



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Tuesday evening, June 8, 2021

Day 111

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

Cooper, Hon. Nathan M., Olds-Didsbury-Three Hills (UC), Speaker
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Milliken, Nicholas, Calgary-Currie (UC), Deputy Chair of Committees

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Bilous, Deron, Edmonton-Beverly-Clareview (NDP)
Carson, Jonathon, Edmonton-West Henday (NDP)
Ceci, Joe, Calgary-Buffalo (NDP)
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Dang, Thomas, Edmonton-South (NDP),
Official Opposition Deputy House Leader
Deol, Jasvir, Edmonton-Meadows (NDP)
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Ellis, Mike, Calgary-West (UC),
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Feehan, Richard, Edmonton-Rutherford (NDP)
Fir, Tanya, Calgary-Peigan (UC)
Ganley, Kathleen T., Calgary-Mountain View (NDP)
Getson, Shane C., Lac Ste. Anne-Parkland (UC)
Glasgo, Michaela L., Brooks-Medicine Hat (UC)
Glubish, Hon. Nate, Strathcona-Sherwood Park (UC)
Goehring, Nicole, Edmonton-Castle Downs (NDP)
Goodridge, Laila, Fort McMurray-Lac La Biche (UC)
Gotfried, Richard, Calgary-Fish Creek (UC)
Gray, Christina, Edmonton-Mill Woods (NDP),
Official Opposition House Leader
Guthrie, Peter F., Airdrie-Cochrane (UC)
Hanson, David B., Bonnyville-Cold Lake-St. Paul (UC)
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Horner, Nate S., Drumheller-Stettler (UC)
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Deputy Government House Leader
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Schmidt, Marlin, Edmonton-Gold Bar (NDP)
Schow, Joseph R., Cardston-Siksika (UC),
Deputy Government Whip
Schulz, Hon. Rebecca, Calgary-Shaw (UC)
Schweitzer, Hon. Doug, QC, Calgary-Elbow (UC),
Deputy Government House Leader
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Sigurdson, R.J., Highwood (UC)
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Smith, Mark W., Drayton Valley-Devon (UC)
Stephan, Jason, Red Deer-South (UC)
Sweet, Heather, Edmonton-Manning (NDP)
Toews, Hon. Travis, Grande Prairie-Wapiti (UC)
Toor, Devinder, Calgary-Falconridge (UC)
Turton, Searle, Spruce Grove-Stony Plain (UC)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)
Walker, Jordan, Sherwood Park (UC)
Williams, Dan D.A., Peace River (UC)
Wilson, Hon. Rick D., Maskwacis-Wetaskiwin (UC)
Yao, Tany, Fort McMurray-Wood Buffalo (UC)
Yaseen, Muhammad, Calgary-North (UC)

Party standings:

United Conservative: 60

New Democrat: 24

Independent: 3

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Martin Long	Parliamentary Secretary for Small Business and Tourism
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Amery
Carson
Glasgo
Gotfried
Lovely
Neudorf
Pancholi
Rutherford
Sabir
Smith

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Ceci
Lovely
Loyola
Rosin
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Sweet
Yaseen

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Deol
Goehring
Goodridge
Long
Neudorf
Sabir
Sigurdson, R.J.
Williams

Standing Committee on Private Bills and Private Members' Public Bills

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Deputy Chair: Mr. Schow

Amery
Dang
Getson
Glasgo
Irwin
Nielsen
Rutherford
Sigurdson, L.
Sigurdson, R.J.

Standing Committee on Privileges and Elections, Standing Orders and Printing

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Armstrong-Homeniuk
Barnes
Deol
Ganley
Gotfried
Jones
Lovely
Loyola
Rehn
Renaud

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Lovely
Neudorf
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Renaud
Rowswell
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Turton
Walker

Select Special Committee on Real Property Rights

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Milliken
Nielsen
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Standing Committee on Resource Stewardship

Chair: Mr. Hanson
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Dach
Feehan
Ganley
Getson
Guthrie
Issik
Loewen
Singh
Turton
Yaseen

Legislative Assembly of Alberta

7:30 p.m.

Tuesday, June 8, 2021

[The Speaker in the chair]

The Speaker: Please be seated.

Government Motions Denouncing Hate Crimes

84. Mr. Kenney moved:
Be it resolved that the Legislative Assembly
- express its deepest condolences to the loved ones of the four members of a Canadian family killed in a brutal act of Islamophobic terrorism in London, Ontario, yesterday while uniting in hope for the recovery of a young boy who was seriously injured in the attack;
 - convey its shared grief with Canada's entire Muslim community following this heinous hate crime while affirming that Muslim Albertans must be able to live in security without fear;
 - denounces unequivocally the hatred of Islam, which motivated this attack, while condemning all forms of hatred in our society;
 - calls upon the government of Alberta to strengthen law enforcement, educational, and other efforts to combat Islamophobia and all forms of bigotry and hatred;
 - encourages the Alberta Anti-Racism Advisory Council to study and report on hate crimes targeting religious and ethnic minority communities.

[Debate adjourned June 8]

The Speaker: Hon. members, are there others wishing to speak?
Seeing none, I am prepared to call the question.

[The voice vote indicated that Government Motion 84 carried]

[Several members rose calling for a division. The division bell was rung at 7:31 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Aheer	Gotfried	Nicolaides
Allard	Gray	Nixon, Jeremy
Amery	Hanson	Orr
Armstrong-Homeniuk	Hoffman	Panda
Barnes	Horner	Rutherford
Ceci	Issik	Savage
Copping	Jones	Schow
Dach	Kenney	Schulz
Dreeschen	Loewen	Shandro
Ellis	Long	Sigurdson, R.J.
Feehan	Lovely	Smith
Fir	Loyola	Toews
Ganley	Madu	van Dijken
Glasgo	Nally	Williams
Goodridge	Neudorf	Yaseen
Totals:	For – 45	Against – 0

[Government Motion 84 carried unanimously]

Government Bills and Orders Second Reading

Bill 70

COVID-19 Related Measures Act

The Speaker: The Minister of Health.

Mr. Shandro: Well, thank you, Mr. Speaker. I'm pleased to be able to rise and move second reading of Bill 70, the COVID-19 Related Measures Act, on behalf of our colleague the Member for Calgary-Fish Creek.

Alberta's government is addressing current legislative gaps resulting from the COVID-19 pandemic by advancing this legislation. Civil liability protection specific to COVID-19 does not currently exist in the Public Health Act or any other legislation in Alberta. This proposed legislation would extend COVID-19 civil liability protection to those in Alberta's health care sector who have rigorously followed public health orders and guidance throughout the pandemic while delivering valued health services to Albertans.

Since the onset of the pandemic Alberta's health care providers have been under tremendous pressure to continue to deliver quality health services while protecting Albertans from a pervasive virus. They have undertaken a colossal job in our hospitals, in our clinics, and in our continuing care facilities to care for Albertans every single day. This overarching factor drives the need for this legislation. It would provide clarity and guidance around COVID-19 civil liability protection for Alberta Health Services, for our regulated health professionals, and health service facilities, hospitals, continuing care facilities, and everybody who works in these settings. Bill 70 is strongly endorsed by the Alberta Medical Association, by Covenant Health, by the Alberta Continuing Care Association, the Christian Health Association, and the Alberta Seniors Communities and Housing Association.

Alberta isn't alone in weighing all of the potential impacts to the delivery of health services during the pandemic. Governments everywhere have had to make critical decisions to enact legislation to address COVID-19 civil liability. Other jurisdictions such as British Columbia, Saskatchewan, New Brunswick, Nova Scotia, as well as Ontario all have similar protection. The approach in other provinces bars any cause of action brought against people or organizations who directly or indirectly cause someone to be exposed or infected with COVID-19 as long as efforts were made to act in accordance with that jurisdiction's public health guidance.

Alberta's approach to COVID-19 civil liability protection is similar to other provinces. Our proposed legislation focuses only on the health sector at this point. We received specific input to the legislation from the Ministry of Labour and Immigration, and nothing in this legislation changes the relationship between employers and workers outlined in the Workers' Compensation Act.

There has been some debate over Bill 70 that government is shielding health care providers from COVID-19 liability. The opposition has alleged, quote, the legislation hinders the families and loved ones of those who have died due to negligent care to seek justice. End quote. They also assert, quote, the bill is retroactive, which essentially throws out current cases that are before the courts. End quote.

Let me be clear, Mr. Speaker. These statements are completely false. The proposed legislation strikes a balance between protecting those who have dutifully followed the rules so that they can focus on delivering health care to Albertans while still permitting civil action to proceed against those whose actions may have been grossly negligent. This is not about protecting bad actors. Those

who are grossly negligent can and should be held accountable for their actions. Governments everywhere often include gross negligence in their legislation, where it's needed to establish a threshold to guide court decisions.

We're not doing anything new here, Mr. Speaker. "Gross negligence," as a term, appears in a number of Alberta statutes as an exemption to general liability protection. Liability protection with an exception for gross negligence exists in the following legislation here in Alberta: there's the Municipal Government Act, and that's at section 531(1); there's the Emergency Medical Aid Act, and that's at section 2 of that act; the Protection of Students with Life-threatening Allergies Act, at section 8(1); and the Alberta Housing Act, at section 32(3).

Now, Bill 70 does not remove the right to initiate a civil action, and it does not dismiss existing lawsuits. The legislation does not as well, Mr. Speaker, protect the government of Alberta from civil actions. The legislation does not include any specific protections from civil actions for the government of Alberta, including the Premier, including ministers such as myself, or Dr. Hinshaw or others. It would not provide any health care providers with blanket immunity from potential legal action. In the event of a lawsuit a health care provider would bear all the legal costs, including paying any damages or claims.

However, without this legislation going forward, there is a greater risk that threatens the provision of health services in the province. It creates the conditions for increased litigation against hospitals, against clinics, against our doctors, against our nurses, against our pharmacists, and against workers in continuing care facilities. Financial resources would have to be diverted from delivering health services to dealing with legal claims, and this is not a scenario that Alberta's health care providers need during a pandemic.

Our government has been steadfast in finding ways to support residents, to support their families and our continuing care sector throughout this challenging time. Alberta is fortunate to have a mixed model of continuing care that includes facilities that are publicly run and owned by AHS or the subsidiaries, independent providers, and community not-for-profit facilities. Seventy per cent of long-term care spaces are operated by independent partners, and 94 per cent of designated supportive living, or DSL, spaces are delivered by independent and not-for-profit partners.

Many continuing care operators in Alberta are community-based operations with limited means. A single lawsuit could bankrupt many of these operators. Many not-for-profits, including our faith-based operators and other independent providers, will be faced with being forced to close, requiring residents to move to facilities farther away from their families, farther away from their loved ones. On top of that, if facilities were forced to close, workers in these sites would have to find jobs in other facilities or in other settings. This is why COVID-19 civil liability protection is crucial to the sustainability of health services and health service delivery in Alberta.

Mr. Speaker, Albertans want to be assured that the health system will continue to deliver health care services throughout the pandemic. The majority of Albertans understand that this legislation is needed to maintain the sustainability of our health care system, and they recognize the critical role of Alberta's health care providers, who have continued to deliver quality health care throughout the pandemic, including our pharmacists, who are right now helping us roll out the vaccines, and including our physicians, who have been on the front line throughout the pandemic.

Our government, like governments everywhere, is being prudent in this matter by looking at civil liability protection for these workers at a time like this. We're moving forward with legislation

that would address an unforeseen consequence due to COVID-19. I ask all to support second reading of Bill 70, the COVID-19 Related Measures Act.

Thank you, Mr. Speaker.

8:00

The Speaker: Hon. members, are there others who would like to speak to second reading of Bill 70? The hon. the Member for Edmonton-Rutherford has the call.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate being recognized and having the opportunity to speak. You know, it's been a very difficult year not only, of course, in Alberta but across Canada and around the world given the COVID-19 experience. It's been difficult for everybody, whether they personally have contracted COVID-19 or not. Of course, those that have – we very much regret the loss of life that has occurred not only here but across the world and, of course, the ongoing concern about the long-term disability for many people, who are often referred to as long haulers, from COVID-19. It's been really terrible for all of these people and, of course, terrible for their families, who have been trying to cope with this disastrous situation we find ourselves in with COVID-19.

Of course, it's also been very hard on various organizations and institutions who have responsibility to respond, whether it be hospitals or other medical services or long-term care centres or, you know, schools, a long list of people that have had to make dramatic changes in their structures and in their practices and protocols as a result of COVID-19. That has created a high level of stress for many individuals and many groups. It's a stress that is both emotional and moral in that they have to watch terrible things happen to people that they love and they care for. Of course, it's also a stress financially.

I guess, you know, given all of these kinds of situations, I looked with some anticipation toward a bill, the name of the bill, that was introduced by the government called Bill 70, COVID-19 Related Measures Act, because there's so much we have been learning in this process of dealing with COVID-19, so much that governments can glean from this experience to set ourselves up well for the future. I began to anticipate what a bill called COVID-19 Related Measures Act might actually entail.

