ms Rosin: Okay.

Point of Order Relevance

Ms Gray: I apologize for interrupting. The member appears to be closing her debate, and I've appreciated listening to her, but under 23(b) the matter under debate is the amendment, and I was hoping to hear from the government or this member their thoughts on the amendment as well. I simply rise under 23(b): “speaks to matters other than.” I'm hoping to hear a little bit more about the amendment but intending it in a kind way.

The Deputy Chair: I obviously don't find a point of order in this case, just given the fact that we've had quite a wide swath with regard to the debate up to this point, and I'm seeing a thumbs-up there, too, so I think that if anything it was a bit of a request or something along those lines, but I would remind all members that we are currently debating A1.

If the hon. Member for Banff-Kananaskis would like to continue, there are still five minutes should she choose to.

Debate Continued

Ms Rosin: Sure. Thank you, Mr. Chair. I don't think I'll need my final five minutes. I think I will close my comments.

I will just say that I am excited to speak to the bill and the amendment, and I thank the Member for Cypress-Medicine Hat for putting forward this amendment. I always appreciate when there is

engagement from all members and parties of this House, of which we now have a few independents. It's actually great, I think, to see our democracy with more voices brought to the table and critical thought. I appreciate the amendment put forward by this member, and while I hate to be the very first speaker on it because I think much more debate needs to be had as we consider the contents of it, I thank him for putting this amendment forward. It's been an honour to speak to it.

The Deputy Chair: Thank you, hon. member.

I see the hon. Member for Calgary-Mountain View has risen.

Ms Ganley: Yes. Thank you very much, Mr. Chair. Since we are, of course, speaking to the amendment presently before the House, I will begin by saying that I intend to speak in favour of the amendment. I will hopefully restrain my comments mostly in the direction of the amendment, but I think it's worth addressing a few other things that have been said. This amendment actually, interestingly, does relate directly to the Public Health Act Review Committee, of which I was a member.

9:20

Essentially, what the amendment aims to do is to provide greater accountability to the public and to Members of the Legislative Assembly from the chief medical officer of health. Rather than simply reporting to the government – because, as we all know, she makes recommendations to the government, and then, ultimately, what conversation occurs between the chief medical officer and the government will never be known to us; we just sort of come out the back end of it – this would enable Members of this Legislative Assembly to ask questions. It would increase transparency significantly. In my view, that is incredibly important.

In fact, at that public health committee the opposition brought forward an amendment that would have made her an independent officer of the Legislature. What that would mean is that Albertans would have a clear line of sight into what decisions were being made, and we could have confidence that those decisions were being made with respect to science, that those decisions were being made on the basis of science.

Now, I am not for a second suggesting that science doesn't have to be in some sort of dialogue with reality, right? In an ideal circumstance in a pandemic like this we would all be able to go to our houses and never come out again, but that, of course, is not – that may be ideal from a disease transmission perspective, but that's not reality. That can't happen in the real world. I'm not suggesting that science doesn't need to have that dialogue with, you know, other factors. What I am suggesting is that I would like it to have the dialogue with other factors without partisan, nasty politics coming into it, which is what people fear with respect to this government getting the recommendations without there being sort of any sunlight cast on those.

I mean, even down to the fact that the last speaker, who was the deputy chair of that committee, just railed about how, you know, we have to fix this act, the freedom of Albertans, freedom is so important. She was the deputy chair of a committee that recommended against some of the changes that are currently in this bill. She was the deputy chair of a committee that spoke in favour of keeping the overreach in Bill 10, that voted down opposition amendments that would have done exactly what was in this legislation. So for her to stand and now say, "I am for the freedom of Albertans" after previously having gone out of her way to ensure that the ability of ministers to legislate by way of ministerial order, which weren't even necessarily published anywhere, was continued – I am glad that the government has taken this step. I am glad to see

that the government has recognized the overreach in Bill 10, but for that member, who voted down opposition motions that would have done exactly this same thing, to stand in this House and talk about how proud she is is just incredibly rich. Incredibly rich. It's as if the rest of us weren't there or she thinks that we can't remember.

Anyway, I think the other thing worth noting about that is that, you know, yes, this is the very first public health emergency. That's why the committee or the opposition members of the committee, at least, wanted to have a conversation about how that act had interacted with reality, about what the impact of decisions made under that act and changes made to that act were on the lives of Albertans. The UCP members of the committee voted that down, and now to come forward and say, "Oh, things are more partisan here in Alberta because the opposition is so mean and they criticize us when we're doing the very best job that we can," well, Mr. Chair, I was sent to this Legislature to act on behalf of my constituents, to act on behalf of Albertans, and the very best job that this government can do has not been very good.

Less than a month ago we were seeing the highest cases in North America here in Alberta because of decisions made by this government. I'm going to criticize that because those are my constituents and their loved ones that are getting sick, potentially disabled for life. Some of them are dying. They are losing loved ones, they're having to stay home from school, and they are under stress. They are impacted by those decisions, and I'm not going to not speak out. I'm not going to take: well, it was a really bad job, but it was the very best we possibly could've done. You know what? That's not good enough: the very best we could possibly have done. I mean, that's just not good enough. That's not why I was sent here. I was sent here to do a serious job, to hold the government to account on behalf of Albertans. You know, I'm not going to take "Oh, well, you're being really mean to us" as a valid reason for me to stop coming up with legitimate policy criticisms.

To get back to the amendment, this amendment provides some level of transparency. In my view, it doesn't quite make her an independent officer of the Legislature, which is certainly something that the opposition recommended at the committee. But it does increase transparency, and that's why I'm in favour of it. You know, this government has demonstrated a refusal to experience transparency. Even on that committee Dr. Hinshaw was clear that she was willing to come back to present to the committee again, and members of the UCP voted against that. They voted to prevent her from providing further information to the committee, further information critical for our deliberations. So this, I think, is a step in the right direction. It's a step that would enable Members of the Legislative Assembly to get that direct access, to know whether the recommendations are based on science.

You know, members of the government like to stand up and talk extensively about how there's partisanship in Alberta and we're at odds with each other and there's a lot of fighting going on and we shouldn't have that fighting going on, but so much of the reason that Albertans are anxious is because this government is the least transparent government in Alberta history. All they want to do is hide information. I mean, that's the reaction that anyone would have. It's not just the Alberta public, it's not just the opposition, and it's not just the media in Alberta. When someone is like, "I'm not going to tell you any of the answers; I have the information, but I'm going to hide it from you; I don't want you to know anything; I don't want you to see the information; I think you might do something bad with the information," it's normal for the person on the other end of that conversation to be suspicious.

Usually when people are going to great lengths, as this government has done, to hide things, it's because they would be

criticized for the things that they are hiding if those things were to come to light. I think, you know, this talk of polarization: sure, there's been increased polarization, but there have also been much worse decisions made. The criticism of those decisions is rightfully higher because the decisions haven't been good, or even if they have been, the information to support them hasn't been provided.

I don't think another province other than Alberta had this situation where the government came in, gave ministers the ability to legislate by way of ministerial order, and then had to come back to the House and walk it back. I mean, sure, maybe there has been more discussion about those decisions in Alberta than there has been in other provinces, but that's because in no other province did that occur. I mean, in no other province has the government, in the first place, taken that broad of a power, and, in the second place, in no other province have they had to turn back up and walk it back.

Yeah. I think this would add some much-needed clarity. I am absolutely in support of this amendment because it enables members of the Legislature – and that, incidentally, includes members on the UCP side. It includes UCP private members, so those who are not in cabinet. They would have access as well. They don't currently have that same access. They have the same thing that we have, which is to say ministers sort of turning up and saying: oh, no; trust us; we know we didn't do the right thing before, but trust us this time.

9:30

I think that this would add some much-needed transparency for all of us, and it would add some much-needed – I think I've certainly heard it quoted many times that sunlight is the best disinfectant. I think that in this case that is absolutely true. I think some sunlight on the recommendations that the chief medical officer is making to this government would be nothing but helpful. I think it would be helpful for members of the opposition, I think it would be helpful for independent members, I think it would be helpful for UCP private members as well to have this access. I think, you know, it makes sense for Members of the Legislative Assembly to be able to ask questions like that. I think we are all, at the end of the day, accountable to our constituents, so we all ought, at the end of the day, to have access to that information.

I would like to thank the Member for Cypress-Medicine Hat for bringing forward this amendment. I think it is a very helpful amendment, and I would urge all members to vote in favour of it.

The Deputy Chair: Thank you, hon. member.

Are there any members looking to join debate? I see the hon. Member for Central Peace-Notley has risen.

Mr. Loewen: Thank you very much, Mr. Chair. I appreciate the opportunity to speak to Bill 66 and, in particular, the amendment that's before us here right now, brought forward by the Member for Cypress-Medicine Hat. Of course, this amendment brings the opportunity for the chief medical officer to be able, within a 90-day period during a public health emergency, to come before the Standing Committee on Families and Communities. I think it only makes sense to have an appointed official report to elected representatives. If there is nothing we have learned more importantly during this pandemic, it's that the decisions and the recommendations of the chief medical officer of health during this pandemic were incredibly important information for Albertans to see.

Obviously, everything that came forward, the recommendations and decisions that came forward, from this government has affected people's lives: their personal lives, their business lives, their social lives. Right from children to seniors, everybody has been affected

by these decisions and these recommendations coming from the chief medical officer. I think it's great that she meets with a small cabinet committee, but of course that's behind closed doors. We don't get to see those discussions, and we don't get to be able to ask those questions. MLAs that were elected to represent their constituents don't get a chance to have that discussion and see what's happening there. So I think it makes sense that MLAs need access to be able to represent their constituents. We're elected here to come forward in this Legislature and in these committees to be able to ask questions and gather information on behalf of our constituents.

Now, if we compare our access to the chief medical officer to the media, for instance, the media has access to the chief medical officer sometimes multiple times a week. Of course, this amendment is asking for once every 90 days, which is only four times a year, and then possibly have written requests and written responses from the chief medical officer of health.

Now, I do note that government members have not commented on this amendment. I don't know what position they're taking on this amendment and why they may or may not be supporting it. I think that it would be interesting to hear that. This is a simple request for accountability. It's something that an open and transparent government should welcome, and as we debate this, I think we should have an opportunity to have this open discussion and be able to have the opportunity to have the chief medical officer of health come into the Standing Committee on Families and Communities and provide information, respond to questions from the members of the committee. Of course, that's an open and transparent discussion that happens. Albertans can watch live and be able to read the documents afterwards.

I think this is a very reasonable amendment, and I encourage all members to support this amendment and make Bill 66 a better bill for Albertans.