I thought at first that perhaps it may be something really focused on the well-being of residents in long-term care, for example, perhaps some kind of a bill that would increase the availability or the practice of home care so that there be in-home support services for elders who were going to be finding themselves seriously isolated, it turns out, for a very long time now, well over a year, many of whom have not seen family members, well, in many cases, at all over the last 17, 18 months.

Or I thought that perhaps it was a bill that would have something to do with rapid testing so that we could be assured that we had the right people in the right place at the right time to do the kind of work that was necessary to prevent COVID-19 spreading through institutions and take care of residents and ensure that both the staff and the residents were in a good place.

Or else I thought that perhaps the bill would be about increased home health care or social supports to ensure the well-being of our elders, who we deeply love and deeply respect. I was disappointed to find that none of these practices that could support residents in long-term care was the focus of the bill.

Instead, I thought that perhaps it's not about the residents themselves; perhaps it's about the families, and the nature of this bill would be about doing some things to help families who are going to be going through very difficult times, who are going to be

separated from their elders for long periods of time and be responsible for trying to provide supports and care and love for family members who they would have much less access to given the quite reasonable public health orders that needed to be brought in under these situations. Perhaps, for example, there would be some kind of a bill that prioritized family members for vaccines so that they could continue to visit elders and not leave elders isolated and alone for 15 to 18 months or something that would help families to actually provide services or bring in extra services or somehow work better with the institutions so that they could provide services for their much-loved elders. But it wasn't about that.

Or I thought that perhaps it was supports for families to take seniors home so that they can be out of the institutions but still be allowed to maintain their spot in the residences where their elders were living, have them at home for a period of time until the crisis had passed, and to sort of help them with the increased demands and costs and struggles that they would have with an elder at home. Alas, this bill did nothing for the families at all.

Then I thought: well, perhaps this bill had something more to do with the staffing in the institutions, to make sure that we had staff, who have literally dedicated themselves and their lives in extraordinary ways over the last 15 to 18 months – they would somehow be supported and be given provisions like easy or ready access to PPE, for example, or perhaps even looking at the staffing conditions themselves, how few of them have permanent full-time contracts in single-employer situations, perhaps working to create more stable work hours and a bill that would be helping employers to ensure that the staff have the kind of work that rewards them for the extreme level of dedication that they have demonstrated to all of us over the last year and to make sure that the working conditions of the people who are most responsible for those elders that we love would be rewarded for that high level of dedication. Alas, the bill was not about that.

Perhaps at least staff would receive priority vaccination through this bill to make sure that they were not contracting or spreading this terrible, outrageous disease from institution to institution, from residence to residence. It wasn't about that.

Of course, that could also be said about all medical staff or all specialists. Perhaps a bill called COVID-19 Related Measures Act would ensure the kind of supplies and services and protocols that would support not only the staff but the medical people and the specialists in terms of receiving vaccines or improving their work conditions so that they could do the extraordinary work that they have done over the last 15 to 18 months. Alas, the bill was not about that either.

Okay. I go a little bit farther. Maybe the bill would be designed to create some kind of a special inquiry into learning the lessons that we need to learn from COVID-19, maybe bring people together to do a deep examination about: what did we learn about our society? What was exposed about who was vulnerable and who was not being taken care of in society? How do we make sure that that vulnerability and those conditions that led to people being more susceptible to becoming ill and even dying would somehow be dealt with in a way that would make us safer the next time a horrible situation like this arises? I'm sure that we all must anticipate that at some point in the future it will again. Please, let it not happen in anybody's lifetime again, but I suspect that it will at some point along the way. So maybe this is a special inquiry bill that will allow us to really dig in and learn and improve the situation in peoples' homes. But, again, the bill did not address that issue.

Then I thought: okay; it's not about the residents, it's not about the families, it's not about the staff, it's not about the medical specialists, it's not about learning the lessons that we can. Perhaps it's about setting ourselves up for success in the future. Perhaps it's

about: how do we make sure that we are in a better place with regard to resources to handle these kinds of situations? For example, we've learned, you know, how poor we were in preparation in terms of locally produced PPE. Perhaps this bill was somehow set up to ensure that we would in the future have the industries here to create and produce that kind of PPE so we don't have to go begging other countries and waiting for their castoffs and their second-hand PPE and to create jobs here and industries here to produce that kind of stuff. We could become a net exporter, and we could be helping not only Albertans but Canadians and, of course, around the world by having the resources readily available for distribution whenever this kind of a crisis arises again.

8:10

Or maybe it's about the vaccines themselves. Unfortunately, you know, Canada has not produced the centres of vaccine development that we should have for a country that is so well financed and so well educated, as we are in this country. I mean, we certainly know that at the University of Alberta, for example, we have the expertise to create everything that we would possibly need. Perhaps this bill will be about creating those kinds of resources to ensure that we have labs that are part of the provincial system. Perhaps we would have vaccine development industries, and that would be helping us in the future in the event that any of these kinds of situations arise again.

Alas, again, after dreaming through all the wonderful things that Bill 70, COVID-19 Related Measures Act, could have been about, I find that it is about none of those things. It's not about protecting residents, it's not about protecting families, it's not about supporting and thanking and assuring the welfare of our staff or our medical specialists. It's not about learning the lessons that we need to learn from this terrible crisis so that we can be better prepared for the next situation. Please, may it not come. Or perhaps it's about building jobs and industries here in the province of Alberta, but it's not.

Instead, what it is is a decision to step into a role that already exists in the world, a role that is already fulfilled by the court system, that hears cases and makes decisions as to whether or not someone has been grossly negligent. If they are grossly negligent, the laws presently exist to suitably sanction any institution that has acted in a horrible way, that has acted outside of the bounds of appropriate specialized medical or residential services care. We have a court system that can make that determination because they would be allowed to be presented all of the evidence, and we have experts, called judges, who could make good decisions as to whether or not to proceed. We have a system that ensures that if a frivolous lawsuit is brought forward, it is quashed.

Instead, we have this bill, that comes into this House not directed toward the well-being of residents, not directed toward the well-being of families, not directed toward the well-being of staff, not directed toward the well-being of medical professionals, not directed toward the learning of the province, not directed toward the creation of jobs. Instead, it's simply to protect industry from having to defend themselves against lawsuits. Now, in there, there may be a reason to be concerned. I share the concern of the Minister of Health when they say: we don't want these incredible caretakers in terrible financial situations because of lawsuits, that they have to defend themselves against, that are inappropriate or frivolous but drain the resources. I certainly would have welcomed a bill that said: we understand that the situation was very difficult here, so we want to provide some resources to ensure the ongoing stability of these residences and the people that run these residences, and we're going to provide supports to help them through this difficult time. But it wasn't even designed to do that.

It's not even designed to hold the hands of the institutions and make sure that they're successful. It's simply designed to tell people that you'd better be right in terms of how grossly negligent the caretaking was of your elderly family member because the only way you can have that addressed is if you go to court and are able to prove that, but barring, you know, sort of the end result of a court case, we're going to tell that you that you can't proceed to do the things that you would normally be allowed to do under any other circumstance. The right to sue someone because you believe them without knowing – there's no judgment yet. There's no decision yet that they have in fact been grossly negligent, but you have the right to sue them to have that determined.

I guess I just find myself at this place with regard to this particular bill, Bill 70, the COVID-19 Related Measures Act, expressing some disappointment that the government has chosen of all the things that they could've brought into this House to demonstrate that they had been paying attention to the consequences of this terrible catastrophe in our society, of all the ways they could have acted and the people they could've told, "You know what? We realize we've got to put in some extra protections" – like residents or family members or staff or medical personnel – they chose instead only to put in a bill that in a very limited way protects a group of people who ultimately, in some sense, if they have acted grossly negligent, will never be protected by this bill anyways. The system will still go on. People will still sue. You've just simply put a barrier in the way of doing that in the normal process that is available in normal situations outside of COVID-19 at all other times.

I must say that I'm concerned about this. I know it's happened in other jurisdictions. The minister has spoken to that and said that we're not the only ones doing this kind of thing. I guess I'm not the kind of person that believes that just because other people are doing it, too, that we should do it. We should be able to stand up and defend here in the House the reasons why it's fundamentally important that something like this happen. I certainly wish the government had stood up and said: what we really have learned from this and what we really fundamentally feel is important are people – family members, individuals who live in residential care, individuals who provide exemplary service in a time of crisis, often at the expense of their own well-being – or perhaps at least preparation for preventing the worse possible arc of history if this were to repeat itself any time in the near future.

I leave this saying that I would certainly like to see the government take some time to reconsider how they've responded to this crisis and to come in and stand up and to show to the people of Alberta that they're caring for them as human beings and as people that are susceptible and at times vulnerable through no fault of their own. Show them that the rest of Albertans care for them and are willing to be on the line and stand up for them each and every day and thank them for who they are and what they contribute to our society.

Thank you.

The Speaker: Hon. members, Bill 70. Are there others for second reading? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Mr. Speaker. I'm pleased to rise and speak to Bill 70. I want to begin by addressing something the Minister of Health said, because I think there are instances in which we appear to differ on the facts in here, but normally we don't differ about what the definitions of words mean, at least not to this degree. The first thing that I want to address is that this bill is, in fact, retroactive in operation despite what the Health minister said. Retroactivity refers to an instance in which a court's decision or a statute enacted by a legislative body – in this case that would be us

– which would result in an application to past transactions or legal actions. This bill very clearly is intended to apply to past transactions or legal actions. In fact, in section 4 it specifically says – I won't read the whole thing. Essentially what it says is that no action for damages "shall be commenced or maintained against a health service facility, regional health authority, or [other] person referred to in section 2," which I'll get to later, "as a direct or indirect result of . . . being potentially infected . . . or exposed . . . on or after March 1, 2020."

8:20

As I stand here today, I am presently speaking in June of 2021, so quite clearly this statute is intended to have a retroactive application. Quite clearly, it is intended to apply to cases which arise out of facts that occurred from March 1 until right now or whatever time into the future. Yeah. I mean, there's not much I can do about the fact that a court will in fact look to what the minister said potentially in *Hansard* in interpreting it. Maybe that will be good for some folks, but I think, quite clearly, that is incorrect, and I won't use any other words to refer to that. There we go. It is definitely incorrect, factually inaccurate.

A couple of other things, I think, are worth noting about this bill. I think it's worth going through what it does and doesn't do because there's been quite a lot of talk around this. The first thing I'd like to refer to is section 1(1)(a) – might as well start at the beginning – which is in the definitions section. It refers to a good-faith effort. A "good-faith effort" includes an honest effort, whether or not that effort is reasonable." This is one of the pieces in this statute that will ultimately do the work.

What they're saying is that if you tried, even if your trying was well below the standard of medical or scientific evidence or care, that trying was good enough. That should trouble everyone off the top, because if I go to a doctor, I expect that doctor to perform with due care and attention, to perform up to the standard that a medical professional would perform, not to, quote, unquote, do their best. Now, admittedly, this has been this government's entire defence to the pandemic: oh, well, it was a bit negligent, but we did our best. Well, I don't know, Mr. Speaker. I don't think that someone in authority, someone vested with power, someone who has the burden of acting in the interest of those around them up to certain standards can come forward and say: well, I did my best even though my best really wasn't very good at all. That's a big concern for me.

One of the reasons it's a concern is because what this bill will ultimately do is talk about the public health measures themselves, and what is the difference between this and other provinces with respect to public health measures? This province had higher peaks, definitely in this wave, and appears to, although not all the evidence is in yet, have had more deaths in long-term care per capita in the first wave than other jurisdictions. So I think the concern is that when you're sort of basing the standard on what the government did or what the government required that you do, the fact that the government did less, acted last, and acted least is relevant to consideration of whether that should be the new standard applicable. I think that's extremely problematic. Extremely problematic.

Another section of this bill that I find highly problematic and may actually be one of my biggest concerns with it is in section 2(d). "Subject to the regulations, this Act applies in respect of the following." It lists things, and (d) is "any other facility, person or class of persons prescribed in the regulation." Now, keeping in mind that in this case "person" includes corporation – because it does in these sorts of statutes – essentially what that says is that cabinet can, behind closed doors, literally designate anyone else.

Literally anyone. They can say: meat-packing plants, you're not responsible; certain types of employers, you're not responsible.

They could pick just about anyone, and I think that is extremely problematic because, you know, the government keeps framing this in terms of: oh, well, this is to make sure long-term care operators can still operate. Well, then why this section? Why this power to designate literally anyone else? I think that is extremely problematic, and it suggests that maybe the stated reason is not, in fact, the reason. I think that's highly problematic.

Another thing that I think is worth noting, because the government likes to talk about how they're protecting employees, is that many of these employees – doctors, nurses, various other folks – are covered by insurance, right? Most people are going to sue either someone who has insurance or a corporation, someone that has an amount of money that can cover that sort of thing. You know, you're not suing some poor doctor who forgot to wash their hands; you're suing their insurance, and that is the purpose of insurance, for instances in which an otherwise professional individual does not rise to the appropriate standard. I mean, this is common in professions. Professionals have liability insurance for exactly this reason. So this, like, "oh, the poor individual": well, in most cases it's going to be covered by insurance. And if they're acting in the course of their employment, often it's the insurance of their employer which will cover them.