Thank you.

The Deputy Chair: Thank you, hon. member.

We are on amendment A1. Are there any members wishing to join debate? I see the hon. Member for Cardston-Siksika has risen.

Mr. Schow: Why, yes, Mr. Chair. I appreciate you recognizing me, and I appreciate the hon. Member for Cypress-Medicine Hat for bringing forward this amendment, but at this time I'd like to move that we adjourn debate.

[Motion to adjourn debate carried]

The Deputy Chair: I see the hon. Deputy Government House Leader has risen.

Mr. Schweitzer: Thank you, Mr. Chair. I move that the committee rise and report.

[Motion carried]

[Mr. Milliken in the chair]

Mr. Williams: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 65. The committee reports progress on the following bills: Bill 63 and Bill 66. I wish to table copies of amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Thank you, hon. member.

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

Hon. Members: Aye.

The Acting Speaker: Any opposed, please say no. That is carried.

Government Bills and Orders Second Reading

Bill 67

Skilled Trades and Apprenticeship Education Act

[Adjourned debate April 20: Mr. Schow]

The Acting Speaker: Are there any members looking to join debate? I see the hon. Member for Edmonton-Mill Woods.

Ms Gray: Thank you very much, Mr. Speaker. I'm pleased this evening to be able to speak for the first time and join in the debate on Bill 67, a bill that is critically important to a number of sectors and certainly to our trades and to Alberta's future going forward. Bill 67, just to frame some of my comments, is an entire rewrite. We have an entirely new act before us. The government has taken the current act and done away with it and introduced a replacement. I'm going to suggest that right now I see that there are some positive things in this act, there are some things that I'm quite concerned about, and there are things where we have no idea what is going to happen. I would categorize Bill 67 as an enabling framework because the real substance of what Bill 67 is going to do to our trades in this province – the details, the meat on the bone, as it were – is all deferred to regulation.

It's that deferral to regulation that is extremely concerning to me and leaves the people that are impacted by Bill 67 in the dark, hoping for the best and hoping that the government has good intentions and will consult broadly and will make fair decisions for the good of all the players in what are very complicated industries in our province that are critical to our economy. That is where I struggle, Mr. Speaker, because deferring so much of the substance of this bill to regulations essentially asks for Albertans to give this government a blank cheque to say: we're going to improve the trades system but not tell Albertans exactly what that's going to look like. Bill 67 introduces a number of things that I'm very, very concerned about.

9:40

Now, I will start by talking at a high level about some of the things that I think have a real potential for good. Recognition of trade certificates and making sure that our trade certificates have that value within the postsecondary system: that is very promising.

[The Speaker in the chair]

The implementation, the details: again, deferred to regulation. But we want to value the trades education and the work that our tradespeople do in this province. These are skilled professionals, highly trained in specialized fields, that deserve respect, support, and improved access to training, apprenticeship. These are things that Bill 67 is promising to deliver, and should it deliver on those things, that would be a very good thing.

Unfortunately, Bill 67 also does a number of things that concern me. Currently within our trades system, within our current structure, we have industry committees that get together to help advise the government. We refer to these as provincial apprenticeship committees and local apprenticeship committees. It's a really key feature of the Alberta trades system, and these committees do a lot of heavy lifting. They do things like revisit curriculum. The testing that is going on at postsecondary institutions that are doing training, like NAIT and SAIT: oftentimes

some of that goes through these committees. Making sure that there's a real partnership between trades and the employers is happening at these committees. While I've certainly heard that some committees are more active than others, I've heard strongly that these committees are very, very valued.

But in Bill 67, the Skilled Trades and Apprenticeship Education Act, the LACs and PACs are made optional. To dispose of the industry network, which is a proven and an effective model of industry engagement that lets current and future trends be analyzed and lets these trades be updated, is incredibly concerning because there are a lot of people currently working on those committees that are dedicated to their professions and to the betterment for all Alberta of those professions. Right off the bat that the minister has chosen to put forward the potential that these PACs and LACs could be removed is concerning because it's truly an effective way to make sure that there is a partnership and that there is a view to how these trades can be improved.

Now, the other strong, strong concern that I have is that with Bill 67 the provincial government is removing compulsory trades from our province, and having those compulsory trades, having that delineation of who does what work safely, is incredibly important. Provinces that have removed compulsory trades, like in British Columbia, are now looking at how to put them back, because in the absence of compulsory trades certification, there's a real concern that there could be a form of microcredentialing being brought in with Bill 67; microcredentialing meaning that somebody goes to learn how to be a flange expert rather than an entire trade, so somebody can have a piece of something rather than the entirety. Where this has happened, we have seen devaluation of that labour, so wage suppression taking place, and as I understand it, there have also been introduced new health and safety concerns in those microcredentialing environments.

If compulsory trades certification is being removed, how will this government protect the professionalism and the quality, the work that is happening within these trades?

Compulsory and noncompulsory are being eliminated, replaced with a system called designated and nondesignated. Within the designated trades there will be restricted and nonrestricted activities. The restricted activities will require certification; nonrestricted will require no certification. You can see the bones of where the government is going but not fully because it's been deferred to regulations, and the government has said that they will have to consult on these regulations.

So what we have in front of us is enabling legislation and a framework that could be very positive for Alberta but also has a huge downside risk.

As I think about Bill 67, for me, it really becomes: do I trust this government to do what's right working with our trade unions? We've all heard how this government refers to unions in this province and the respect that this government seems to have for these workers. We've seen it throughout the COVID pandemic. And every time this government tries to deny that – when we're talking about teachers, they say, "Oh, you're just talking about the union," as if "union" is a dirty word. Union is the right of all of our workers to free and collective bargaining. It is a fundamental freedom, freedom of association. Unions are not bad. Unions are democratic organizations.

Bill 67 gives the minister direct power over how our trade unions are going to be operating into the future, how certification will work, yet Bill 67 doesn't tell us how it's going to do that because it's all deferred to regulation, bringing me back to: do I trust that this government is going to have an open mind and an open door to all of the players that this is impacting? And given this government's performance on consultation and given the disrespect

that I've seen this government express to unions and, through that disrespect, to workers, I am highly concerned about this Bill 67.

I will also suggest that this bill disbands the current board in its entirety and does a lot – and I'll talk about a couple of things – of consolidating of power to the minister, which again brings me to the question of: do I trust this government, not only just this government but all future governments? When you write legislation that consolidates power to the minister, you're giving that power not only to your minister, who this government, I'm sure, supports, but all of the future ministers as well. Rather than making sure that the board is fairly made up of representatives from the different perspectives, it's been left in the minister's hands to decide who will be part of the board, how it will be run, and a number of other things that have been deferred to regulation.

The government has brought forward a bill, Bill 67, where I can't talk to a stakeholder – I, in fact, just was talking to a group of electricians about Bill 67, and I couldn't say whether it was good or bad because so much is deferred to regulation. This bill doesn't actually tell us what the government is going to do within the trades system. This bill brings in removal of compulsory certification, which is a big deal, a really, really big deal, but then doesn't explain what that will look like or how the current trades that are operating safely, skilled professionals will be protected going forward in the implementation of Bill 67.

Through the bill debate – and we are at second reading, so my remarks at second reading: I'm keeping them very high level. But I have so many questions, and I really hope to have a good discussion about this at Committee of the Whole, where I hope to be able to ask specific questions about different lines of the bill and hear answers, because if the government can provide some of those answers, that would be incredibly helpful when we're talking to stakeholders about this bill and trying to figure out what this bill is actually going to do and look like. What will our trades system look like even in just two years? My worst case scenario is that two years from now we won't have boilermakers anymore, and Bill 67 opens the door in that direction, with absolutely nothing to guarantee that that won't happen, as far as I can see.

I hope that through bill debate and through hearing from the minister and other – and I know there are a number of stakeholders or MLAs who have been involved in the development of this, so I hope that we are able to have a good discussion. But, literally, the answers aren't in the bill because it doesn't tell you.

When I read the bill, I can see a consolidation of power to the minister that he doesn't have now. I see an opening of the door down a path to potential for microcredentialing, which has gone poorly in other jurisdictions and has done things like suppressed the wages and suppressed the valuation of those certificates that our tradespeople have today. I see the potential to remove the LACs and PACs, which are incredibly important to the current trades system. Here's a quick question. If the minister doesn't intend to remove LACs and PACs, why did he give himself the power to do that in Bill 67? I'm understanding that the minister is telling the people involved in these committees: oh, no, no; they're going to stay. Well, then why are they made optional in this bill? Why would you introduce that uncertainty, and why would the minister need that power?

9:50

There are certainly a number of things here to talk about, but at second reading I primarily want to say that a bill that consolidates power for the minister and defers almost all of the major details to regulation leaves me with a lot of questions. At this point, with my two years of experience working with this government, watching how they operate with stakeholders and watching the disrespect that

they have shown time and again to the representatives of workers, it leaves me very, very concerned. It's this minister's responsibility to make sure that everyone is included and part of the solution. How will the minister be doing that? These are some of the questions that I have, because certainly there's so much more as far as power, so much more within this piece of legislation.

Now, let me return to the start, when I started off by saying: there are some very good potential things here. A lot of the preamble, a lot of what this minister said in their news release sounds positive. The problem is that the details aren't there to back that up. Like, it's just not in the bill. So we're being asked to pass Bill 67 today and just hope that the government will do good things with it. My preference would be if the government could take more time to understand what the various stakeholders are and to bring forward a piece of legislation where we could actually see what the trades system will look like in two years, because right now the picture is so fuzzy. Like, you just can't see it at all.

I hope that through the debate I will receive some of those answers. Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Lac Ste. Anne-Parkland.

Mr. Getson: Thank you, Mr. Speaker, and thank you to the Member for Edmonton-Mill Woods. I really do enjoy her commentary. She gets into the details and looks at some of the items. It brings a lot of pause for discussion and further question on it, so I appreciate that. Thank you.

Some of the items that I do want to correct under 29(2)(a) were some of the assertions. Firstly, not all unions are created equal. I think that most of the members opposite wouldn't understand that. There are different trade affiliations and different representation. As such, the AFL and some of the representatives they have do not speak for the boilermakers, do not speak for a lot of the other trades. Time and time again, when I'm dealing with the other trades, they make that very evident and clear.

If you're looking at this brush which is painting how we express or how I personally as an MLA – I do not have the same respect for that union as I do the other trades. I'm the deputy chair of the Skilled Trades Caucus. I was on the skilled trades task force. I'm the guy that shows up at the union convention out in Jasper, and from the union members there it was articulated to me – I was the only MLA ever to stay through the whole conference, regardless of which political party. Even the former government never showed up and stayed there. They'd show up for the sound bites and then move on.