I think it's also worth talking about, when we're talking about the difference between other provinces and this province, that Alberta took longer than other provinces to move to single-site work for long-term care workers, and the reason provinces were moving, even in the first wave, to that single-site work is because it created a hazard. Alberta took longer. First, we had a longer time before places had to implement it, and then we extended that time because they couldn't manage. That's a big difference. It's a big difference because in other provinces whether or not the operator had moved to single site will be a consideration because the government had ordered that whereas here the government had not. So when we're talking about other provinces, no, it isn't exactly a direct across comparison. In fact, based on the public health rules in this jurisdiction, the standard in Alberta will be lower than it was just about anywhere else. That is problematic because it makes the cause of victims who are seeking compensation worse in this province than in other provinces.

I think it's also worth talking about the fact that this has had a genuine impact. I understand when the government stands up and says: you know, we can't have everyone going under because of lawsuits. I get that that's a consideration, but I think that another consideration is the families who have been genuinely impacted. These people have lost a loved one, and there is nothing that can replace that, but the best we do generally in our society is to allow them to sue. I'm not saying that it's great. I'm not saying that it's a solution to all problems, but it's something.

And lest we sort of think that this is just a vindictive thing, you know, I always think of – when you carry car insurance and you have a law degree, you often think about how much car insurance you ought to carry in case you were to injure someone else, and, honestly, the standard is fairly high. Like, I would say probably \$2 million or more because the worst-case scenario is the scenario in which the person you hit is sort of rendered a permanent quadriplegic and, say, they were the sole breadwinner for a family. That's a lot of money. It's a lot of money to replace the income, to replace what would have gone to that family, to ensure that that person can still live a reasonable standard of life, to ensure that the house can be altered in such a way as is necessary.

And we're probably talking about deaths. Most of the lawsuits we're seeing now are about deaths. But we're seeing increased

reports of permanent disability, people who were otherwise functioning members of society, many of whom were still very young, who had, you know, 20 or 30 working years ahead of them, who have been rendered permanently disabled, and we don't know how long that's going to last. It may be for the rest of their lives.

8:30

Potentially, what we're talking about is families who have lost their primary breadwinner, so they're not suing because they want to be mean. They're not suing because they're angry. They're suing because they have children who need to eat. So that is a concern. It's a big concern, and we should consider the fact that those children who may want to eat and seek higher education at some point and live someplace are the people we are cutting off. That's problematic. It should give us pause, and it should particularly give us pause in an instance when we are holding them to the lowest standard.

The last thing I wanted to address in my comments, which, it seems, are coming rapidly to a close, is that the court would have taken into consideration the pandemic anyway. Legal experts have been fairly consistent on this. The standard of care, that reasonableness standard, is itself designed to be flexible. The courts would have considered what we knew and when. They would have considered evidence of when we started to see evidence that it was airborne versus – you know, we were all running around sort of sanitizing surfaces at the beginning, and it turns out that maybe that wasn't the best course of action. But the courts would have considered that, that we didn't have perfect knowledge. They would have considered that we were adapting to the first pandemic in a hundred years. They would have considered a number of outside factors. So this isn't actually necessary. It's not necessary to move that far further. It's not necessary to say, "You need to prove gross negligence," because the negligence standard itself would have adapted.

I think I find this bill incredibly concerning, and I find it concerning because of the people that it will disentitle from compensation, the families who will struggle because they aren't entitled to the same thing that every other family is whose loved one is killed or permanently injured by the negligent act of someone else. If someone drives their car negligently, you can sue if – well, employer negligence: you can't sue, but you get WCB, so there's at least something there. Normally in an instance – even if someone builds a building negligently and it falls down on you, you can sue. In all of these instances where negligence occurs, there is the possibility of a lawsuit except this one, and I think that's extremely problematic.

I think that saying to families who are now going to struggle to make ends meet, "Well, you know, we tried" – I don't know. I don't feel like that's good enough. I feel like we should have done better than: "We tried." I feel like there was a responsibility on health professionals and governments alike not to come forward and say, "We tried" but to come forward and say, "We did the very best job we could with the evidence before us," which is what a court normally would have adjudicated.

Mr. Speaker, I am deeply concerned with this legislation, and I would urge everyone to vote against it.

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or comment. The hon. Member for Edmonton-Glenora caught my eye.

Ms Hoffman: Thank you, Mr. Speaker, and thank you to the Member for Calgary-Mountain View for walking us through what – my initial response was quite extreme around feeling like the spin

was so significant that that was an attempt to present something that didn't reflect the facts of the bill. Upon some reflection, perhaps what the minister was saying is that people still have the right to sue – of course you do – but if the rules have changed, your probability of success would certainly have changed. So perhaps the minister is saying: absolutely, people can still file lawsuits, but if the Assembly is stacking the law to favour the defendant, that wouldn't be wise, of course, for a plaintiff to initiate that kind of a claim. But it did seem very clear, in black and white, that this bill is retroactive. It did seem very clear, in black and white, that this is about taking away significant liabilities from private, for-profit operators.

Just this last weekend we had the pleasure of being at our virtual convention. Really well attended, really positive engagement. Somebody, Doug Hart, whom I'm sure most of us have had opportunities to engage with, went at the mic speaking to this specific bill, talked about how when only one side of the formula is excited about your legislation, you know it's out of balance, right? When only employers are excited about your legislation, you know that it's not balanced. The point that Doug was trying to make is that none of the groups that the minister stood up to say validated this work that he is bringing forward to the Assembly represent the residents, represent their families, represent the families of employees who've been impacted. You know, Doug is a pretty straight shooter and has lots of opinions, and I really appreciated the way he sort of phrased this one.

One other narrative, a very short example I'll share and then ask the member to respond as it relates to her remarks. About a year ago I was with my niece, and we were talking about insurance, different types of insurance you can buy on different things. Some people buy it for a cellphone. Some people buy it for your house, your vehicle. We talked about life insurance. She said: well, what does that mean? I said: "What do you think it means? Like, when people have insurance for their cellphone, what does it mean?" She said: "It means you get a new cellphone if that one breaks." And I said: "So what do you think life insurance means?" She said: "Does it mean I get another dad if something bad happens to my dad?" He was in the car, so he chuckled. I guess it was probably two years ago because it was pre-COVID times. He said: "No, it doesn't mean that you get another dad, but it does mean that all of the financial I'd provide for you will still be provided for you even if I'm not here to be able to do it. You won't have to worry about how you and your brother and your mom are going to pay for our house or pay for your school or those types of things. It's about having that guarantee in place."

I think that families should have a little bit of that guarantee in place when it comes to loss that they experience because people they've entrusted to provide good, quality care for their loved ones are protected. I'm hoping that the member can respond to how it is possible that what the minister says could be true given what the legislation actually says.

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

Ms Ganley: Thank you very much, Mr. Speaker. Yeah, I mean, that's certainly possible. It's certainly possible that what he was saying is: well, it won't strike the claims. The defendant would have to make a further application to have the claim struck, which would then succeed, but, to me, that's not much different. In fact, it's worse. It's worse for the plaintiff because it means that they will have spent a bunch of money on legal fees and then have their claim struck. Had their lawyer known that this legislation was coming, they would have advised them not to file the suit. This was advice I gave to many a client. In fact, I feel like in certain areas that's just a lawyer's job, to spend a lot of time saying, "No, you don't want

to file this lawsuit," and that's because, you know, if you don't have a reasonable chance of success, you're spending a lot of money on essentially nothing.

In fact, this is worse than those claims just being struck. This is a situation where they've already paid their lawyer a bunch of money, and now the lawyer is going to have to go into court and try to argue why the claim shouldn't be struck. I suppose technically those survive.

The Speaker: Hon. members, are there others wishing to join the debate? The Member for Calgary-Buffalo.

Member Ceci: Thank you, Mr. Speaker, for the opportunity to address Bill 70 before the Legislature this evening. I, too, when I read the bill, like my colleague from Edmonton-Rutherford, was hopeful that it would deal with many issues that we know were ongoing since the beginning of this pandemic in long-term care facilities.

8:40

We collectively watched with some real concern and in some cases, you know, the horror of the situation where nightly we were seeing long-term care facilities identified in the news and family members standing outside those facilities trying to communicate in whichever way they could with their loved ones inside and hearing the toll that COVID was taking, particularly in nursing homes and long-term care facilities. We know that that toll was, as of May 20, 2021, immense, with 1,253 residents in long-term care and supportive living facilities having passed away from COVID-19, the impact that that significant number of residents dying has had on Alberta families and, obviously, the people who work inside of those facilities – the care attendants, the operators, the physicians, all those connected to the long-term care and supportive living facilities – that have seen their residents, their people that they interacted with on a daily basis die.

Like my colleague from Edmonton-Rutherford, I was hopeful that, you know, we'd be talking about measures, as he so eloquently talked about, to better protect residents, to better protect the staff, the medical professionals who are working in those places doing the really difficult work of trying to get a handle on something that they've not been able to work with in the past, everyone kind of coming new to this pandemic in March 2020. I'm not seeing that in this Bill 70, not seeing what it could be and seeing instead that we have a bill that seems to put in place a legal bar that will be extremely difficult for those 1,253 families of the residents who died to see any justice if, in fact, there wasn't the rigorous following of public health orders that took place in those places.

That was one of the comments made by the minister. When the minister got up to identify this reading of the bill, he talked about that this bill actually puts in protections for places that rigorously followed public health orders, but when we look down – my colleague from Calgary-Mountain View talked about 1(1)(a), which talked about how the "good-faith effort" includes an honest effort, whether or not that effort is reasonable." I don't know about you, Mr. Speaker, but trying to do something without actually providing what is necessary to get that done: that's not reasonable in my thoughts and should not be what we should be looking at protecting in this bill.

My colleagues talked about a number of things that I'm going to touch on a little bit. I don't see the whole issue of 2(d) – I want to look at that for a little bit: "prescribed in the regulations." My colleague talked about: where else could this bill go? We don't know at this point in time because potential regulations could come in that could look at other areas to extend this civil liabilities

protection to. Mr. Speaker, I find it difficult to agree with what this bill is already doing, so agreeing to where else it could go is something I, of course, will oppose.

The minister, when he introduced this bill earlier, talked about how the opposition has presented three or four allegations, what was wrong with this bill. He listed them, and he said that they're categorically not true, in his belief. But it's not just the opposition that has problems with this bill, Mr. Speaker. When I look to some of the media that came out immediately after this bill was read the first time, the media stories, like the opposition, talk about how this bill shields long-term care homes from COVID lawsuits, that it sides with the businesses over families. That's a headline in one of the media stories. Another one is that the Alberta Bill Offers COVID-19 Legal Liability Protection for Continuing Care Providers.

My colleagues and I talk about balance and how the bill seems to be directed towards the protection of corporations and providers, and really the bar that's put in place for families who believe that they have a legitimate concern and case to be brought forward: the balance is not there, Mr. Speaker, with regard to this bill. And the balance isn't there with regard to lawyers who are already working for families who believe that their loved ones were not offered the care that strictly and rigorously followed public health orders. They believe that there was a lesser standard, and they want to have that adjudicated in a court of law. But this bill, obviously, is one that does not afford them that opportunity.

I think that if there were the ability to take this bill back and to actually do something that all of us, on both sides of this House, could unanimously support, if the government really wanted to support continuing care during COVID-19, they would have provided greater support, substantial financial support to add to the protections of both residents and staff in those facilities. On this side of the House we brought forward numerous – not motions. We brought forward numerous suggestions during daily question period and in members' statements that there should be more done to create a plan to hire more staff for these facilities, that those staff should work in one site only so as not to be transporters of the infection, that paid sick leave should be something available to all Albertans who felt they needed to stay home to better assess their own condition with regard to COVID. That last one was brought forward just a week or two ago, Mr. Speaker, and we continue to push on things like that.

All of those things that I've just mentioned would have helped prevent avoidable deaths in long-term care facilities and other places. Those things were either not done or done, as my colleague said, last and least in some instances, and it is those things that are problematic with regard to this bill, with regard to the government's handling of COVID specifically in long-term care facilities.

As I said, I'm concerned with the regulation-making authority in this bill, that it will be extended to businesses outside continuing care operators. We raised that, and it has been raised by others who looked at this bill.

8:50

I want to take the opportunity to say that I believe that the good-faith effort provision that's put in place here is not one I recognize and don't agree with. I do think that there needs to be support for the industry of caring for long-term care residents. There needs to be an understanding that that is difficult work and that it's usually no one's first choice to go to a long-term care facility, but we don't have good alternatives.

We need to do a better job in this province of supporting things like home care with the necessary resources and staff so that people can reasonably stay in their homes with the supports of trained

professionals who can monitor, assist, and do all the things that people need to do to maintain their physical existence in their own homes. Mr. Speaker, that is what everyone that I know talks about regularly as they begin to age and understand that it is too difficult on their own to do those things.

You know, this bill, for instance, if it focused instead on looking to the future and providing a future scenario where more people could, instead of long-term care facilities, which are necessary for some – instead of putting the protections in place it does for long-term care facilities and other extensions, if this COVID-19 Related Measures Act talked about investing in home-care services, investing in other kinds of congregate care, where they're small homes in nature, where they're essentially elder care hostels where people can live co-operatively with other people their own age, if this bill talked about a future that we all want for ourselves, that would be the kind of bill that I could support wholeheartedly in this Legislature.

But as I look at it, I'm disappointed that it's so focused on one section of this whole experience of long-term care and seems to care little for the actual people and their families who have gone through what, for many, has been an arduous, horrendous journey.

You know, thankfully, the surge in deaths that occurred at the first phase, or first wave, has seemed to dampen down, and we need better bills instead of this one.

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

Mr. Dach: Thank you very much, Mr. Speaker. I'm pleased to stand under 29(2)(a) to note a few things with respect to the remarks made by my friend from Calgary-Buffalo. I know that as he was speaking about long-term care and the COVID-19 pandemic and its effects on residents there and their families, I was just thinking back to some of the experiences I had myself either as a nursing orderly trainee in long-term care here in the city, trying to do my best with my colleagues, looking after patients in those long-term care facilities, or more recently, actually, as an advocate for my late grandmother along with my mom. I know that in advocating for her care, we very nearly got banned from the facility because of our vociferous advocacy on her part. This is way, of course, before any pandemic; this was a few years ago.

Of course, our government, in the term that we had, brought in a system where there would be an opportunity for families who were opposed to the type of care their loved one was receiving to appeal to a panel of people, including family members of residents, so that they could address their grievances with respect to their care concerns regarding a particular facility. However, more serious concerns still had access to the courts, Mr. Speaker.

I know that across the country, listening to news reports from families who've had loved ones die and become infected with COVID-19 and lose their life in large numbers in every province of this country, these families consistently, in Alberta and other provinces but notably here, are feeling powerless and at a loss. Mr. Speaker, this legislation does nothing to address their concerns. It's notably focused to address the grievances and/or the pocketbooks, the bottom line of the corporations that run these facilities.

I'm just wondering, Mr. Speaker, if the Member for Calgary-Buffalo has in his constituency found families who are speaking to him about their feelings of powerlessness in the face of the situation where a loved one has died in a continuing care facility of COVID-19, and they don't feel that there were proper steps taken to protect that loved one's life. Are they feeling powerless and now feeling that their rights to actually sue for compensation and redress are being taken away by this proposed legislation, Bill 70?

The Speaker: The hon. member.

Member Ceci: Thank you. I just will address this briefly. You know, in Calgary-Buffalo there are long-term care facilities, but the ones that I remember most markedly are the ones in south Calgary, where they were on the news, it seems, in the early part of the pandemic nightly. As I described, family members were outside the facility holding up placards and touching windows. It was pretty heart-wrenching media coverage to see. To think that those families now have no real ability to redress the issues, that they believe their loved one was exposed to and succumbed from as a result of their belief of inaction of not following public health orders rigorously, is problematic, Mr. Speaker.

We have to do a lot better in this province than we've done in the past. My colleague from Edmonton-Rutherford described a future where, you know, instead of big, institutional long-term care facilities, we have a variety of sizes, notably smaller ones, where there's a homelike atmosphere, and this bill does not – it could portend to do that under Bill 70, COVID-19 Related Measures Act, but it doesn't, so it lets Albertans down.

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

The Deputy Government House Leader has risen.

Mr. Nally: Mr. Speaker, I move that we adjourn debate.

[Motion to adjourn debate carried]

9:00 Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

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

Bill 66 Public Health Amendment Act, 2021

The Chair: We are on amendment A1 as moved by the hon. Member for Cypress-Medicine Hat. Are there any members wishing to join debate on amendment A1 on Bill 66?

Seeing none, I will call the question.

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

[Several members rose calling for a division. The division bell was rung at 9:01 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Barnes	Ganley	Hoffman
Ceci	Goodridge	Loewen
Dach	Gotfried	Loyola
Feehan	Gray	

9:20

Against the motion:

Aheer	Kenney	Rutherford
Amery	Long	Savage
Armstrong-Homeniuk	Lovely	Schulz
Copping	Nally	Sigurdson, R.J.
Dreeshen	Neudorf	Smith
Ellis	Nicolaides	Toews

Fir	Nixon, Jeremy	Toor
Hanson	Orr	van Dijken
Horner	Panda	Williams
Issik	Rehn	Yaseen
Jones		

Totals:	For – 11	Against – 31
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[Motion on amendment A1 lost]

The Chair: We're back on the main bill, Bill 66, in Committee of the Whole. Are there any members that are wishing to join the debate? The hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you very much, Madam Chair. I first want to start by making it clear that there are many good parts of Bill 66. Many powers that were granted under Bill 10 are being given back to the people, and I think this is the right move for government to do.

Having said that, though, I would like to move an amendment.

The Chair: Hon. members, this will be known as amendment A2. Hon. member, please proceed.

Mr. Loewen: Okay. I'd like to move that Bill 66, Public Health Amendment Act, 2021, be amended in section 29 in the proposed section 62(1)(b) by striking out "report or test" wherever it appears and substituting "test."

Madam Chair, section 62(1) says:

An executive officer may issue a written order in accordance with this section if the executive officer has reasonable and probable grounds to believe, based on

- (a) an inspection of a public place under section 59 or a private place under section 60, or
- (b) a report or test, regardless of whether the report or test is required to be produced or performed under this Act, if a public place or private place was not inspected under section 59 or 60.

To be a hundred per cent clear, what we're doing here is removing the word "report."

Now, the government can claim that a report, which, of course, is an uninvestigated accusation, is enough to create "reasonable and probable grounds," but I think we owe Albertans better given the high cost of these actions, which I will get into shortly. Our issue with the word "report" is that it is not defined in either the Public Health Act or Bill 66, the Public Health Amendment Act. Without a predetermined definition of "report" in the legislation, the usage of the word "report" means that a spoken account of a violation is enough for an officer to issue a written order.

What is a written order? Well, that's the detail that makes the word "report" so problematic. This is extremely problematic because according to the Public Health Act a written option for an order

may include, but is not limited to, provisions for the following:

- (a) requiring the vacating of the place or any part of it;
- (b) declaring the place or any part of it to be unfit for human habitation;
- (c) requiring the closure of the place or any part of it;
- (d) requiring the doing of work specified in the order in, on or about the place;
- (e) requiring the removal from the place or the vicinity of the place of anything that the order states causes a nuisance;
- (f) requiring the destruction of anything specified in the order;
- (g) prohibiting or regulating the selling, offering for sale, supplying, distributing, displaying, manufacturing,

preparing, preserving, processing, packaging, serving, storing, transporting or handling of any food or thing in, on, to or from the place.

Now, that's a pretty extensive list of the things that could happen if a report appeared to be problematic. Again, there's no definition of what a report could or would be.

Even though that list is troubling enough, I think special attention should be paid to the fact that it is not limited to just that list. We could have an upset neighbour, or a competitor's business or somebody out to cause trouble could all have a person or business disbarred from the selling, offering for sale, supplying, distributing, displaying, manufacturing, preparing, preserving, processing, packaging, serving, storing, transporting, or handling of any food or thing in, on, to, or from the place. Think about that. Based on a spoken accusation of a problem, a person or business could be barred from a place, including a place they inhabit, possibly their home. Again, that's based on a spoken report of a problem. Based on that, a business could also be barred from opening on the basis of a spoken report of a problem.

Let me be clear. This bill places the expenses, including legal fees and expenses, on the accused, again, based on the spoken report of a problem. A person or a business could be required to destroy anything specified in the order based solely off the verbal report of an issue. Again I remind the members that this amendment bill places the expenses, including legal fees and expenses, on the accused. I would ask all of you to think about what that means for Albertans. All of this can be based solely on accusations. This is not a responsible action.

We need to commit to doing better for Albertans. I encourage all of you to think seriously about this pandemic, to think about the next pandemic, and seriously think about the duty of care we owe all Albertans, to seriously think about the rights of the people they represent, and support this amendment. Other than the word "report," which is a reference to a spoken report, we're leaving the rest of the protections intact. We're leaving "an executive officer [issuing] a written order in accordance with this section if the executive officer has reasonable and probable grounds," belief based on an inspection of a public place or even based on a test. But a spoken report of an issue takes matters too far, and it undermines the rights of Albertans too much. So I ask at this time that you support this reasonable amendment.

Thank you.

The Chair: Any other members wishing to join debate on amendment A2? The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair, and thanks to my hon. colleague from Central Peace-Notley for bringing forth such a common-sense, extra level of protection for Albertans. We all know it's been a very, very tough 16 months on our families, our seniors, and our businesses.

Just a couple things I'll add to this. I think I read somewhere recently that 45 per cent of the tickets issued, the fines levied, the charges levied have not been progressing through the court system. Whatever the many reasons that may be for, here we have our top-notch professionals in our judicial system, from the police and Alberta Health Services, and with the work in progress half of them had ended, half of them had not gone forward to find an offence or a breaking of the regulations. As my hon. colleague has mentioned, if a business or a family or an Albertan can lose even more freedoms, can be even more, you know, without due process because of just a report rather than an actual test where a government official has to do a little bit more due diligence, that is very, very problematic to me.

For that reason, I support – and, Madam Chair, I probably don't have to remind you, but just four or five days ago we saw Patigogate. The very people that make the rules had trouble remembering the rules. So again I would ask my hon. colleagues: when we have the power, the ability to do what's right, when unintended consequences of a law can affect somebody's livelihood or life or family, let's err on the side of caution and, as my hon. colleague has come forward, through this great amendment protect the public but make it a little more erring on the side of freedom and make sure the law is administered fairly.

Thank you, Madam Chair.

The Chair: Any other members wishing to join debate on amendment A2?

Seeing none, I will call the question.

[Motion on amendment A2 lost]

The Chair: We are back on the main bill, Bill 66, in Committee of the Whole. Any members wishing to join the debate? The hon. Member for Central Peace-Notley.

9:30

Mr. Loewen: Thank you, Madam Chair. I would like to propose one more amendment here tonight on Bill 66.

The Chair: Hon. member, do you happen to have the original copy in your possession?

Mr. Loewen: No. That's why I signed the top one there. There should have been an original there.

The Chair: Hon. members, this will be known as amendment A3. Please proceed.

Mr. Loewen: Okay. Thank you very much, Madam Chair. First, I'll read the amendment. I move that Bill 66, Public Health Amendment Act, 2021, be amended by striking out section 10.

You know, for the benefit of members of the House I'll read section 10 as it stands right now.

Validation of orders

29.1(1) An order made under section 29(2)(b)(i) or (2.1) before the coming into force of this section is validated and declared for all purposes to have been validly made as of the date on which the order was made.

(2) Everything done before the coming into force of this section under or in reliance on an order made under section 29(2)(b)(i) or (2.1) is validated and declared for all purposes to have been validly done.

(3) Any code, standard, guideline, schedule or body of rules incorporated, adopted or declared in force by an order made under section 29(2)(b)(i) or (2.1) before the coming into force of this section is validated and declared for all purposes to have been validly incorporated, adopted or declared in force as of the date on which the order was made.

Just to be clear, this section deals with the validation of orders that have already been made but fell outside of the scope of this existing Public Health Act, orders made by the chief medical officer of health.

Now, I'm aware that there are many reasons why the government might feel that section 10 of the amending bill is needed, but what I would encourage is possibly if the Health minister could rise and go into detail about which orders require a retroactive validation and which don't. I think Albertans would find that comforting, so I encourage them to do so. We don't know what this is referring to. We don't know if there's anything specifically that the government is concerned about here, and I think Albertans deserve to know that.

Now, the government could claim that this is simply a housekeeping measure and that this is a fairly innocent reform, but again I would encourage the minister to stand up and put the Legislature's mind at ease when it comes to this matter.

I find myself looking at other sections of the bill, and I see that actually there are several sections outside of section 10 that perform, you know, quote, simple housekeeping tasks. For example, I see three sections that call for the suspension of the Regulations Act. On page 5 it reads:

The Regulations Act does not apply to an order made under subsection (2) or (2.1) or an exemption made under subsection (2.2) or to a code, standard, guideline, schedule or body of rules that the order or exemption incorporates, adopts or declares in force.

There is a similar reference on page 12, then again on page 22. Suspending the Regulations Act is a simple housekeeping measure. For example, let's say that the chief medical officer of health's office failed to post an order in the correct manner. In accordance with the Regulations Act we could specifically spell that out with this amendment bill.

This leads me to believe, along with the conversations with others, that if section 10 was entirely a housekeeping section, there were and there are other ways to keep house. I also believe that it is reasonable, given the pandemic, for the government to argue that some things, like the posting of a notice of an order, might have been done imperfectly according to an act like the Regulations Act, and I think many Albertans would agree that an imperfect outcome on a housekeeping matter is reasonable. In a pandemic things will not always be done perfectly.