Again, the reason for that, Mr. Speaker, is because of my background. These are the people that I've worked with my entire career, so I take exception when others are making assertions about my background, my beliefs, my feelings when it comes to unions, because they're not created equal. I'm also the member that went to the boilermakers and presented to them, had an open discussion when they were having their own meetings. These are things, these are the people that built the entire province. These are my mentors. These are people that have taught me my craft working on different projects throughout my entire career. When you're making those assumptions or those assertions – I'm sorry, Member – I have to take exception to that and set the record straight on that. I know you can respect and trust that.

When it comes down to looking at the credentialing, the skilled trades task force: there was a bunch of recommendations that we brought forward. The microcredentialing was something that not everybody could agree with. Hence, that wasn't one of the

recommendations that came forward. I'm not sure where that concern is coming from other than it isn't specifically prescript within the minister's proposed bill here.

As far as, you know, other interactions here, absolutely, the skilled trades are something that we've taken for parity of esteem for a lot of reasons. We've had a lot of debate and discussion in here to make sure that we are looking at that, and it comes down to the holistic view of how the trades are reviewed. Some of the legislation that's being proposed here is also for efficiencies and making sure that we can have that clear path going forward, that that does get cleared up.

I am not going to speak in specifics of the bill but the overall, arching concept. Again, as a private member, if you think I can give you guys a hard time in here, just think of how I give our ministers on our side, behind a closed door, without parliamentary procedures being required – the minister here to my right is chuckling because he knows that's a true statement. Mr. Speaker, through the members opposite, again, when you bring up these items of concern, I'm jotting them down as well because we'll be asking those questions.

Again, when we're having these briefings and when some of us are involved in these other areas, it is with that intent to make sure that we're doing the right things, that we don't take away from what we have but that we are competitive moving forward and we're allowing better people to come forward, quite frankly, a better cut at the end of the day, because when the rubber hits the road again, we want to make sure that we're not in a deficit position of skilled tradespeople.

If I had my druthers, I would look at an integrated model of having – let's say, as a mechanical engineer, for first-year credentialing, before someone went into the university level, they would have a one-year apprenticeship. Again, when we start looking at some of the European models or some of the other jurisdictions that have that parity of esteem, that really worked towards it, that's when they're actually the most successful. I would propose to a lot of folks here: again, on the job sites that I've been on, some of the best engineers that we had have either been mentored by tradespeople or have had that exposure themselves on the front end.

Again, a lot of the items that we're looking at here: I appreciate the member's comments, and I'll cede my time so she can respond to this under 29(2)(a). Again, I'd like to hear the points that she has on those, but again I want to set the record straight that the likes of Gil McGowan are not the likes that I'm used to dealing with in any other trade union. Again, even when the old union hands take exception to that type of characterization, being affiliated with some of them and the way the interactions work – again, it's not a whitewash on this. We want the best intent for those union brothers and sisters out there as well as non-union brothers and sisters that still go within the trades. It isn't a one-size-fits-all.

With that, I'll cede the rest of my time, Mr. Speaker.

The Speaker: Unfortunately, that concludes the time allotted for Standing Order 29(2)(a).

The hon. Member for Calgary-East.

Mr. Singh: Thank you, Mr. Speaker. It is a pleasure to rise and speak today to provide my support on an important bill that provides a legislative update of apprenticeship education and skilled trades professions in Alberta, Bill 67, the Skilled Trades and Apprenticeship Education Act.

First of all, I would like to applaud the minister for having this bill, that is aimed at modernizing apprenticeship education and the governance of skilled trade professions, to make sure our province's workforce is skilled, competitive, and equipped to deal

with challenges today and into the future. I'll also express my appreciation to all the members of the Skills for Jobs Task Force, who have provided recommendations that gave rise to this legislation. The task force was formed in September 2019 to find ways to expand and strengthen apprenticeship education and skilled trades opportunities to meet labour demands. Similarly, I would like to thank all Albertans and stakeholders who have participated and provided their ideas and suggestions in the engagements and roundtables conducted by the task force.

Mr. Speaker, Bill 67 will replace the 30-year-old Apprenticeship and Industry Training Act, or AIT Act. A new legislation that supports an up-to-date, flexible, efficient system, it is also in parallel with the recommendation of the task force that the existing AIT Act be rewritten to strengthen and expand apprenticeship education and modernize skilled trades professions. This bill will enable Alberta to be more flexible and quickly respond to the changing needs of students, industry, employers, and educators.

10:00

It is aimed at separating apprenticeship education from skilled trades professions and providing academically recognized credentials to apprentices. Also, this will strengthen pathways into and beyond apprenticeship education while at the same time clarifying the roles of the government, postsecondary institutions, employers, and industry. Apprenticeship education has proven to strongly support student learning and success, and the apprenticeship model of learning has great potential to support professions beyond the skilled trades. Regardless of the postsecondary education someone is pursuing, there should be the option to formally develop programs around apprenticeship opportunities. This will help us support emerging careers in Alberta and better respond to Alberta's skills development needs.

Mr. Speaker, this bill will allow for the governance of skilled trade professions to be modernized and increase recognition of the trades as valuable and meaningful careers. Bill 67 also introduces apprenticeship credentials, which will benefit many Albertans. These credentials will recognize the hard work and effort of an apprentice in the successful completion of a program and demonstrate that the necessary knowledge and skills, including formal academic recognition in a specific field, have been attained. The new credentials will be recognized on the Alberta credential framework with standardized credits that postsecondary institutions may recognize when apprentice graduates apply for further education and training.

This bill will create a new governing body, the Alberta board of skilled trades, which, among others, will consult with different industries and make recommendations to the minister respecting the designation of trades and the rescission of the designation of trades. The board will also actively consult with industry respecting standards and requirements for certification in designated trades. It will also provide advice and recommendations to the minister respecting restricted activities and the classes of individuals who may perform them and to promote the value of designated trades professions and certification.

The board will not have authority over apprenticeship education as the Minister of Advanced Education and the registrar take that responsibility by separating apprenticeships from designated trades, which will allow for the expansion of apprenticeship education programs beyond designated trades. This will give the government the ability to give postsecondary institutions more autonomy on how they set their curriculum, assess learning outcomes, and deliver classroom instruction. The new Alberta board of skilled trades will be able to solely focus on matters related to designated trades and their networks.

We are following through on our commitment to allow the apprenticeship model to expand to other professions so that more occupations can utilize this effective form of education. Apprenticeship education has proven to strongly support student learning and success and holds as much value, merit, and worth as other forms of postsecondary education.

Mr. Speaker, I myself have undergone apprenticeship, and through hard work and dedication I earned a licence as an automotive journeyman. After having sufficient experience, knowledge, and resources, I was able to set up my own automotive business, which I humbly operated for about 25 years in Calgary-East. It also gave me the opportunity to assist and support apprentice students and help them earn their necessary skills and experience to be licensed in the trade they have chosen. I'm happy to see them thrive and succeed in their preferred profession.

I'm glad that this bill will promote the equal value of apprenticeship education with other forms of postsecondary education and encourage more Albertans to pursue trades professions, not as an alternative option but as an equal and meaningful profession. Just like every other profession, a trades profession provides the necessary services that Albertans need. This bill would improve our trades system and improve the impression that trades jobs could not bring a successful living.

In Alberta there has been a drop in the number of our registered apprentices over the past six years, from more than 70,000 to about 45,000, a decrease of more than 35 per cent, mostly in relation to Alberta's prolonged economic downturn. Last year alone there were approximately 7,820 new registered apprentices, a vast decrease from the 11,627 new apprentices that began their programs in 2019.

The Advanced Education ministry has been continuously connecting with different stakeholders and sectors in promoting apprenticeship programs. I'm delighted to know that in 2020 the ministry has connected with more than 15,000 employer shops to promote apprenticeship programs and work with employers and apprentices to ensure the successful completion of apprenticeship education. There are more than 1,000 scholarships awarded to Alberta apprentices, totalling about \$1 million. Mr. Speaker, this bill will provide huge contributions to revitalize our economy's standing as the government undertakes the bold and ambitious recovery plan.

According to BuildForce Canada projections Alberta's construction and maintenance industry will need to hire almost 65,000 workers over the coming decade to meet growth expectations and replace an estimated 41,500 workers expected to retire.

Bill 67 is more flexible than the AIT Act. It allows more detailed requirements to be in regulations and policies that can be more easily changed to adapt to the evolving needs of the workforce. There would be more engagement with the stakeholders to help shape future regulations and policies to ensure they meet the needs of students, industry, and employers. With the separation of apprenticeship education from skilled trades professions, the government will have flexibility to provide apprenticeship programs where they can have the best outcomes. This will permit the designation of a trade where it makes sense and not just for the purpose of providing an apprenticeship education program.

Apprenticeship learning has every bit as much value as academic learning, and skilled trades have just as much worth as a university degree. Mr. Speaker, we must take the needed steps to support skilled trades and develop apprenticeship education in our province. We have the largest number of working-age population and the lowest median age among all the provinces, but despite this, our

youth unemployment rate was about 25 per cent, based on December 2020 records.

This bill will help promote the value and importance of skilled trades occupations and the awaiting success that Alberta youths would accomplish. These changes complement the goals of the Alberta 2030: Building Skills for Jobs strategy to ensure that every student has the skills and knowledge they need to enjoy fulfilling lives in professions and to build a globally competitive workforce. We must recognize the value of hands-on learning for both students and employers and promote the merit of skilled trades and apprenticeship education. Bill 67, Mr. Speaker, is another step to support the future of these workers and their industries.

10:10

Let me again express my appreciation to the minister, all the staff, the task force, all Albertans, and the stakeholders for the tremendous effort to modernize, expand, and strengthen our apprenticeship and skilled trades opportunities in our province.

I strongly encourage the members of this House to support Bill 67, the Skilled Trades and Apprenticeship Education Act, which brings enormous contributions in the revitalization of our economy and workforce.

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 Calgary-East.

Seeing none, are there others wishing to join in the debate? The hon. Member for Calgary-Buffalo.

Member Ceci: Thank you very much, Mr. Speaker. I appreciate the opportunity to be recognized and to speak to Bill 67 at second reading for my first time and to address some of the issues, some of the concerns, some of the questions, I guess, that I have. I certainly have listened to the debate and have read Bill 67, and I think I need next to go to the skills for jobs report and dig further into that to understand. Well, for one thing, I don't know the makeup of the people that were involved in the production of the report. I would like to see the backgrounds, I guess, and understand, from seeing their positions, what potentially could be their interest. I certainly think that their interests, like all of ours, are to try and ensure our workforce is motivated, properly skilled, has the necessary qualifications, and does the job that all Albertans need. We have some pretty massive infrastructure throughout this province in the oil and gas area that certainly requires the knowledge of the people who are working on that massive infrastructure, machineries, and to have the necessary knowledge to stay safe themselves but also to do the work that keeps everything working properly.