I come back to section 10 again. I come back to my conversations with stakeholders. I wonder if the government knows that some of the orders made were not valid, and if that's the case, then I think the government should explain that to us here today. I wonder if the government is worried about the fact that those orders are currently or will soon face court challenges and if that is why we have this posthumous validation of orders.

Again I implore the minister to rise and speak to this concern. Ease the minds of Albertans that this bill is not solely here to save the government after it imposed otherwise illegal or improper orders on its citizens. Albertans need to know that this government isn't doing that, because retroactively validating an order is not normally good governance.

We already had Bill 10, which should have been this government's opportunity to make sure they got this right. Retroactive legislation can be perceived as unjust, and some courts have a history of overturning these types of legislation. If we're at all worried about this section being overturned in court or if there's some specific reason why we have this section in here, then I think we need to explain it here today or remove it here by supporting this amendment.

Thank you very much.

The Chair: Any members wishing to join debate on amendment A3? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Chair. I am sad to say that I rise to speak against this amendment, but I can actually, somewhat helpfully, I hope, answer some of the member's questions about what's going on.

The Regulations Act: an interesting – well, okay; interesting to me and probably no one else in this room – piece of legislation. What the Regulations Act does is that in a time before the Internet, lawyers had to know what the laws were, so legislation is published in certain ways, and regulations had to be filed with the registrar,

and when filed with the registrar, they were published in something called the *Gazette*, which is essentially a magazine. A periodical? I'm not really sure exactly what the right word is, but that's how lawyers were able to know what the regulations were before there was an Internet.

Typically, I mean, the Regulations Act requires that if the thing is filed with the registrar, the registrar shall publish it, or the registrar shall publish another thing saying that cabinet has decreed that we shall not publish this. None of the public health orders have appeared in the aforementioned *Gazette*. That suggests that perhaps they weren't filed with the registrar.

Now, incidentally, the registrar under the Government Organization Act is, in fact, the Minister of Justice. Now, much like many powers the ministers have, they don't generally do it entirely themselves, but someone in the department at some point should helpfully pop up and say: you didn't file your orders, guys; that makes them unenforceable. I'm a bit surprised that it's taken the government this length of time to notice this.

I mean, this is troubling. It's troubling for a number of reasons. I appreciate the hon. member who moved the amendment saying that not everything works perfectly during a pandemic. I think that's true. Not everything does work perfectly during a pandemic, but one would expect that the government would have noticed this before 14 months into the pandemic. Yeah. There's been a lot of speculation about the source of the fact that this government – well, not the government themselves but sort of bodies affiliated, I suppose – were not enforcing the orders. There has been a lot of discussion about why these things weren't proceeding through court and why prosecutors were withdrawing them.

I thought that was interesting. I had gone and read some of them, and my initial take was that they were very, very vague and the exemptions were extremely broad. The mask exemption being any physical or psychological reason: I mean, that provides a very broad exemption. It makes it difficult for a prosecutor to prosecute, and if prosecutors can't prosecute, I might understand why police may be reluctant to issue a large number of tickets.

That, I think, was the problem, and then, as I was doing more research into this, I came across a blog post from some University of Calgary professors that suggested that, in fact, these regulations have never been filed. Now, there's no real way to know. All we know is that they were never published, so that suggests – it's highly suggestive – that they were never filed, especially since we haven't seen an order come forward being published from cabinet saying: we have directed the registrar not to publish. I mean, that's extremely problematic. I think it's very problematic that a government has so little concern about the enforceability of its own laws as to take corrective action before now. But that being said, I think correcting it is definitely better than not correcting it, which is why I am not in favour of striking these provisions, because I think – even though it is my opinion that the government ought to have done its job better and faster in this respect, I think disallowing them from correcting that is extremely problematic because it potentially renders tickets invalid, and, in my view, it is very important that they be valid.

9:40

We have seen people sort of very notably, especially in this province compared to other provinces, defying public health orders. It is my belief that the words of leaders in this respect matter, and the fact that the Premier has himself repeatedly suggested that these laws are a violation of people's rights, which I don't believe is legally correct, has had an influence on people's behaviour, and I think that that is very, very problematic. But I think that – yeah, I think the government should be allowed to correct this because I

think it's important that those tickets be enforceable. I think it's important that we in this place send a strong message to Albertans that public health orders are important and that they ought to be respected because lives are at stake.

This has been a long process. It has been exhausting for all of us. You know, as a parent of a toddler through this time – well, I guess preschooler now – it's not been easy, I don't think, on anyone. Working parents have struggled, families have struggled, many people have struggled, but I don't believe that that is an excuse to violate the law. I think we owe each other a greater duty than that. So I will speak against this amendment because I believe that even though it is, once again, acting least and acting last, it is better than nothing.

The Chair: Any other members to speak to amendment A3? The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair. I rise in favour of the MLA for Central Peace-Notley's amendment. I appreciate what the hon. member from the opposition side just said. That was very helpful and informative, but I'm still not convinced that the government isn't just glossing over some of their mistakes or omissions in a way that will be unfair to some Albertans, in a way that in hindsight, retroactively – of course, fairness and equity are very, very hard to apply any time, never mind retroactively.

Madam Chair, you know, it's been a long 16 months, and maybe the three things I heard the most were – okay. The first four or six weeks it was: unsure, everybody was scared, what do we do? But the two things I've heard the most since then are Albertans asking for a high degree of accountability – a high degree of accountability – and making sure that we get it right going forward and that all Albertans are treated fairly.

The other phrase I've heard a lot is: moving the goalposts. Albertans are fearful that the goalposts will be moved, that they can't plan, and they can't, you know, open their business, they can't spend time with their loved ones, particularly parents and grandparents, and that kind of thing. What I so much like about my hon. colleague's amendment is that it prevents, again, another opportunity for government glossing over some omissions, you know, no doubt innocent ones, but moving the goalposts. If fines are retroactive, if orders are retroactive, it could have some tremendous consequences on Albertans.

Regulations. When I look through the bill, as I understand this, I think I'm going to need some more clarity, Madam Chair. I don't see clearly where section 10 is the Regulations Act. I understand the Regulations Act is governed under section 23 and that the Regulations Act does not apply to an order made under section 52.1, 52.2, or 52.21. Three times I specifically mentioned the Regulations Act other than my hon. colleague's amendment. Again, are we moving the goalposts in a way that is just more than housekeeping? How unfair could that be?

Madam Chair, you know, I've been fortunate and grateful that I've been in here nine years, and I'm still always very, very concerned about equity, fairness, and unintended consequences, so for that reason, I believe we all should support my hon. colleague's amendment, and I ask you to do that.

The Chair: Any other members wishing to speak to amendment A3? The hon. Member for Central Peace-Notley.

Mr. Loewen: Yeah. I just want to further clarify that on page 5, section (6):

The Regulations Act does not apply to an order made under subsection (2) or (2.1) or an exemption made under subsection (2.2) or to a code, standard, guideline, schedule or body of rules

that the order or exemption incorporates, adopts or declares in force.

Then on page 12 it says:

Section 52.83 presently reads:

52.83 The Regulations Act does not apply to an order made under section 52.1, 52.2 or 52.21.

Then on page 22 it says:

(4.1) The Regulations Act does not apply to a code, standard, guideline, schedule or body of rules incorporated, adopted or declared in force by a regulation made under subsection (1) or (2).

Obviously, striking out section 10 will actually help this situation here, where there's a lack of clarity on what's being done here, what the government wants to accomplish by having section 10 in the bill.

While this could be a housekeeping issue, like the Regulations Act, it does not seem to be, and I think I would encourage the minister to stand up and clarify this for us. I think we have an opportunity to correct something here with an amendment, and I encourage everybody to support this amendment.

Thank you.

The Chair: The hon. Premier.

Mr. Kenney: Thank you, Madam Chair. I just wanted to – I don't support the amendment. I think the Member for Calgary-Mountain View explained the legal context here. I just wanted to respond by rising in debate to a contention made by the hon. the Member for Calgary-Mountain View, for whom I have considerable respect, particularly for her legal expertise, her previous service as the Attorney General.

The member claimed, Madam Chair, that I have said repeatedly that the public health orders constitute a limitation or a violation of rights and that I was mistaken in making that claim. That attribution is only half correct. What I have said repeatedly in the public domain is that, of course, many of the public health orders, which government has had to introduce as a last and limited resort to protect lives and our health care system, obviously, on the face of them, constitute a limitation of rights and freedoms, but I have always gone on to say that those limitations have been necessary, reasonable, and are demonstrably justifiable in a free and democratic society.

I don't need to remind the member opposite that under section 1 of the Canadian Charter of Rights and Freedoms it says that these rights and freedoms that are set out in the Charter are "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." I think we need to keep that balance in mind. Madam Chair, it is disingenuous to maintain, as apparently the New Democratic Party does, that telling people that they cannot go to their place of worship except with extremely small limitations, for example, does not constitute an infringement of the Charter-protected freedom of religion. Of course, it constitutes such an infringement, but it was a necessary infringement, I would maintain. Of course, that matter is debatable, and ultimately these matters have gone before the courts. They will go before the courts to adjudicate those issues. But I would simply ask the member in the future to, I think, more completely represent my views on that matter.

9:50

The Chair: Are there any members to speak to amendment A3?

Seeing none, I will call the question.

[Motion on amendment A3 lost]

The Chair: We're back on the main bill, Bill 66, in Committee of the Whole. The hon. Member for Lesser Slave Lake.

Mr. Rehn: Thank you, Madam Chair. It is a pleasure as always to have the opportunity to rise and speak to this Legislature this evening. Bill 66 is an important bill, and it's a bill we cannot afford to get wrong. I am very pleased to see a number of the changes contained within Bill 66, and I believe that it will modernize our public health laws for the better.

Let's start with the changes to section 52. The changes proposed in section 52 of the Public Health Act are most welcome. These changes remove the power of ministers to issue, modify, suspend, and amend legislation without consultation, voting, or oversight. While agility and efficiency are key to fighting a pandemic, there is a level of accountability, oversight, and due process that is rightly expected by the citizens of Alberta, and I believe that these powers did not meet those levels. Removing them is the right thing to do.

As we are all well aware, these powers have been challenged as potentially unconstitutional. While I am not a lawyer and I cannot speak to the legal nuances, it is my belief that it is not in our province's best interest to spend time and taxpayer money fighting a court case over powers that are deeply unpopular and deeply flawed. Simply put, I am glad to see the changes being made to section 52, and I appreciate that the government has listened to Albertans and will remove these powers.

I'd also like to speak about the changes proposed in section 38 of the act. Section 38 gives the government authority to mandate vaccinations. While this power has never been used, it is present. To some its presence represents the government's malicious intentions to force vaccination upon unwilling citizens despite having never previously been utilized. During the review of the Public Health Act the committee received a sizable number of written submissions concerned about mandatory vaccination, with many underscoring that vaccination is a personal choice. Vaccination indeed is a personal choice, but for individuals to make an informed personal choice, they must look at the data, the facts, and the reality, not misinformation about how the government is planning forced immunizations. For as long as the government has the legislative authority to mandate vaccinations, however, this misinformation will continue to perpetuate, and as long as it does perpetuate, there will be increased hesitancy to get vaccinated.

We know, Madam Chair, that in order to successfully put this pandemic behind us, we need a large percentage of our population vaccinated against COVID-19. As legislators we ought to do what we can to navigate out of the pandemic, and as legislators we have the ability to decrease the misinformation that is spread about vaccines and vaccinations, particularly misinformation about forced vaccinations.

For these reasons, I believe it is essential that such power to mandate vaccinations be removed from the legislation, and I am thankful that the government sees the value in such a change as well.

In conclusion, Madam Chair, I am glad to see some of the changes contained within Bill 66, some of them being long overdue. I hope this Legislature will work together to pass this common-sense bill, that addresses the concerns of Albertans and fights against misinformation in order to encourage rational decision-making regarding vaccinations.

Thank you, Madam Chair.

The Chair: Are there any other members to speak? The hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Madam Chair. I appreciate that we've considered some amendments here tonight. Just to take a bit of a trip down how we got here, I want to begin by reminding us all that over a year ago the current government decided to bring in Bill 10, which, of course, was seen as an incredible overreach

and an infringement on citizens of this province. At the time our caucus raised these concerns and highlighted them with the government, but the government, with their significant majority, decided to forge ahead and move this bill through at breakneck speed. The only bill that I think matched its speed in being passed was the bill the government brought in to fire the Election Commissioner while the governing party and the leader of the governing party were being investigated by said commissioner.

The speed in which this bill moved forward was significant. Of course, a number of the areas that were highlighted by the Official Opposition as areas of concern were then later challenged in the court by individuals with a variety of political persuasion and a variety of different backgrounds. At the time the government was, you know, keeping their head down, moving forward, ahead until enough of their friends and their insiders filed these concerns. It was the right thing to do. Obviously, if somebody feels that the government is taking a significant overreach, one of the main ways citizens have to fight back and do that is through the courts. And I'm glad they did.

Then the Premier decided: well, let's send this to a committee and consider; you know, let's do a bit of damage control here. We had a committee that was struck, and we had four months to do our work. During that time the leadership of the committee decided to take at least a month off in the middle of a four-month mandate, which doesn't seem like the best use of public time or public resources or our responsibilities as legislators in this place. I have to say that I am a little bit surprised but pleasantly surprised that the government actually tried to fix some of the things in this bill that we have urged them at committee to correct and that members of the governing caucus determined they didn't want to proceed with. But they did end up in here, some of them, so I guess it is a positive step forward.

I want to remind us all that this is one of the things that happens when governments think that they know better than the traditional process, that they know better than the people, and that they are going to advance an extreme agenda under the guise of a pandemic. Well, it was a pandemic. They definitely did pass the legislation that was contested and moved in a direction that the courts were certainly not going to uphold, and now we're back here. So I guess that is a step in the right direction.

When we were in that committee, one of the things that we did – the government didn't let us call many people to come and give information to help us inform the bill. They did, however, allow us to call, I believe, four different stakeholder groups, and one was the chief medical officer of health. One of the things during that discussion that we talked significantly about was a bunch of scenarios that might carry themselves out. Of course, this is about pandemics, but it's also about other public health emergencies. There have been many public health emergencies. I want to correct the record. One of our colleagues from the governing caucus said that this was the first. It wasn't. It's the first one that's been in the entire province all at once, but we certainly have had other public health emergencies, including the Fort McMurray wildfires and the impacting health conditions that were related there. When we pass legislation like this, it needs to be forward-thinking. It needs to consider a variety of different opportunities.

I want to thank my independent colleague for bringing forward a motion around having greater transparency and accountability when it comes to working with the chief medical officer of health. I think all Albertans would like to have the opportunity to see regular updates where a variety of questions could be asked, including questions from private members within the governing caucus, independent members, opposition members, and so forth. It is a significant disappointment that that wasn't considered by the

members of the government. It simply was about creating more opportunities for questions and information to be shared. It wasn't about directing the decisions that were being made by the Minister of Health or by the Premier or the advice that was being given by the chief medical officer of health. It was simply about having greater transparency.

One of the things our members called for when we were on the committee – and I was one of those members – was actually for the chief medical officer of health to become a public-facing, independent officer of the Legislature. We saw the different models that exist in different jurisdictions around the relationship between the chief medical officer, the government, and the Assembly. Definitely, ours falls in the column of loyal counsel – I forget the exact wording; my apologies; it's been about a year since I've been up to my elbows in that – where the reporting model is exclusively within the department. There is a reporting structure to the deputy minister and to the Minister of Health, and in turn they report to the Premier and to the chief of the public service. This is simply, the amendment that was put forward, at least a half measure in that they would still have that current reporting structure.

[Mr. Hanson in the chair]

10:00

This government has made it very clear that they do not want independence for the chief medical officer of health. They want that person to be within the public service, within the reporting structures of the department and the minister's office. That's the government's decision to make. The government has got a majority. They can make that decision. But I would have hoped that private members would've wanted an opportunity to at least gain information.

I will remind members of this Assembly that when the Fort McMurray wildfires were taking place, there was an agreement between the government of the day and the Official Opposition around regular briefings and access to information because that is the right thing to do. If you want the public to be able to have a greater understanding of what's happening and a greater sense of commitment and buy-in, being open and public is one of the ways to do that.

I do want to again say thank you to my colleague from Cypress-Medicine Hat for bringing forward that amendment. I think that that was common sense, and I think it was about transparency. The fact that this government continues to dig its heels in when it comes to having more transparency and common sense and accountability, it shouldn't shock me at this point. I know it shouldn't shock me at this point. It disappoints me, though, because we know that this government campaigned on one thing and has presented something very different to the people.

[Mrs. Pitt in the chair]

We're a little past the halfway point in the current government's mandate. I will tell you that the second half goes faster than the first. I would say: choose your priorities, set your principles, and have something that you are proud to campaign on when you move forward. When your priorities are that we're going to hunker down, we're going to keep power, we're going to shut down transparency, we're going to reduce accountability, I don't think that will bode well when people are asking about those things on the doorstep. You can bet that we're going to be telling them. We're going to be telling them about the track record, as will others, including independent organizations, members of the media, perhaps members of other parties. They will be reporting on the track record of the government. They will be telling you.

I will tell you that when I ran in 2015, one of the things people asked me about at that time was hot on the heels of kids being told that if they wanted to have a GSA and their principal didn't want them to have one, they'd have to have it across the street in a public place. People were asking me about this when I was on the doorstep: are you really saying that our MLA voted to kick kids off school property if they were gay and wanted to have a support group? I was able to hold up *Hansard*, and I was able to show the voting record.

When we stand in this place, our actions have consequences. The actions of Bill 10 were significant and had significant consequences. That's why a committee was formed. That's why the minister took the report of the committee, probably also looked at the minority report or at least read the news and read the room about what some of the tone was around some of the things that the committee was recommending and what the people of Alberta were wanting. That's why we also heard the debate and have heard amendments proposed here in committee because this is a significant piece of legislation. It will have significant impacts on all of us from the moment it passes until the time it is amended, so let's make sure that we do our best to get it right in this place this time so we're not here for the third time in the same single session debating the same amendments to the same act. It just isn't a good use of your time.

Again, you're in the second half of a mandate. It goes really fast, and if you're going to keep coming to this place trying to make up for mistakes that could've been caught the first time, it's not a great use of your time, and it's not a great use of your political capital, to be very frank. There's only so much, and to use it over and over again on the same piece of legislation to try to minimize the harm – so be it if that's how you want to use it. But I think that there are things that the people of Alberta would appreciate us acting on instead to actually make their lives better.

Thank you very much, Madam Chair.

The Chair: Any other members wishing to join the debate?

Mr. Nally: Madam Chair, I move that we adjourn debate.

[Motion to adjourn debate carried]

Bill 58 Freedom to Care Act

The Chair: All right. Any members wishing to join the debate? The hon. Member for Edmonton-Mill Woods.

Ms Gray: Thank you very much, Madam Chair. I'm pleased to rise tonight to join in the debate on Bill 58, Freedom to Care Act, at Committee of the Whole. As I rise, I realize that I have not yet had an opportunity to speak to this bill at all, so I'd like to just start by quickly saying that there are a number of concerns within Bill 58.

This bill is intended to help the nonprofit sector, to reduce red tape, and to protect volunteers, but certainly in the conversations that I've had with people in our nonprofit sectors – there are a lot of nonprofits here in our province, Alberta – the liability protection that this bill imparts is not the number one thing that these nonprofits are asking for. There are so many other more real and more tangible ways to support our nonprofits, to support the work that they do, to provide additional funding, to provide additional supports, that this bill does not contemplate. I really just wanted to start just by saying that in the conversations that I've had with the nonprofit sector, there are certainly other, higher priorities within

that sector that the government could be choosing to address in their support and in support of the work that they do, particularly because within the nonprofit sector there's been a number of budget cuts and drops in funding. Casino and bingo funding, as an example, is a huge issue for so many of our nonprofits right now.

There have also been some concerns around the liability exemptions that are included within Bill 58, if there could potentially be knock-on effects around safety. As well, could there be knock-on effects around insurance companies no longer providing insurance coverage if they feel that it's not required anymore? Those are a few of the concerns that I've heard in my conversations with nonprofits.

One of the things that Bill 58 does – and we've seen this from a few bills from this government – is provide some fairly sweeping regulation-making authority and giving the government the power to do things by regulation. Within Bill 58 there's a combination of things happening within this piece of legislation that makes this particularly concerning because within this piece of legislation the minister of culture can bring forward exemptions to regulations that can then be granted by cabinet.

In order to focus my remarks, Madam Chair, at this point I would like to introduce an amendment.

The Chair: Hon. members, this will be known as amendment A1. Just note that you're moving on behalf of another member.

Ms Gray: Yes. Thank you. On behalf of the Member for Edmonton-Castle Downs I move that Bill 58, Freedom to Care Act, be amended by striking out section 1(g)(ii) and section 8(a). Now, for those following along at home, what are these sections, and what do they do? Section 1(g)(ii) specifically reads, "an entity designated as a non-profit organization by the Lieutenant Governor in Council in the regulations." If we go down to section 8(a):

8. The Lieutenant Governor in Council may make regulations
 - (a) designating an organization as a non-profit organization for the purposes of this Act.

So we have a piece of legislation, Madam Chair, that allows nonprofits to be exempted from regulations to reduce red tape, and in that same bill we give the government the ability to designate anyone they want as a nonprofit.

10:10

This is a giant problem because it is essentially giving the government the power to exempt anyone from anything by simply saying that, according to this act, through regulation, we are going to designate this thing, whatever it may really be, we're going to call it a nonprofit, and then once we call it a nonprofit, we're going to start exempting it from having to follow things.

If this piece of legislation, the Freedom to Care Act, is about supporting our nonprofits – and to remind everyone in this Chamber, there are over 26,000 nonprofits in Alberta, and what is or is not a nonprofit is something that is very well defined – it does not make sense that this act gives the government the power to pick and choose who they decide should be considered a nonprofit for the purpose of exempting them from rules and regulations. Why is this piece even in the bill?

Now, although this is my first time rising to speak to Bill 58, I know that this concern was raised by my colleagues during second reading. I have not heard from the government benches a reason or a scenario why the government needs the ability to designate something a nonprofit organization for the purposes of this act. What will this power be used for, and why has it been included here in the legislation? Certainly, my colleagues and I can think of many reasons where this could be misused. I will remind this government, as I have in other instances like this, that while they are granting

themselves extensive powers, they are also granting those powers to all future governments. You may absolutely adore your current minister, but you are giving this power not just to your current minister but to all future ministers. The power through regulation to turn organizations into nonprofits is the power that Bill 58 will be granting the minister.

I genuinely do want to hear more about why these sections are even included, because the combination of being able to exempt nonprofits from regulations paired with anybody you want can be a nonprofit means you can exempt anything you want from regulations. It just follows: (a) through (b) gets (c), but why do we want (c)? If this is about supporting our nonprofits, why is this clause here and how will the government be planning to use this? In my opinion, this clause should not be here at all. I think it would remove a lot of the concerns that we've heard from stakeholders, who've noticed this within the legislation, if the government were to accept our amendment and remove from the act this regulation-making power and the changing of the definition of a nonprofit. If the legislation is about fixing problems for nonprofits, then this regulation-making power is unnecessary.

I also just feel that changing who a nonprofit is or isn't certainly was never put forward as one of the core purposes of Bill 58. I think it's something that a lot of people in the nonprofit industry would want to weigh in on and be consulted on. Certainly, through Bill 58, in talking to my colleague from Castle Downs, on whose behalf I've moved this amendment, and all of the conversations she's been having with other nonprofits, I don't think we've heard anyone request that the minister, that orders in council be able to just designate other types of entities as a nonprofit for the purposes of this act.

I strongly encourage all government members to take a good look at this piece of legislation – the two sections are very straightforward – and consider: why are they needed in Bill 58, the Freedom to Care Act, and how will they be used? What scenario, when we are talking about protecting nonprofits, is going to apply to organizations that are not nonprofits? Why is this piece in the legislation?

Then I hope all members will consider voting in support of this amendment, because, again, a lot of the concern that we've been hearing from stakeholders and lot of the concerns that I personally have with these two big things being paired together can be removed by accepting this amendment and not granting yourselves the ability to designate an organization as a nonprofit.

With that, I will take my seat and see if perhaps a member from the government side might be able to speak to these clauses in a little bit more detail to describe how they could potentially be used. Certainly, until I hear any more, I strongly encourage all of my colleagues here in the Legislature to support this amendment from the Member for Edmonton-Castle Downs.

Thank you, Madam Chair.

The Chair: Any members wishing to join debate on amendment A1? The hon. Minister of Culture, Multiculturalism and Status of Women.

Mrs. Aheer: Thank you so much. May I also pass on my mutual adoration for the MLA for Edmonton-Mill Woods. Back at you. I was going to say: thank you for the questions, and thank you for the opportunity to speak about this. This piece of legislation is actually only meant in certain circumstances. It's a short-term ability to be able to help out nonprofits, especially in crisis.

There have been quite a few times – I don't know if you remember the floods, of course, in 2013 in High River. One of the things that we found out at that time was that a particular Hutterite

colony had brought in hundreds of sandwiches to help feed the volunteers, and because of the regulations, the organization that was working with them at the time was not able to distribute those sandwiches. It was sort of one of those strange circumstances.

As you know, like, there are tons of exemptions that already exist, so this legislation isn't in relation to those exemptions in particular. It's just for a small, common-sense exception in times – and as we went through COVID, we realized that. If you were going to even ask me which exemptions they were: I'm not the nonprofits; they're the experts, so they'd be able to do that. We'll be able to have a repository for all the exemptions that are there, which I think for all of us would be super helpful. Most of you who speak with the nonprofits all the time know that a lot of them actually don't know about the exemptions that already exist, actually, under previous legislation, so this just sort of bumps that up a little bit.