I, like many people here, have looked at Germany as a model for, you know, taking young people and showing them the breadth of opportunity that they can achieve and for valuing all of that opportunity and saying that there is good work to be done, whether you're a skilled tradesperson, whether you're helping out in some other way, some other sector of the economy. Those things Germany has done for a very, very long time. I'd say that for hundreds of years they have had the system of being able to take young people, apprentice them, and then have them go on and work in the workforce in their designated trade and then provide that same sort of mentoring, apprenticeship training, for those following after them.

Mr. Speaker, if that is, in part, what Bill 67 endeavours to do, I think that's a good thing, but like my colleague before me who was speaking with regard to some of the concerns, these are things, on reflection, that I have as well when looking at Bill 67 – and it was

just spoken to by the previous speaker – namely that a great deal of what the Minister of Advanced Education will do with regard to this particular bill is relegated to regulations. That’s something that we on this side have a concern with because while it may make things swifter in terms of the actions of the minister for parts of the industries and the apprenticeship area that he is addressing, it is something that’s not available to members of the opposition to take a look at before it happens. When it’s in an act, like the previous AIT Act, we can understand and read that quite clearly, but when it’s relegated to regulation, there is little consultation with this side regarding the bringing of that in.

Other things that I certainly want to identify with regard to – and it’s not only my reading of this, but it’s also my colleagues and, you know, others who have looked at this act. They talk about the changes that are in Bill 67 and taking things that were compulsory and noncompulsory, changing them to designated and nondesignated. Under designated there are restricted and nonrestricted activities that certain tradespeople can undertake in the future as a result of Bill 67. That might lead to the deskilling of individuals to the point where there may be concerns that their activities would lead to health and safety issues in the workplace, not only for them but for their colleagues, co-workers, and the equipment that they’re working on.

That is something that I would benefit from learning about from the other side if there are people who want to address that issue. I think that would be helpful for me to understand, if, in fact, the changes being put forward in Bill 67 will lead to further issues that can be anticipated because they could create some working conditions that are more dangerous in the future if the individual doing that work has not been properly apprenticed and achieved the necessary credentials to be able to do the work. As I said, in Alberta we have some pretty monumental structures that have been built, that do the work for us, to mine the oil sands and to pump oil and gas, so, as you can appreciate, we do need the proper training in place. I’d like to hear from the other side that that’s going to be, of course, done by making sure this bill has the necessary supports in place for people to do that.

You know, Mr. Speaker, I read with interest the preamble of this bill, and I think there are many parts of it that I can certainly get behind and agree to. I see the value of a well-trained – well, take any profession, I guess. Boilermakers were mentioned here. I think anything that keeps their skills and the skills of the apprentices that they support or that go through that apprenticeship training at the highest level is obviously required because of the issues that might take place if they’re not. Pipefitters, other kinds of trades as well. I think, Mr. Speaker, that we have other provinces or there are other provinces who have gone down this road, as I understand it, namely B.C.

10:20

The previous speaker was talking about the need to ensure that we get all of the tradespeople trained that will help our province lift itself out of this malaise that we’re in with regard to the pandemic and its effect on our economy. We do need many new young people coming into all of our professions, whether they’re the kinds of professions we’re talking about here under the apprenticeship training area or others across society. As was talked about, we’re a young province in terms of our median age, but we’re not going to be there forever.

The attraction of Alberta has always been the availability of getting good-quality jobs, whatever your training has been, and it is somewhat disturbing to hear that there’s been such a drastic drop in the last five years, citing the economic downturn as the reason for that. With a return to recovery, Mr. Speaker, we will be that

attractive place for in-country migration and international migration, with skilled people coming here, and when they come, they’ll get good jobs.

The problem being fixed by Bill 67 – it was talked about as being more efficient: Bill 67 is more efficient, and it’ll cut red tape. I guess the contradictory thing that I heard is that it’s not so much Bill 67; it’s the fact that we’re in a recession and our economy has suffered over the last several years. Since 2014, except for ’17 and ’18, we’ve been in a pretty long recession, and that’s, in my thinking, what has been the challenge around, you know, the drop in the number of apprentices.

I think there are some parts of this bill, again, that make sense to me. You know, potentially the work of being an apprentice can qualify or be transferable to postsecondary institutions, but there’s more work to be done in terms of understanding how much time an apprentice puts in, say for pipefitting, and what that qualifies for in terms of – it was talked about as engineering or mechanical engineering or some other kind of training that that person wants to take at a university or a college.

I do think there are questions that haven’t been answered with regard to the changes to committee structure and what that will do to the experience that was in those committees and what it’ll look like in the future and whose voice will get heard. I think my colleague talked about the changes that B.C. made in this direction with regard to trades not being compulsory since 2003 and the effect that that had on completion rates of people in those trades as well as rates of pay in those trades. I think, Mr. Speaker, that I’m glad that there was the work done by the skills for jobs committee. As I said, I’ll go and take a further look at the report to find out more about the makeup of the people who helped the minister in this regard. I think there are people who have expressed some concerns about the changes from compulsory, noncompulsory, et cetera and what that may do to people who are in those trades and their ability to know all parts of the work and not just a piece of it and what that may do to the working conditions if they don’t have the complete knowledge.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available if anyone has a brief question or comment. The hon. Member for Lac Ste. Anne-Parkland has risen.

Mr. Getson: Yes. Thank you, Mr. Speaker, and thank you to the Member for Calgary-Buffalo. I’m going to try to answer a bunch of these items that I can quickly, on the fly. As far as the members that made up the task force, you have Glenn Feltham, the co-chair, former president and CEO of NAIT; David Ross, president and CEO of the southern Alberta institute; the MLA for Fort Saskatchewan-Vegreville; Brad Bagnall, instructor in the trades centre of excellence at Bowness high school. You had j’Amey Bevan, from the Apprenticeship and Industry Training Board; Stuart Cullum, president of Olds College; Ann Everatt, president and CEO of Northern Lakes College; myself; Laura Jo Gunter, president of Bow Valley College; Paul Heyens, the CEO of Alberta Glass; Dave King, dean of the School of Trades and Technology at Lakeland College; Ray Massey, president of Skills Canada Alberta; Andy Neigel, president and CEO of Careers: the Next Generation; Terry O’Flynn, president and founding partner of Prism Flow Products; Terry Parker, executive director of Building Trades of Alberta; Dennis Perrin, Alberta and prairies director, Christian Labour Association. So we had CLAC and the Building Trades at the same place. It was awesome; they always worked together great. Amanda Rosychuk, senior vice-president of drainage services, EPCOR; Tony Tomkiewych, from God’s country, not that I have

any bias, from the Industrial Mechanic (Millwright) Provincial Apprenticeship Committee; Paul Verhesen, president and CEO of Clark Builders; Colin Ward, chief operating officer of Ward construction; Jason Wright, director of education and apprenticeship, sheet metal workers' local 8, and president of the Building Trades of Alberta Training Society.

Again, we had quite a demographic when we all came together. You look at the academia side of the equation. The member opposite had mentioned the Germanic model. We also looked at the British model. We also looked at the Malaysian model. Between those there were some commonalities. Each jurisdiction did it a little bit differently. We also talked about some of the provinces, Mr. Speaker, through you to the members opposite. Some of the provinces have had different iterations. Ontario was one that kind of took the lead before. We also looked at other jurisdictions: New Zealand, Australia.

A lot of this boils down to culture and the North American context of how we view trades. When you do a quick word search and you look at the medical community or someone who's articling, it comes up with different word connotations, if you took a look at a thesaurus, versus an apprenticeship or a trade. That was part of the issue and the challenge.

The other one, the reason, Mr. Speaker, through you to the members opposite, why some of the regulations had to be changed was because they were pretty cumbersome. When you look at the traditional trades and how they're set up in the acts, good luck trying to develop any new trades. Like, it is so darned cumbersome. So if we're trying to be competitive on a global stage, we're looking for diversification. If I wanted to bring coding or I wanted to bring in some more emerging sectors in AI or IT, it's very difficult to bring those forward and have those accreditations under the existing model. That was one of the findings that we had as well, if you want to get people into it.

The concerns over conversion of an individual that goes into an apprenticeship program until they become a tradesperson: some of the complications are tied back to the economy, absolutely, and also the sponsoring companies that have that for those individuals. When it's busy – and it's a boom-and-bust cycle – everybody jumps into the trades, or they don't. Now, the conversion factor is the big thing, that continuity of work or identifying skill sets that have been learned in one craft or trade that can be applied to another so that you diversify your workforce. If we look at aviation and aerospace, our reason why we're kind of fixated on that a bit is because 80 per cent of the skills in the energy sector can be applied to that both in the high-end quality manufacturing, et cetera. That's part of the reason for trying to expand this.

A little bit of understanding – I'll add some clarity if I can – on competency. If – and we'll use a person's name; let's say Joe – Joe Plumber comes up on my job site, and he might be a red seal, if I am supervising that individual, I still have to supervise his work regardless of his trade credentials until I feel that he is comfortable and safe to perform that work to OH and S standard. We're not undoing that regardless of the trade accreditations. People still have to have their work experience, and they have to have the schooling.

The boilermakers, for example, are a very progressive group, both in Canada and the U.S. Really strong. They are always looking at a better way or their way to skin the cat. They'll come up with different ways and different technology to be able to do that. They have that training. But in Canada, specifically Alberta, the ticket isn't held by that craft or that house; it's held by the government. When you go to the States, it's a little bit different model, different jurisdictions, but here the credentialing is still held by the government. Again, you're not going to have the safety issues.

You're not going to take away the credentialing. What we're trying to do is expand it so you can get more people through, more of them converted and have those transferable skill sets.

I hope that I covered off quickly the questions that you had. I tried to jot down as many as I could. Hopefully, that answers some of your questions.

10:30

The Speaker: Hon. members, there are approximately 10 seconds left in Standing Order 29(2)(a) if anyone has an additional, very brief question or comment.

Seeing none, the hon. Member for Edmonton-Ellerslie had caught my eye.