I can give you another example from my riding. Pastor Karp, who runs the Strathmore Overnight Shelter in my riding: they had been opening up their facility, and they were having troubles installing their HVAC. Had the municipality known about the exemption that already existed at that time, they would have been able to help the shelter actually get people in there at the time, but as a result, I think they were nine months behind being able to help because the municipality did not understand that they had access to the exemption to help out the Strathmore Overnight Shelter.

We wouldn't be changing that. That exemption already exists, and that would run through Municipal Affairs. Municipal Affairs and the minister of that would already have access to that exemption. But the bill, what it does – the actual repository is not necessary. The legislation is not necessary for the space where all of the exemptions will come, so that could be done on its own. The legislation itself is to help in times of crisis for just a one-time, common-sense exemption for these incredibly generous organizations that want to help and be able to bring forward the ability to do good. It's really a bill about generosity in the beautiful nonprofits.

I think the member was asking about redefining nonprofits. We have nothing to do with that. The statutes can't change. That has nothing to do with it. The nonprofits themselves that would apply for this: it would be for an exemption that they wouldn't normally be able to apply for. Under the legislation as it is now, businesses can have certain exemptions and corporations, and the way that those function doesn't necessarily work for nonprofits. If the nonprofit wanted to have that exemption, then it would normally have to go through the entire process of government. As we know, in this situation, by the time it goes through cabinet, your crisis may be well over by then. In those times of need we can run them up the flagpole a little bit faster and help these organizations do their social good.

Then I'm not sure if the member had asked about the limited liability piece, but I can certainly answer that if there are any more questions.

10:20

The Chair: The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much. While I appreciate the minister's willingness to rise and speak to this matter, respectfully, none of that answered the question. The amendment that we're speaking about right now would alter the current legislation before the House so that cabinet did not have the power to designate literally anything as a not-for-profit.

I appreciate the minister's comment on what concern the bill overall was intended to address, but none of those comments addressed the current concern, which is: why does cabinet need the

power to pick and choose what a not-for-profit is? If this bill is just to help out in times of crisis for these not-for-profits, then the minister should be willing to accept this amendment. If the bill is everything she said it was just now, then the government should be thrilled to accept this amendment, because no explanation there was given for why it is that the government needs the ability to, for instance, designate a large corporation as a not-for-profit and then exempt them from anything. I do appreciate that there are other acts that allow for exemptions and that those things exist, but the concern in this particular case is that this act would apply in instances where it is not possible to seek an exemption under those other acts.

The concern here is not just that – the way this bill is structured, it doesn't just allow a not-for-profit to seek an exemption; it allows cabinet to, behind closed doors, designate anyone as a not-for-profit and then allow them an exemption. Our concern that we are raising with this amendment isn't that they might allow exemptions to not-for-profits; it's that they will allow exemptions to things they are calling not-for-profits which are not not-for-profits. That was a double negative. It will allow exemptions for things that are, say, very profitable businesses under the guise of allowing exemptions for these charities. That's the concern.

The concern is once again a government that says one thing but is doing practically, through its legislation, a completely different thing. That makes it especially hard for us to take the "trust it" justification: oh, well, don't worry; we won't use it incorrectly; just trust us. Well, as I've said many times now in this House, the best predictor of future behaviour is past behaviour, and past behaviour doesn't make "trust us" a really likely scenario here. I won't go into them at length, but I think there are a number of instances.

Two that spring to mind just because they were on the last bill, that we just finished talking about, were when they said, "Oh, no; trust us; Bill 10 doesn't do anything; it doesn't let us write legislation by ministerial order," and we saw, you know, the ramifications of that. That was clearly not a correct statement. Then we see again the sort of, "Oh, trust us; like, this is just a little regulatory update; it's just a housekeeping update," but really it enables the government to retroactively validate public health orders that have been invalid for the entire length of the pandemic. I guess my concern is that, from my perspective, "Oh, just give us the power and trust us; we won't misuse it" isn't a very good justification.

Add to that the fact that, in this case – look, if you're not going to use the power to designate something that isn't a not-for-profit as a not-for-profit, then why do you need it? If you don't intend to use this legislation – if you only intend to use this legislation for not-for-profits, then why give yourself the ability to designate other things? Why give yourself this incredible broad ability to designate a multibillion-dollar multinational corporation as a not-for-profit just because cabinet says so? I mean, these sorts of broad government powers tend to make people a bit suspicious of what the government's motives are, and I think, you know, with this government, a government which has admitted on multiple occasions that it has done things which have lost trust, trust which now needs to be rebuilt – I don't understand why they would once again give themselves sort of the broad discretion to do things behind closed doors and then say: oh, well, just trust us. Like, that doesn't make any sense to me, and that's, I mean – yeah. I think that's extremely problematic.

If the government is, in fact, genuine in this, if what they're really saying is, "Oh, no; we're only here to help not-for-profits," great. Then accept the amendment, and these sections will be struck out, and then we won't have this problem. That is what I urge all members in this House to do, to accept this amendment, because I

think it improves the bill, and it makes it a bill that actually is about not-for-profits. I hope that all members will consider accepting this amendment, and I hope that we can move forward and improve this bill. Hopefully, that can be one of the steps that this government takes towards rebuilding trust.

With that, I will say thank you very much, Madam Chair, and I will be supporting the amendment.

The Chair: Any other members? The hon. minister.

Mrs. Aheer: Thank you so much, Madam Chair, and thank you for the, I think, questions. I think it was more of a nefarious search into a piece of legislation that is to allow for generosity. Let me try and unpack some of what was just said here. We're not redefining not-for-profits. In fact, the definitions of nonprofits are well entrenched in the exemptions and in the legislation, so we're not changing those. It is an opportunity for cabinet to be able to operate quickly in circumstances of crisis in order to be able to help for that. We're not able to suddenly designate something that is a nonprofit as not being a nonprofit. That's not how it works.

It's interesting. I really reject the premise of the amendment. The benefit has to be for the public. There's some sort of sinister thing behind this that the NDP is trying to pull out. I'm actually quite shocked. Why on earth would we grant an exemption to an organization that is not operating in the public benefit? The entire point of it is to be able to operate in the public benefit. Let me go back to some of the beginning things. The cabinet is not designating anything. As I understand it, the member wants to strike out the regulation power, which would negate the ability to actually grant the exemptions, which is actually what it's all about, so I'm curious. And then they're defined by those operations with a charitable purpose operating primarily for public benefit. That is defined in the legislation.

It's about providing flexibility, especially at a time of crisis. We're in the midst of COVID. This is the ability to be able to give nonprofits – and the nonprofit has to ask for the exemption. We are not going out and choosing organizations to be able to do this. If an organization needs an exemption to come to cabinet, then they would apply to the minister responsible for that exemption. If it was Agriculture and Forestry or if it's Children's Services – they're the experts in their ministries – the exemption is made to that ministry or potentially through us, depending, in a case of crisis, in an emergency, for a one-time exemption. We're not redesignating organizations as nonprofits. They would have to come to us and then ask to have that happen. Then we could get it through cabinet quickly so that they can get sandwiches to folks who are doing flood mitigation.

10:30

I'm quite shocked. We're not changing the definition of nonprofits. We're using the legal definitions. It's in the legislation. The legal definition is right there. So I'm not quite sure what this – basically, what this amendment does is that it negates the entire piece of legislation and the ability to do that. I'm quite shocked by what the opposition is wanting to do.

Again, let me just redefine. We are not changing the definitions of nonprofits. We are using the legal definitions. There are checks and balances in cabinet. We have to report – there's a reporting mechanism, which will be made public, so you'll be able to see it. There'll also be a repository of all the exemptions. I think one of the best things that will come out of this is that as a government we'll be able to see what those exemptions are. Then any of us who have nonprofits in our area, you know, in our ridings who are looking for an exemption are able to either go through the ministry

or through other ministers and their ministries to be able to help get that exemption up the flagpole for a short time for a particular issue.

And it has to be for social good. It has to be. That is by the definition that is in legislation. This isn't about making willy-nilly exemptions. These are Alberta-made solutions to help out nonprofits. You'll be able to see them. You'll be able to see all the exemptions. They'll be listed there for you to look at. So if there is a problem, you'll be able to look at it. You'll be able to see it. We're going to have to report on any of the exemptions that come through cabinet. We have no power to designate anything although I appreciate, you know, the nefarious attempt, that I'm going to have some sort of crazy power to designate what a nonprofit is. But that's not the way it works, and you know that, because it takes some work to become a nonprofit.

Common-sense exemptions are just about helping at that moment. It's not about changing what a nonprofit is. I don't know why we would grant an exemption to any organization that is not operating for the benefit of the good of the people. That is the entire premise behind this. The benefit has to be to the public. So if I could suggest that the NDP stop being sinister about this, that somehow there are going to be exemptions made for friends and supporters. It has to be for the public good. We're going to report on it. There will be a place where you can see it. You can add to them yourself. It would be great. Hopefully, you will use these exemptions with your nonprofits in your areas to help them. I really look forward to seeing that. Thank goodness, the bill does not allow for that.

Again, I reject the premise of this amendment. Thank you.

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

Mr. Feehan: Thank you, Madam Chair. I certainly appreciate the opportunity to speak to this amendment, particularly after listening to the minister speak. I guess I want to frame my argument before I head into it a little bit here in that I am deeply concerned about nonprofits. I have a quite extensive history of working in the area of nonprofits. You know, I had been employed by nonprofits. I was the program supervisor at the Edmonton Social Planning Council for a time, and I was the vice-president of Catholic Social Services for a time. So I certainly have deep engagement from my own work experience. As well, in my career I've worked as a consultant for Big Brothers Big Sisters, another nonprofit. I've been a consultant for the Association of Communities Against Abuse in Stettler, again another nonprofit. I've sat on nonprofit boards a number of times. I was the president of the Edmonton Community Adult Learning Association, for example. I can kind of go on a bit, but I don't want to push the point too much. It's not about me here. But the reason why I'm putting that out there is that I'm wanting to frame my argument as a concern about nonprofits and wanting to support nonprofits here because I think they have a fundamentally important role in society.

Why I'm concerned now – I mean, I'm sort of very carefully listening to the minister speak about the bill, and I actually really believe the minister's desire to create a circumstance where good things can happen, particularly in moments of crisis. I think the examples given were certainly ones that, you know, I would love to see some work being done on and a door being opened for people of good mind and good heart to be able to provide services at a time. But what concerns me is that the minister, after hearing the concerns from this side of the House, stood up to argue that she was not trying to change the definition of nonprofits and couldn't understand why we were arguing that, but we're not arguing that. That's missing the point altogether here.

Nobody is suggesting that the definition of nonprofits themselves is being changed. The concern is that people are being given the

status of nonprofits, which is well defined by laws and regulation, but people are being given the status of nonprofit under this section of the bill, and it's really quite clear. You know, if I pick up the bill and take a look at it, under 3(8), "The Lieutenant Governor in Council may make regulations (a) designating an organization as a non-profit organization for the purposes of this Act." So what it's doing, really quite clearly, is it's not redefining what a nonprofit is, which is what the ministers seem to be arguing about. That's not the issue. What this act is doing is it's suggesting that organizations that are not normally or naturally a nonprofit, have not gone through the process of arriving at the status of being a nonprofit, can by the simple act of the Lieutenant Governor in Council in regulation, not even through passing a bill but in regulation, can shift an organization that was not nonprofit into the nonprofit sphere. That's the concern. I mean, it says really clearly that you can designate an organization as a nonprofit.

So I really hope that the minister speaks to this again because I can see her desire to create a good situation. Her examples were very enlightening to me. I appreciate, you know, why you would want to be able to allow a Hutterite community to provide sandwiches during the middle of a crisis. Absolutely. I certainly would want that kind of a situation to be supported and for communities in the province of Alberta to be able to step up and help each other out in the times of most dire need. But that's not what we're worried about here. We're not trying to stop that kind of situation from happening. We're worried that you have a small doorway that you needed to open up in order to ensure some good things happening, especially in times of crisis, but you have actually created a garage-door-sized situation where whole agencies or companies, I should say, or entities – I'm not quite sure how to describe it – that are not nonprofits suddenly will be treated as nonprofits.

As someone who works a lot in the nonprofit sector in my career – I mean, 37 years, I think, now as a social worker. Oh, my goodness, I'm old. I hate saying that. But, you know, I really want to make sure that we do not start confusing what is a nonprofit and what is not a nonprofit. Why I'm concerned about this is because you could have a for-profit agency that is working in this sphere come to the government and say: we would like, for the purposes of this wonderful moment here, this crisis, to do something really nice for our neighbours, so we would like you to designate us as a nonprofit.

10:40

Suddenly what you have is a for-profit agency shifting into the nonprofit world, slicing into that space, pushing aside, ultimately, the nonprofits that could have been doing that work under the exemptions that were already available, and using this as a situation where they are beginning to overtake a role that is rightly placed in the hands of nonprofits because you have allowed someone who is not a nonprofit to be defined as one for a situation.