Member Loyola: Thank you very much, Mr. Speaker. The comments that I have relating to Bill 67 are surrounding three main concerns: number one is safety; but then also the increased cost of tuition, as we've seen go up by this government since they've come into government; and then, of course, what's happening around the new boards. As has been stated by a couple of my colleagues already, one of the issues with this particular bill is that a lot of the details will end up in regulation. Now, these issues of safety, cost, and function and governance of the boards: of course, when we don't know because much of the detail is going to be in the regulations, it leaves a lot of questions unanswered. I appreciate that, you know, we just had one of the members from across the way get up and answer a few questions that the Member for Calgary-Buffalo had, but I do believe that we have several other questions that need to be answered when it comes to this particular bill.

When I go specifically into the issue of safety, I just want to – I'm not too sure if other of my colleagues on this side of the House made mention of a letter from Lyle Norman, who's a boilermaker indeed, and he's both red seal and blue seal endorsed. He actually wrote a letter to Minister Copping, which I'd like to quote from specifically because . . .

Mr. Schow: Point of order.

The Speaker: A point of order has been called.

Point of Order Referring to a Member by Name

Mr. Schow: Just a quick point of order. The Member for Edmonton-Ellerslie should know very well by this point that we don't use members' names. Referring to the minister of labour by his last name might be inappropriate at this time.

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

Member Loyola: Yes. No. I do retract and withdraw. Force of habit. You know, you're reading directly from a letter, and sometimes you get caught up and you miss that detail.

Debate Continued

Member Loyola: Indeed, this was a letter directed to the Minister of Labour and Immigration. I'm not going to read the entire letter, Mr. Speaker. I just want to go in because Mr. Norman just highlights the true issues in his letter, and I couldn't put it better myself. He states:

It appears the current system of trades being "Compulsory" or "Non-Compulsory" is being eliminated and replaced with a system of "Designated" and "Non-Designated" Trades. Within the "Designated" trades there will be "Restricted" and "Non-

Restricted” activities. [So] the “Restricted” activities will require a certification for an individual to execute them. “Non-Restricted” will require no certifications. [And] this is precisely where my concern exists and where I believe [it] involves the potential health and safety of all Albertans.

Mr. Norman continues by stating:

I am a Journeyperson Boilermaker (Both Red Seal and Blue Seal endorsed). In Alberta, the boilermaker performs maintenance in facilities related but not limited to oil and gas deliverables and the work is undertaken in what are, at times, dangerous working conditions. The work is generally always on pressure vessels and high-pressure systems. Rightly so, a boilermaker is currently a Compulsory Trade in Alberta, [and] this means that to perform these highly technical and, at times, dangerous activities encompassed in the trade, an individual must be a certified Journeyperson or a registered apprentice. Having highly trained and skilled individuals perform these tasks allows them to be historically undertaken safely. Incidents in these facilities have been extremely rare and that is a good thing as even a minor incident could be catastrophic.

Mr. Norman carries on, stating:

By implementing Bill 67 as presented, there is a high likelihood that some or most of the day-to-day activities of the boilermaker would be considered “Non-Restricted” and this could lead to poorly trained and unskilled individuals executing unsatisfactory workmanship which will increase the risk for incidents such as mentioned above. Again, these incidents could be catastrophic to the infrastructure in these large facilities as well as employees and the neighbouring communities. This same concern can apply to several other current compulsory trades such as Steam-fitter/Pipefitter, Electrician and Operating Engineer amongst others.

This primary concern of safety is one that I believe that we should all be very much concerned about in this House as we continue to debate this particular piece of legislation.

I know that my colleague from Edmonton-Mill Woods and the colleague from Edmonton-West Henday – we know of a particular electrician, who I had the opportunity to meet. When our party was in government, we connected a lot with the electrical workers here in the province of Alberta. This particular individual, unfortunately, experienced an episode where he was electrocuted, and it’s continued to impact him to this day. Of course, fortunately, you know, he lived through the experience; however, he’s been drastically affected. It’s affected his health, so much so. As we all know, many people that are going through the current pandemic – there are a number of mental health concerns. This individual, because of what he’s gone through, is experiencing a very traumatic – he’s had a very traumatic experience because of all this.

I mean, I can’t guarantee, but I can only assume that all members in this House would be very concerned when it comes to the safety of the tradespeople here in the province of Alberta. I know that this is a fact. I constantly state that the whole reason why we have regulations around these kinds of issues is indeed due to safety. My fear, Mr. Speaker, is that, especially when you get into this narrative and, dare I say, even rhetoric of getting rid of the so-called red tape – for one person red tape is an obstacle, but for another individual within the same system it’s actually an important requirement for safety, as is being demonstrated in this letter by Mr. Lyle Norman, when it comes to the issue that we find before us at this particular moment.

I would beg the members on both sides of the House – I mean, a few of the members on our side have already spoken to this, but I would ask all members of this House to really consider this particular aspect as we continue to debate this particular bill before us here in this Legislature, because we all know that we want to

make sure that workers here in the province of Alberta make it home safe to their families. This is always one of the most important concerns, I believe, that all of us have on both sides of the House, right? But for fear of, like I say, cutting red tape, sometimes we don’t realize that by getting rid of a particular regulation, we’re actually creating a circumstance where we could be putting people in danger. This is what Mr. Lyle Norman is putting his finger on when it comes to this particular piece of legislation.

10:40

I think that this is something that, like I said before, we need to seriously consider, and perhaps we should even work, dare I say, co-operatively to come up with an amendment together that could potentially address this, because this is not politicking. I mean, during the entire evening we’ve had a number of members get up in the House and talk about politicking on both sides of the House. I’m not pointing any fingers or anything like that, Mr. Speaker. I understand that this is a part of our job. We have our particular perspectives and ideological approaches, of course, but at the end of the day we’re here to serve the people of Alberta. In this particular instance we’ve had Mr. Lyle Norman, who has brought a very important perspective and concern to all of our attention, so I would request that we take a serious look at this and see how we could potentially fix this within the legislation, which is why I am suggesting that it would be wonderful if we could work together co-operatively to come up with an amendment, perhaps, that would address this particular issue.

Now, as I stated in my opening remarks, the other aspect that is a concern, of course, is the fact that in Bill 67 one of the issues, you know, in going back and not just related to this particular bill – but, I mean, it’s in association to this bill – is the fact that under this particular government tuition for a number of postsecondary educational programs has actually gone up. This we cannot deny; this is a fact. It has gone up. When we put it together in this particular circumstance, then the question becomes – okay; prices have gone up for education. We’re trying to create an incentive for people to get into the trades.

Now, you know, I cannot deny that it would be really important for me to address this particular issue because, of course, as I’ve stated before in the House, I used to be the president of the Non-Academic Staff Association at the University of Alberta. This is a topic that collectively with the other governing organizations, the structures at the University of Alberta – this was a constant issue, the whole issue of tuition. Making sure that tuition at the University of Alberta – I know that it is postsecondary that we’re referring to here. We need to make sure that postsecondary education in the province of Alberta is more accessible and not only accessible in general but specifically for people from rural communities and indigenous communities.

I know that this was a problem at the University of Alberta and for other universities and postsecondary educational institutions throughout the province, especially now, when we’ve been hit so incredibly hard by this global pandemic. You know, I’m not even going to get into the politicking of what I believe are poor economic choices made by the governing party at this time, but I would say that at this time in the global pandemic what we’re currently facing is that we need to get people back to work. It’s really important, and for that this would be one of the main ways because this is actually, from what we know, which is even on the government website – we know that we’re going to be experiencing a labour shortage over the next 10 years because, as was stated on the government website, there are 45,000 skilled workers set to retire over that period of time.

I know that this is a concern of the government, so I would think that they would try or they would endeavour then to provide access

for as many people to the trades as possible and, instead of increasing tuition, at the bare minimum leave it flat. Why continue to increase tuition and make it less accessible, especially for indigenous people and people from rural communities all across Alberta, which many members on the other side of this House profess to represent, those rural communities? Those same people from these communities are saying that they do not have the same type of access to postsecondary here in the province of Alberta as compared to those people that come from the cosmopolitan centres.

I believe that this is an issue that drastically needs to be addressed by the cabinet when it comes to this particular bill as well. I get what their intention is, but you'd think that they'd put two plus two together and figure out that you need to create more accessibility to the postsecondary educational system and . . .

The Speaker: Standing Order 29(2)(a) is available if anyone has a brief question or comment for the member. The hon. Member for Calgary-Buffalo.

Member Ceci: I think the member was stopped in full flight, and maybe he can just finish his thought.

Member Loyola: Thank you very much to the Member for Calgary-Buffalo. When I get on the treadmill, you know, it's like I just forget the time, and it just kind of goes by. I didn't even get to my third point, Mr. Speaker. I'm going to take advantage of the fact that the Member for Calgary-Buffalo actually gave me a little bit more time.

I'll just finish off on the issue of cost by reiterating that this is something so important. We need to make sure, especially, that indigenous people in the province of Alberta, that call Alberta home and have called it home before it was even called Alberta, have access by making postsecondary education more accessible to them by lowering tuition and, as well, for rural communities, as I stated.

Now, the last point that I wanted to address is this whole issue of this new board. As I stated before and as members on this side of the House have also stated before, because a lot of what will potentially happen in this bill will be in the regulations, there are a number of questions that, for me, are really important when it comes to the actual board. The board seems to have quite a different function from the previous board. The questions that I have are: how does the minister envision this new board working? The governance and the functioning of this particular board: how does this address the issues that we have before us, right? I don't think that that's been properly identified by either the minister or any of the private members on the government caucus side that have gotten up to actually speak to this particular bill. I think that it's a really important aspect of the bill that we need to square off.

I mean, essentially, what's happening here, Mr. Speaker, is that the government is once again – this has happened several times in several pieces of legislation that they have brought forward to this House – saying: “You know what? We'll figure the rest out in regulations, so just trust us.” Unfortunately, there have been a number of issues and concerns with this particular government and not just to us on this side of the House. Please don't think I'm here politicking. No. People of Alberta have been concerned with the particular pieces of legislation that this government has brought forward. The curriculum is but one example, an important one, you know, and it somehow relates to the issue that we have before us. I mean, it's a different level of education but education nonetheless in this province.

10:50

We on this side of the House are simply being the voice of the Albertans that have actually come forward expressing their

concern, and many of them are saying that they don't trust the government to get this right even when they have disclosed the majority of the information that is being proposed in this particular curriculum.

Now, here we have a bill before us that lacks details when it comes to the actual regulations of how they intend to address the problems related to this particular issue. We have boilermakers themselves coming forward and saying: hey, this is a problem. Other tradespeople are coming forward and saying that this is a problem. We need to make sure that we have more solid details that are actually put into the legislation before we can move forward on this. It's not that – well, I'll correct myself. I, too, am a little distrusting of this government because of what we've seen before us since they have begun implementing their mandate. They haven't been transparent on certain issues, on certain aspects of their governance. With all due respect . . .

The Speaker: Are there others? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Mr. Speaker. I am pleased to rise and speak to Bill 67. You know, this bill, obviously, is called the Skilled Trades and Apprenticeship Education Act, but I feel a more appropriate title would be the Trust Us Act because my concern with this bill isn't so much what's in it as what is not in it. It's difficult to know what to do with a bill like this, and the reason it's difficult to know what to do is because it's not clear what the bill is going to do.

Now, I'm not saying that it's never the case that a government needs to introduce a bill that's just sort of an overarching structure and that the details come by way of regulations, but I think that in this case it's my opinion that significantly more detail could have been included. If more detail wasn't included in the bill, then at least statements from the minister on the record in terms of what was going to happen with it would be helpful, because the problem is that it's just not totally clear what's going to happen. It's not totally clear. You know, the government gives itself the ability to remove certain entities that exist now, and then they say: well, we don't intend to. Well, then why do you need that power? So that's really confusing. It's not really clear here whether apprenticeships are required to be paid or what the protections around them are. This sounds like a small issue, but, in my opinion, it's part of a larger issue.

I've said this before in this House – and many, many members have probably spoken extensively about the reason that they chose to get into politics, right? Mine, as I have said probably repeatedly – I mean, there are a lot of little factors that drive this, but one of the big factors in my case was income inequality, the sort of decrease in the existence of a middle class, the fact that one or two working parents are no longer able to provide food, shelter, education to their kids. To me, that's very problematic. I don't want to sort of imagine this time in the past, as people tend to do when they look backwards, where everything was wonderful and magical and perfect, but there definitely was a time where the costs of basics like housing and food compared to the average salary were a lot more balanced than they are now.

There were times when it was worse, too, throughout history – I won't deny that – but there was a phase where I think one person working in a household, working not a university-trained job but working a job in the trades or even not a trade-trained job, just a job, was able to have a family and buy a house and have a reasonable standard of living. I think that we're not so much seeing that anymore. We're seeing people struggle more and more with the basics. When we're talking about a situation where working people

may have to go through apprenticeship phases where they are not paid, to me that's a big problem, and it's a problem that contributes to an overall problem we have.

Added to that, you know, we have the removal of compulsory trade designations. When we saw that in B.C., we saw a decrease in completion rates, but we also saw a decrease in wages. Again, that's very, very problematic, from my perspective, because with this slippage, this situation where it's no longer the case that working people can afford to raise their families, I think that's really, really problematic. Yes, there are definitely views that this sort of antiquated dream of owning a house is maybe not the best step forward anymore, property markets being inflated. I mean, I'm taking no position on that, but whether it's by way of owning a house or whether it's by way of renting and being able to put away more money for retirement that you'll need because you'll have to continue paying rent – you won't hit that point where your mortgage ends – either way, it seems like people are having a harder and harder time being able to afford those things, and that is very problematic to me.

One of the reasons I find it problematic – I mean, there are lots of reasons. My view that we are all stronger as a society when everyone has the basics of what they need is certainly one of them, but I also think it impacts democracy. This slippage, where some at the top have more and more and more and more money and everyone in the middle has less and less and less money: I actually think that impacts democracy because that allows those monied interests to have more and more power while everyone else is so focused on their basic survival, on just getting what they need to house and feed themselves, that they aren't able to participate in the same way. I think that's problematic, and I think we are seeing it very, very much now.

Now, certainly, if you look south of the border, I would say that it's even worse. You look south of the border and you see, because of the way they pass legislation – there's a myriad of reasons – that monied interests are having so much influence. People don't even know what's in their legislation or how they got to the point where they are. This narrative that we have where when the government intervenes to protect workers, to protect people's safety, that's government intervention and that everything else is leaving the free market to do its own thing: that is just not true because there is all this legislation that does the opposite, that privileges those who come to the market not with their labour but with their capital, that has different bankruptcy rules for corporations versus individuals, that has different liability rules for corporations versus individuals. All of that is very problematic because it creates a situation where people out there in the world are carrying the lion's share of potential liability, they are carrying the lion's share of debt, and meanwhile those who already have more than they will ever need are not being held subject to those same rules, and that is a problem.

I guess that, fundamentally, the position that I come from is the position in which everyone should be subject to the same rules. There should be no amount of money you can have or not have that changes that, and I worry that as we see this problem increasing, which I worry this act may exacerbate, you know, that'll just get worse.

11:00

There are a lot of questions that we have about this act. My colleagues have posed some of them, but I think it's also worth reflecting on the position of the members opposite when they were in opposition and we would come forward with a bunch of regulation-making powers. Again, I think there's a reality to this situation, right? Like, there are positions, and then there's, you know, the sort of reasonable spectrum of views. Even when we'd

come forward with regulation-making powers that were not, in my view, out of line with the general distinction which is drawn between what ought to be in legislation and what ought to be in regulation, they would lose their minds. They would come into this House and say, "This is government overreach" and "You're so autocratic" and "This is top down" and "It's destroying the universe" and all these things.

Then they come forward with this bill, that is basically a shell. It doesn't do anything. It enables the doing of things, but we have no idea what it's going to look like. That, as legislators, puts us in a very awkward position of having to decide what our position is on a bill when we don't have any idea what the bill will do because the information isn't in there. That is, to me, extremely problematic. Like I said, this bill could essentially be titled the Trust Us Bill. I think the problem – I mean, certainly, we in the opposition don't have a lot of trust. There can be different types of trust, right?

I mean, the whole point of government and opposition is different perspectives, right? The point is different perspectives. We are expected to differ on some things. The government subscribes strongly to the trickle-down economics theory; we do not. We think that if you put more money in the hands of the middle class and those who have low incomes, that does better for the economy than putting it in the hands of international investors. We disagree fundamentally, both sides.

We believe in upstream intervention. We believe that investing in young children saves money in the justice system, that, you know, investing in individuals' mental health, in taking care of people, in things like the child tax benefit, which is one of my favourite things that we did in government – I think of it because I see the Member for Calgary-Buffalo, who brought that in as Finance minister. That lifted children out of poverty. It resulted in a 50 per cent reduction in the child poverty rate. That is an accomplishment I am proud of to this day. That sort of policy: well, it's upstream intervention, and that's what we believe in on this side of the House. The UCP doesn't believe in that. That's fine.

There are those two sort of fundamental differences, in my view, in our world view, so we're always going to disagree on those things. But there are other things on which we don't need to disagree. There are other things like transparency, accountability, things on which we ought to be able to agree, things on which there shouldn't be a partisan divide about whether or not, when you say something in this House, you mean it, whether you intend to follow through. There shouldn't be a partisan divide on that. The problem, the reason we see such a deep breakdown in trust, is that we aren't just dividing on those issues of policy; we are dividing on those issues of trust. When the government brings forward a bill that is essentially the Trust Us Bill, I think that's very problematic, and it continues to concern me.

Those are some areas of concern that I have with this bill. I have an unlimited number of questions. I believe that my colleagues have posed them, I will continue to pose them, and it is likely that many folks around this place will continue to pose them because this bill does have the potential to do some good things, right? It does. It's just that it's difficult for us and, I think, for the public more generally, in the light of recent events, to have confidence that it's going to be the case that this is going to go forward in a way that is useful.

I think that, yeah, there have been a number of things said about that; I think there will be a number of things said about that. I suspect that we will have amendments to propose, as we often do have. Yeah, I think that other than that, I am hopeful that this will be done in a way that is beneficial to the people of this province.

The Speaker: Standing Order 29(2)(a) if anyone has a brief question or comment for the hon. Member for Calgary-Mountain View.

Seeing none, the hon. Deputy Government House Leader has risen.

Mr. Schweitzer: I move that we adjourn debate.

[Motion to adjourn debate carried]

Bill 62

Red Tape Reduction Implementation Act, 2021

[Adjourned debate May 31: Ms Sweet]

The Speaker: The hon. Member for Edmonton-Manning has one minute remaining should she choose to use it.

Seeing not, the hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate the opportunity to address the House this evening. It is my first opportunity, and I always look forward to it. This bill gives me a chance to ask a lot of questions, so I think the vast majority of my time this evening will be spent just simply putting some questions out for the government, and hopefully they'll get a chance to address some of them as the conversation goes on in the House over the next little while.

The bill itself leaves one a little curious as to the intention of the bill. I know that it is labelled as the Red Tape Reduction Implementation Act, 2021, but there is actually very, very little evidence that any red tape has been eliminated in any of the many different acts that have been addressed in this particular bill. In fact, there are nine different acts across six different ministries that are addressed, and almost none of them actually provide a reduction of actions or activities either by the government or by private members, so I'm not sure where the red tape reduction is.

Instead, it seems to be a bill that is focused on kind of fixing up past errors by the government, perhaps filling in little pieces that should have been introduced in previous legislation that has been introduced in this House by this government. I guess I'm going to just accept it as that, as a bill to kind of clean up some of the little oopses that this government has committed over the last little while, nothing too dramatic, I must say. You know, I guess the government has gotten some feedback on some of their legislation that they've introduced over the last couple of years and as a result has decided that they'd better fix some of the errors that they should have addressed.

11:10

It does leave us in this position of kind of curiously wondering why these various changes to nine different acts have been tossed together in this, oddly, kind of almost omnibus bill in a way and have not actually had the ministries themselves whose acts are being fixed by this act actually present the information into the House so that the ministers can address and be responsible for the changes in these acts.

I just find it all a little bit curious, and I certainly hope that the ministers will take a chance to actually address the questions that are going to be presented here by myself and other members of our caucus in the House and not leave it up to the red tape minister, who is actually not responsible for the acts that are being addressed here.

Let's just take a little bit of time and see how far we can get in our 20 minutes here or so to look at some of the changes that are happening here. Amongst the different acts I see that there is an intent to change the Builders' Lien (Prompt Payment) Amendment Act and the prompt payment and construction lien act, often referred to as the PPCLA. Again, I find that in this particular case, it certainly is an attempt by the government to fix a bill that they

introduced not that long ago and doesn't really reduce red tape but tries to resolve errors in the construction of the previous act.

I see that within that act, the changes to this act, there are a few things that are addressed and a few things that are not addressed, so I'll try to address some of them now. One of the things that we can say with this piece of legislation is that its timing is somewhat curious as the actual act, which is the original bill which it is now amending and trying to fix from their previous error, has not actually come into force at all. I guess it sort of makes us wonder why suddenly these little bits have been added. Why is it not the Minister of Service Alberta that is presenting these changes? Why aren't they standing up and saying, "I introduced the bill into the House, and in spite of all the debate we had about it then, now we're feeling a need to change it," just so that we can have an understanding of what's going on and how they got to this place?

I am concerned about some of the particular aspects of this particular section of the bill. There are a couple of pieces that are of concern. I guess one of the ones that I'm most worried about is the issue of adjudication that is going on here. Now, clearly, they're trying to provide some greater clarity on the adjudication process, which had been prescribed by the previous bill. I certainly appreciate that and thank the government for bringing clarity to their previous bill, which lacked it. I think that that's good so that it's really clear when the adjudication process can be used, who it can be used to address, who the people are in the process here that will be affected by the adjudication, and of course it allows there to be electronic sharing of certificates of substantial performance, which makes sense nowadays. Particularly in these COVID days we are all spending a lot of time online, and it's appropriate that the information be readily available there. So I guess I say thank you for fixing the gaps in your previous legislation.

But I am concerned about one piece. I'm just wondering. I would think, I would hope that the Minister of Service Alberta would address this as opposed to the Associate Minister of Red Tape Reduction, because it is their act. It seems that there is a decision being made that adjudication cannot go on at the same time if a court process has been initiated by either party. I think that there are some questions there about whether or not this is going to allow one party or the other to commence an action as a way of circumventing the adjudication regime that's in the act. A process has been set up by the act, yet there is a sort of possibility provided here in this section to actually allow people to get out of that adjudication process by initiating a legal dispute instead.

The act does not allow for both to go on at the same time, so now it's sort of a contest between the parties as to who can get into adjudication or who can get into the law courts first because that will push it in one direction or the other. The law courts may favour one party over the other by their nature, or adjudication may favour one party or the other by its nature; therefore, there may be a desire in this case for one of the parties to want to have a legal action rather than adjudication or to have adjudication rather than legal action.

I guess when you set up two possibilities and you make them impossible to address at the same time but you don't put them in an order that one can actually precede the other either way, A before B or B before A, you end up in a situation where the process is actually less clear because it's left up to the intrigues of the challenges that are going on between the parties involved. I guess I'm a little bit worried about that. You know, all I can do is present that as a concern and just wonder whether or not the minister has a thought about whether it's okay that this particular circumstance exists and whether or not there should be a process that says A before B rather than B before A. I'll just leave that up for the minister to perhaps consider, and I will certainly pay attention to, listen for the answer when it comes forward.

As well within this section the prompt payment. There is a question about when a contract is considered to be complete. Now, this is important because the bill as presented here indicates that once a contract is complete, then the processes cannot be initiated, that you have lost the opportunity to go back and seek out this sort of adjudication, but it does not identify anywhere in the act how you know when a contract is complete. Does this mean that it's complete in the sense that it's ultimately completely signed off by both parties and that there's been some period of time? If there is a dispute as to whether or not the contract was satisfactorily completed, does that mean that the contract itself is not complete because somebody is suggesting that they are unhappy with the way in which the contract was completed; therefore, it's still open and still eligible for adjudication in this process?

Or if someone has completed some work and said, "We are done whether you like it or not; therefore, you can no longer engage in the processes that are available to you because we have defined the work as having been completed," you know, it does beg a question about whether or not we have an issue of deficient work versus a warranty claim for work that was done and subsequently found to be deficient. I would just like some clarity from the minister on that. I want to know whether the contractor's warranty obligations are still intact, and are they intact in the same way that they were prior to the legislation coming into effect, or does this change things? Again, we've set up a curious circumstance where you may be better off to quickly get the work done shoddily and get to the end of a contract period so that you can enter into a different process than it is to actually take the time and keep a contract open. You know, it's just a curious circumstance that I want the minister to address for me so that I can understand: how will the courts decide when the contract is over so they know what the nature of the processes available to most parties in the action might be? Same as my concern about the adjudication versus the court, we just need more clarity.

11:20

I do think it's a bit funny that we have an act that is apparently intended to provide clarity that has already presented me with two areas in which I think we don't have clarity. I certainly would love to have the Minister of Service Alberta address those concerns and help us to understand, you know, where they're going and what they intend to do.

There are many different parts of this act, and I can't in my short time available to me tonight address all of them. But I will address one more, hopefully, before my time runs out, and that is the section on the Real Estate Act. Again I just have questions here, questions about, you know, what was the process that led to the decision to make these changes at this time, and how do the changes to the Real Estate Act reflect the processes that have gone on? We know that there have been some significant processes.

For example, there was the 2019 report from KPMG with regard to the Real Estate Act, and there were recommendations made from that act, and this legislation doesn't necessarily seem to follow the recommendations from that act, which, of course, is the government's prerogative. They can make a decision not to follow the report, but perhaps they can provide us some explanation as to the reasoning for not following the report. Let me give you a specific example, and that is the education requirements within the act itself. [Mr. Feehan's speaking time expired]

I seem to have run out of time.

The Speaker: Standing Order 29(2)(a) is available if anyone has a brief question or comment for the Member for Edmonton-Rutherford.

Member Ceci: I just want to – I'm a little confused here – give the Member for Edmonton-Rutherford the opportunity to complete his thought, please. I know he was in full flight.

Thank you.

The Speaker: Edmonton-Rutherford.

Mr. Feehan: Thank you. I thought I'd take a moment to at least enter in my concerns with regard to the Real Estate Act before I closed off for the evening. There are a number of questions that I'm sure that other members of our caucus will have a chance to address.

In this particular case, for example, the 2019 KPMG report recommended that councils not be responsible for the education of real estate members, and they provided some explanation as to the reason for that, why they felt it should not happen that way. The central question is that education actually provides a significant amount of income to whoever provides the education. They can charge, you know, very high fees for people to attend that, and if it's compulsory, that's a guaranteed source of dollars coming in. KPMG was asking the question: why would a decision be made to give that to one particular body, to the council, a guaranteed way to develop these funds and limited to only that one body to be the recipients of what will likely be substantial amounts of money?

I guess the question is, you know: does the government have a particular reason why they chose to do that? Is this the result of lobbying on behalf of the council, that the government has made a decision to provide them with this sort of licence to acquire, generate these funds by having exclusive control over education, or is there some other reason? I just simply want to understand the rationale about why this decision was made, particularly given that the contrary rationale was provided in a report to the government, that is available to us.

I guess I just wonder if perhaps the minister in this case could address the concern here to help us understand the process of giving a report and then making a decision to go in a contrary direction. Was there a feedback system that provided them with some information that is not presented to us here in the House that perhaps would help us to understand why a different decision was made? The last information that we had available to us here in the House, which was the 2019 KPMG report, indicated that they should go in a different direction with regard to the educational programming.

I guess I would just, again, like to have the Minister of Service Alberta take a moment, when they get an opportunity to speak, to address this question. I know that while this is being presented by the Associate Minister of Red Tape Reduction, it's really not a reduction of red tape in any way whatsoever. It certainly doesn't reduce any regulations. It, in fact, defines a very specific regulation that some people may say is red tape, when you have a rule that says that not everybody can participate in this particular game; only one person can. I think most people in the public realm would say that that actually increases red tape, that it doesn't leave the choice up to the members of the community.

I guess I just would hope that the minister would address this for us here in the House and, of course, for the public, who have a right to ask these kinds of questions of their minister but have not yet been able to hear from the minister responsible for this particular act as it has come through the ministry for red tape reduction. I also think that, you know, under the previous conversations about the bill, the Real Estate Act, we saw that many of the changes were quite contentious, so we really need to understand why the decisions have been made here.

Thank you.

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

Ms Hoffman: Thank you very much, Mr. Speaker and to the colleagues who have gone before me. I want to take a moment to say that the tone in response to the 29(2)(a) that happened a little while ago, on the previous bill, from the Member for Lac Ste. Anne-Parkland – I really appreciated the focus on the bill and the content and the honest exchange that took place on that bill. I want to say that I appreciated that exchange a great deal. We will continue to ask questions and put forward ideas, and I hope that we can continue to see that kind of engagement as it relates to this bill tonight.

[Ms Glasgo in the chair]

I'm going to touch on Bill 62, which is titled the Red Tape Reduction Implementation Act, 2021. I won't touch on it; I'll actually give a speech about it. The area I want to start by focusing on is the Real Estate Act. This bill, of course, is substantial, and it addresses, I believe, nine different pieces of legislation and a number of different areas. I imagine some people are wondering: why wasn't this done through miscellaneous statutes? I think it's probably bigger than that. I think that this appears to be more of an omnibus than simple wordsmithing or grammatical changes.

The pieces I want to start around in the Real Estate Act – and it's top of mind, I think, for a lot of Albertans now, in part for reasons like the Member for Calgary-Mountain View articulated just a few moments ago about what inspired her to get into politics. One of those pieces was around opportunities for income security for all Albertans and for all the constituents she represents. I know that the dream of buying a home is one that many Albertans share. I have a constituent who is on AISH who posted recently in a group chat that we're both a part of how much he loved the neighbourhood and the adjoining neighbourhood: was it possible, did anyone think, for somebody on AISH to be able to ever afford to buy something in the neighbourhood, anything?

11:30

There was a range of responses. Some people talked about parts of the neighbourhood that had small bachelor condos. A lot of people talked about how it probably wasn't going to be possible, and that was mostly people who themselves have been living on AISH for a number of years as they are also severely handicapped. What a sad moment for him, I'm sure, in reading this. He has lived in the neighbourhood for at least the six years that I've represented him – and I think I often see him walking around the neighbourhood, checking out people's yards, offering to help them with yardwork – and is an active member in the community and would like to see himself in the position to be able to stay there permanently.

Of course, when you think about this idea of permanency, often home ownership goes hand in glove with that concept. A lot of families with young children aspire to own a home and to give their children an opportunity to have that sense of stability, commitment, and place, that commitment, whether it's a condo, a townhouse, a duplex, a house, a stand-alone, single-dwelling house, to the idea of there being a place where you belong, where your family belongs, and where you can imagine living permanently, whatever that means to whoever is in that situation. Making sure that we have affordable opportunities for people to enter the housing market, I think, should be a priority for this Assembly and for the people of Alberta, making sure that young families or single people can have the opportunity to see themselves as homeowners and, of course, many of those folks who might choose to attempt to acquire something at some point.

Hopefully, we can see some progress in this province to address the significant income inequality and the fact that, as the Member for Calgary-Mountain View said, there was a time not too long ago, when I was a kid – old-lady speech: I know that when I was a kid, you could have a single income, one person working, and you could own a house. That was pretty common practice. I think about my friend whose dad worked for Albertatel, and he was able pay a mortgage and raise three kids – his wife was able to stay at home – and retire with a comfortable pension. But those opportunities seem to be fewer and further between.

When people do choose to buy a home, they rely on the expertise of real estate agents, for the most part. There are times where people will absolutely choose not to pursue the services of an agent, but I would say that the vast majority, probably, in Alberta do use an agent to help them assess their needs, the liabilities, and the opportunities that exist in pursuing a purchase agreement.

When we look at the changes that are being proposed in Bill 62, there are changes being made that continue or further the work that appeared to be started in 2019. There are already changes that this government made once around the Real Estate Act, and here we are again. This act is amended to allow members on an industry council to serve less than a term of three years, it says, so that the terms can be staggered so the entire board doesn't turn over all at once. Of course, that begs the question: who was surveyed on this? What kind of feedback did they give? What kind of support or countersupport, what kind of opposition was there to this proposal?

Another change is to give the Minister of Service Alberta regulation-making authority in determining how the industry councils can make bylaws. Again, we're seeing a lot of things being proposed this session by this government that take things that were in legislation and move them out into regulation or even into ministerial order. Why is that a question of concern for us? Well, because when you come to this place, there are three readings and an opportunity for the sponsoring government member but also for all private members to be able to contribute to building rules, regulations, bylaws that respect and reflect the needs of Albertans in general, not just trusting one person to come up with what they believe the council bylaw should be but actually an opportunity for all Albertans to weigh in on this through their elected representatives, those being us, as Members of the Legislative Assembly. When it happens through regulation, of course, many private members have realized that that means that there isn't that same level of robust and transparent engagement as we have through an actual bill or law.

Bill 62 gives the board the opportunity to determine eligibility criteria regarding candidates for industry councils. Again, "Who asked for this?" would be a question. I'm assuming that perhaps it might be board members rather than general membership. Perhaps that's wrong, but I'd like to have some discussion about, first of all, what the problem is that we're trying to solve and, second of all, why this is determined to be the solution. What are the current issues with regard to filling candidates for industry councils? Who was it that proposed this solution? Were there others that were considered, and what were the strengths and weaknesses with those?

The bill also gives the board more control and responsibility regarding educational programming. This one is interesting because, as was noted, when KPMG was hired to do their larger review, they recommended that the council not be responsible for education. Of course, that's the exact opposite of what's being proposed here. The government commissions and spends money to issue this report, gets the feedback, and isn't following it. I'm not saying that they should follow it, but why did they ask the question

if they didn't want to hear the answer? What were the other answers that were given from folks? Again, what's the problem that's attempting to be resolved here, and how is this the best solution?

Lastly, the education programming is a significant source, we know, of revenue for whoever administers it, whether it's a third party, whether it's the association, whether it's other postsecondary institutions, whether it's an industry council or a board. How was it determined that this was the best fit and that this ability to raise significant revenue through professional development and ongoing educational opportunities for realtors – how was it determined that this was the best fit?

The initial changes to the Real Estate Council came from this government, as we said, in 2019, and they seemed to be quite substantial. We know that the Minister of Service Alberta led those changes. The last time this bill saw amendments, it was under Service Alberta. Why is it that the government has decided to move this as part of an omnibus, under a different minister's leadership? It'd be great to hear some responses from the Minister of Service Alberta, who owns this piece of legislation, the piece that's being amended, the Real Estate Act, as that minister is the one who's indeed responsible for the legislation that's being proposed for consideration as part of this bill.

This bill also gives powers to the Minister of Service Alberta to make these changes, as we sort of outlined, through some of the regulations, so wouldn't it be appropriate for that minister to give these answers and explain to this House, to the public through the media about these changes and why they are being proposed? What process was done to ensure that industry was onside for these changes? Who was involved, how were they involved, and why is it that this is being done now rather than in 2019, when such a big review just happened, or at a later time? Are there other changes being considered around the Real Estate Act?

Ultimately, we would really like to know about the consultation that went on. Who was involved? What stakeholders? These are, I would say, some significant changes to the governance structure for the council, and we'd like to know that there was fair and open consultation and be able to see some of the documented feedback that was given. It does seem that this bill gives the Minister of Service Alberta more power and that there are concerns from a number of other councils about what that means for their relationship and their autonomy. Why does this bill give more authority in some areas to the council regarding education but take it away from industry councils?

We mentioned the piece about KPMG.

11:40

Again I just want to say that the ability to aspire to home ownership is something that I imagine most Albertans share and desire for themselves and for their children and for other people that they care for and their families. Ensuring that we have the best processes in place to support that through the qualified professionals who are real estate agents in the province, I think, is an important commitment for us to make to all of our constituents, including those who are real estate agents themselves. We appreciate and respect the expertise that they bring to such a major purchase.

[The Speaker in the chair]

I remember a constituent a while ago who had married somebody who – English wasn't his first language. When he immigrated, she said, "We should probably make sure we get a doctor who can speak Spanish." He said, "First, we need to find a real estate agent who can speak Spanish, you see, because I want to buy a house, and I want to make sure that I can trust and understand everything that

that person is saying, and I don't want you to be having to translate for us." That was his number one. Number two was a banker. Number three was a doctor. I think it spoke to part of what he aspired to as a new Canadian. His first goal was to make sure that he was setting forward a path for his wife and, in turn, later for their family to have that sense of security, of ownership of a home, and of opportunities that come with that. Making sure that we have the most supportive and effective mechanisms in place to ensure that real estate agents and, in turn, their clients are well supported, well educated, and have the opportunities for professional development and expertise to be sharpened, I think, is incredibly important.

I do think regularly about: you know, sort of begin with the end in mind. If the end in mind is that we are going to create systems that serve all Albertans more fairly, let's make sure that any time we're making these changes, we're keeping that as the primary goal. Again, the main questions we have around this, that I've highlighted as it relates to the real estate piece, are around why the sponsor of this bill isn't the Minister of Service Alberta and questions around the consultation and recommendations.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available.

Seeing no one, the hon. Member for Edmonton-Ellerslie.

Member Loyola: Thank you very much, Mr. Speaker. When it comes to this particular piece of legislation, as I've stated in the House once before, one of the pieces of legislation that was very important to me was, of course, the whole issue of prompt payment and, specifically when it comes to this piece of legislation, how it's going to be impacting the builders' lien, also known as the prompt payment, amendment act. Now, one of the questions that I have – it would be great if the Minister of Service Alberta could indeed address these questions for me. When this was before the House – and I can assure everyone in this House that there were a number of subcontractors, specifically from the Alberta Electrical Contractors Association, that were very eager to have this particular piece of legislation implemented and were very happy when they finally saw it come forward into the House. We debated it. We were all in favour of it, from what I recollect. I mean, we were all pretty happy that it had moved forward.

I know that under our government, the Alberta NDP government, we did a lot of the footwork to get that moving in the right direction. I was part of a lot of consultation with a number of subcontractors and also general contractors, just the same, to actually move this piece of legislation forward. At that time the Minister of Service Alberta was our good friend Brian Malkinson. I can say his name because he's no longer a member of the House. I remember him fondly, actually. I was very grateful that he had managed to move this forward for us.

Of course, I believe that it was right after being elected, like, not even a month. Terry Milot, from the Electrical Contractors Association, had set up a meeting with me. The only reason that he had set up a meeting with me in particular was because, I believe, at that time the vice-president for the Electrical Contractors Association happened to live in my riding and we knew each other. Of course, we weren't friends or anything like that, but we were acquaintances. That individual – his name is Shani Ahmad – ended up setting up a meeting for us. At that time I knew that this was an issue, of course, because I had heard of many subcontractors that had gone through this particular problem. I myself went through that particular problem when I used to do finishing carpentry, when I used to run my own business as a finishing carpenter.

It's a tough situation to be in, when you've done an incredible amount of work for a general contractor, you've been submitting

your invoices once the work has been completed – because, usually, you agree to certain stages of work being done, then you submit the invoices for those, and then, of course, you’re expecting to get paid. Then for some odd reason the general contractor decides: well, I’m just not going to pay you. They usually point at, like, certain things that haven’t been completed as effectively as they could have been done. So you go and you fix those problems, and then you’re expecting to get paid. You know, they’ve made a list. You went and you fixed those things, and you’re expecting to get paid.

And then, of course, with many subcontractors that came to me throughout this whole process, they were explaining to me that sometimes they would have to wait – and I’ll just remind all the members of the House, Mr. Speaker, through you, that the majority of these contracts are 90 days. Some can be 60 days, but the majority of them are about 90 days, right? After that 90-day period, you’re still not getting paid. For example, some of the electrical subcontractors were telling me that it would be 120 days before they would actually get paid on a job, and sometimes they would have to take cents on the dollar because they just needed to move on to their next job. In my particular perspective, there’s no other way of stating what was happening there: they were getting cheated out of what was an agreed-upon amount within the contract.

This was happening here in the province of Alberta, and I would hope that we’ve rectified the situation. One of the questions that I particularly have for the Minister of Service Alberta is that we don’t even know if this was granted royal assent. Was it ever proclaimed, and has it been granted royal assent? I’m talking, of course, about Bill 37, which was the Builders’ Lien (Prompt Payment) Amendment Act, 2020. There are many people here in the province of Alberta who are experiencing this particular problem, and I think that we owe it to subcontractors here in the province of Alberta to actually move this forward.

So then the question becomes: okay; well, how is this particular bill, this red tape reduction amendment act – this is what they have

chosen to call it, right? – going to be impacting the Builders’ Lien Act? My understanding – I’d like to be corrected if I’m wrong, and this is why I’d like to hear from the minister himself – is that this would be amending, allowing the prompt payment to be expanded to P3s for municipal and postsecondary projects. The bill also makes changes to include consultants such as architects and designers as part of the prompt-payment rules.

11:50

It also amends the act to change the adjudication process to be interim binding instead of final binding. This allows an issue to be brought to court if it is not satisfied with the adjudicators. The bill allows certificates of substantial performance to be electronically shared, which is, of course, a good thing.

Of course, the primary concern here is that if the original bill has not come into force yet, why are these changes now being compared when it was originally introduced, right? Is it a situation where they’ve put the cart before the horse? I believe it would be prudent for the minister to delve into the questions that I have for him and let us know a little bit about that before we carry on debating this particular piece of legislation.

With that, I will call it a night, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available.

Seeing none, are there others wishing to join the debate for second reading?

I am prepared to call the question if there are no others.

[Motion carried; Bill 62 read a second time]

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

Mr. Schweitzer: Thank you, Mr. Speaker. I move that the Assembly be adjourned until 9 a.m. Wednesday, June 2, 2021.

[Motion carried; the Assembly adjourned at 11:52 p.m.]

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