Now, I actually think the minister has hit on something here that I think should be corrected. I'm trying to find a way to support the intent of the minister, but I am deeply concerned about the garage-sized hole that's been created by this situation. I mean, there are lots of ways that we could designate particular behaviours during a crisis situation as being exempt from particular activities without leaving this massive authority for somebody to actually, you know, wipe out all the rules that would normally apply by saying: "For the next two weeks or whatever the situation is or in this circumstance, you're not a for-profit agency. You're a nonprofit agency, so therefore the rules that would normally apply to you in terms of your labour, in terms of your health regulations, in terms of whatever else are suddenly not going to apply for a certain period of time."

As somebody who worked in nonprofits for many years, I am very concerned about that because in the nonprofits I worked at, we were often trying to move in the other direction, move from this charity model that any kind of work that was done was good enough just because it was being done by volunteers. We kept saying: "No. We at Catholic Social Services or we at the Edmonton Social Planning Council or we at the Edmonton Community Adult Learning Association want our work to meet the highest standard. We are not trying to give low-quality work out because we're volunteers."

We may pay people less because we're a nonprofit. We may not have anybody who's making money off this, but the services themselves should be of the highest possible standard so that people who are vulnerable or in need of supports and services can go to a nonprofit and expect that they aren't getting charity because, well, it's just nice and therefore it doesn't have to be very good. The intent is that the services that they receive are of a strong and high quality and that the mechanism for providing those strong and high-quality services is different than in a profit situation, but the intent is to achieve a certain level of service.

It just really concerns me that sometimes when people sort of look at nonprofits, they confuse it with this notion of charity, that, well, just anything you give is okay. That really is not where nonprofits are going nowadays. Nonprofits are just simply saying: we do not want one person to become rich off this, but we want to make sure that the lives of the people that we are working with are as rich and fulfilled and as supported as our technology, as our education, and our service providers can possibly provide. It's about lifting up the standard. And in this case it looks like it's an opportunity to reduce the standard rather than lift it up, to create exemptions that reduce that.

I don't hear that in the intent of the minister at all. I'm not saying that the minister is standing up, saying that's what they want to have happen, but I'm afraid that the minister has created this garage-sized hole that will allow that kind of thing to occur. That really worries me.

You know, I want to find a way to support this bill because I certainly want, in a time of a crisis like a flood, for neighbour to help neighbour. On a fundamental level that's what makes a good society, and doing so without an expectation of compensation is, I think, a high level of noble behaviour.

But I am concerned that this situation, while it was intended to do that good thing, has instead allowed a different kind of scenario to occur. I think the minister would be very surprised at how this got used in the future and would maybe even be shocked. I can imagine the minister standing up in a few years and saying: that is not what I intended when I opened that door. In fact, that is what I'm afraid is going to happen because of the huge opening that's been granted here of actually designating an organization that is not a nonprofit as a nonprofit, which it says very clearly in section 8(a).

Instead, if this was focused on an organization or a non-organization – really, the example that she gave, you know, was a community group, people from a particular community. If citizens want to step up and provide a service and some exemptions can be provided, I'd probably say: hey, this is cool; this is neat; we're going in the right direction here. But that's not what it says. This is not allowing neighbour to help neighbour. This is allowing organizations to step away from the rules that normally govern their practice and their procedures to perform a service at a lesser standard than they would normally do by getting a temporary pretend designation as a nonprofit, moving exactly in the opposite direction that I know that all the nonprofits I've worked for are trying to go, of uplifting the level of services, of ensuring that when

a service comes from a nonprofit, it is as good as and, hopefully, even better than the service from a profit-oriented agency.

I guess that I've tried to lay out my concern with this because I'd like to rescue this bill. You know, you're always looking for opportunities on the opposition side to be excited about something that's coming forward in the House. I care deeply about nonprofits, so I would like to be someone that's standing up and doing something that sort of supports the government in helping to make Alberta better. I'm hoping we can find a way forward at some time, perhaps in some dialogue over the next little while, to take out the little bits and pieces that concern me deeply, maybe to take this back to nonprofit agencies out there in the community and sit down with them and say, "What will happen if we do this? What door does that open up?" and not think about the good situations like the examples given by the minister but think of the situations that you didn't expect to happen. What's the bad that might walk through the same door that you opened up for the good? Can we somehow word this in such a way that we don't allow that to happen?

You know, I certainly would do anything I could to facilitate that kind of dialogue although I know the minister is well connected to many nonprofits in the province of Alberta and so has all the resources necessary to make this kind of change. But it requires, of course, at this time for us not to pass this section of the bill so that we can go back and ensure that we are not allowing the bad in with the good. And that means that I need to ask the minister and I need to ask the members on the government side of the House to support this amendment, not to kill the bill, not to walk away from it all but to support the amendment that opens the door that provides a danger.

10:50

You know, I guess I just want to remind the government side that they've had experience of trying to give too much power to ministers, like under Bill 10, and then had to come back in under Bill 66 to remove the powers they previously gave because it was recognized by the community that if you start throwing powers toward ministers, one minister is going to come along one day and do something that is not very good.

Now, that doesn't mean ministers shouldn't have power, but it does mean we should always be asking ourselves: is this a necessary piece of power? Will it in all situations be a good thing that they have this, or will there be situations in which we are simply opening the door for people to reduce their standards, for people to not obey regulations that they normally should obey, for employers to expect of their employees things that are lesser than they would expect of them under different circumstances?

I guess that's the summary of my argument. I don't know how well I made it, but I certainly want the minister to know that I care about this, and I will work with her to try to address the concerns.

Thank you.

The Chair: Any members wishing to join the debate? The hon. minister.

Mrs. Aheer: Thank you so much, and thank you to the member for his amazing volunteer work and everything. It's always wonderful to hear about the incredible work that he does throughout his riding and everything, so thank you so much.

I just wanted to clarify. As I had said in my opening statements – let's talk about the Hutterites for a minute. Are the Hutterites a nonprofit? Nope. So how would they be able to help out if this legislation doesn't exist? They're not a nonprofit. They would have to be designated at that time to be able to come in and help out

through an exemption; otherwise, they can't. They're not designated as a nonprofit.

Businesses can shift at any time when they want to help out during a crisis. Who would benefit from a business being designated as a nonprofit? Nobody would. It's a short term. It's a very, very short term to be able to do public good. But if there is a society, for example, that may not have a designation of nonprofit and that arm of that society wants to come in during a time of crisis like we've seen during COVID – one of the organizations is the Punjabi community association in Calgary. Sorry; I can't remember the acronym right now. The work that they would need to do that might be out of their scope under normal circumstances, but given the opportunity to be able to do this, an arm of their organization would be able to help out. That's what this is about.

I mean, the Hutterites is one organization, but they're not a nonprofit, and if they come and they want to be able to help out and give sandwiches and can't get an exemption under the regulations that there are right now – one of the biggest red tape issues we have with nonprofits in terms of government is a huge barrier to nonprofits being successful because they don't run the same way as businesses would. Businesses have so many existing exemptions already, and we know that. There are thousands of exemptions throughout government through all the different ministries, but it's very difficult sometimes for the nonprofits to access these because of the uniqueness of their work; hence, the need for the exemption.

I mean, there are so many things I could talk about, and I really appreciate this discussion because I think it's always important to understand the accountabilities from this kind of legislation, but, again, we're going to have the opportunity to be able to report it to you and show what those exemptions are. They're short-term exemptions; they're for the times of crisis.

When businesses want to jump in and help out during crisis, they're able to do that. They're able to shift that, but it's not necessarily the same, like, if we have an organization or a community sometimes. Not all community associations are nonprofits. They're not all run the same way. If you look in rural areas, some of them are run by the community; some of them are run by municipalities. There are lots and lots of different ways that a community organization can be run. So if an arm of that wanted to be able to get an exemption, they wouldn't be able to under the present legislation the way it is. It would be a quick exemption for those organizations to be able to help out at times that are difficult.

This is a great discussion. I really, really appreciate the member's position on this and the thoughtful discourse that has happened as a result of this.

I wanted to give just one other example. If you have a natural disaster, for example, and you're in this mode of crisis and you're trying to help out, we are able to, if the legislation passes, grant the one-time exemptions to an organization to do something outside of their regular operations to supply service. But again, folks, it's really about them being able to do public good. They have to do that. They have to fall under that specific need to be able to do that. They're going to be putting something back into the community to be able to help them in these situations.

Again, the legislation was really born out of the need to be able to help organizations step up quickly. The wheels of government can move really slow sometimes, and trying to be able to get help to the places where they need it at the time when it's needed is not always the easiest thing to do. We do; we create really large barriers for nonprofits to be able to help out. So we're hoping that that would be able to happen. The other thing, too, is that it's not an ongoing basis. Like I said: one-time exemption. We're going to report on it, so you'll be able to see it.

I wanted to say – the member had mentioned something about the elevation of nonprofits. I couldn't agree more. Absolutely imperative. I'm sure, coming from him and all the work that he's done, that he'd have many, many examples of how you elevate nonprofits. But I just want to make sure – the member is projecting something that sounds sort of negative towards what could happen here, and I hope I've clarified that the designation that you see in there, in that legislation, is for organizations that want to do public good but under the legislation as it stands now may not have the capacity to do that. I hope that the opposition sees opportunity here and that if you want that removed, if we remove that, there is an entire section of people that would not be able to apply for these exemptions and to be able to help people.

I also think that when we were engaging our stakeholders, one of the things – and like I said, this legislation doesn't change this. It just opens the door to understanding the exemptions. Many of the stakeholders that we spoke to had said that it's very difficult to access the exemptions, very difficult to find them, and then through that process we realized that there were a lot of these organizations that couldn't use the exemptions the way that they needed to in times of crisis.

I hope that the opposition sees the value in that piece in that legislation, and I hope that I've clarified that we're not going to be designating, I think the member was saying, large corporations. It would be an arm of a society or something else that would not be normally considered a nonprofit to be able to access that exemption, get it brought up the flagpole for a couple of weeks, help them help out an organization. You know, there are time limits around how long they can do that. They cannot continue to have the exemption. It's just for it to be able to do public good.

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

Ms Hoffman: Thanks very much, Madam Chair. I really appreciate the minister engaging in a bit of a dialogue about this. I also want to say that I appreciate the really positive examples that she shared here tonight. My mom always told me to hope for the best but plan for the worst, so I hope that you don't take the examples that we're giving as absolutes. We're trying to anticipate what the worst case scenario could be and come up with solutions with the minister and with the government to address those possible worst case scenarios, the garage doors that my colleague identified.

I do want to take a moment very quickly to read what section 8(a) says because this is really, I think, the crux of this, that the bill actually does allow that "the Lieutenant Governor in Council may make regulations designating an organization as a non-profit organization for the purposes of this Act." While I appreciate the minister saying that it wouldn't be a corporation, the bill doesn't say that. The minister said that it would have to be a society or a separate entity. I would love for the minister to propose an amendment and make that clear in this bill because it could be, according to the actual act that we're here debating, an organization, any type of organization, which, of course, could include a corporation.

Then the minister's question about: why would a corporation want that, or who would that benefit? I want to say that the potential risk here is that there could be vulnerable people who work for an organization or are involved in an organization who, when that organization is referred to as a for-profit corporation, have a set of rights and responsibilities, including, for example, the right to make minimum wage. But in a time when they're part of the exemptions that the act allows, things like paying people minimum wage could be waived for that emergency or that crisis, and compelling employees to become volunteers – and I know that there are

volunteers who work all the time, do volunteer work all the time for no compensation.

11:00

But what we're talking about here is the risk. I'm not saying that this is a likelihood, but again we're planning for the worst case scenario to make sure that the legislation prevents that from being a reality. A risk could be that a corporation could apply for nonprofit status for this period of time and compel their employees to work for less than minimum wage. That's one example.

I certainly hope that that wouldn't be an outcome, but we have an opportunity, I'd say, right now, in collaboration with the government, with the minister, to come up with that clarity in legislation. When the minister spoke about, "It couldn't be a corporation; it would have to be a society or an entity," I would love to see that clarity actually in the bill because I believe that is the minister's intent. Part of the responsibility – and the minister has served in opposition – is to shine lights on areas that haven't been illuminated in the bill, to try to make sure that we can alleviate that risk, that we can close those gaps, and we can bring something forward that will benefit all Albertans without having the risk of negative outcomes. That is one potential risk or negative outcome that I could see there.

I'm not saying that people who work for large corporations don't want to volunteer. I think that many people who do work for large corporations do volunteer, but it should be up to them, if they want to make that choice at that time, to be able to engage in that. If their employer wants to sign them up for something, then the employer should abide by the current standards and practices that they have when it comes to the work of their employees. I do want to say that I have seen countless examples of Albertans rising to the call in times of crisis or need, formally and informally. Of course, some of the formal ones that we all remember are around the floods, around the wildfires in both Slave Lake and Fort McMurray.

Some of the informal ones: one of my neighbours recently posted on our community Facebook page about how somebody must have been in a crisis because they took the two wheels off his bike, and would anyone else in the neighbourhood have a bike to lend to him that he could use before he gets a new bike to replace that one? I just thought: what a beautiful way of phrasing that. Rather than saying, you know, "Somebody stole my wheels; I'm in trouble," he said: "Somebody who was probably desperately in need of these took them off my bike, but I also need a bike. Can somebody help me out?" Immediately three volunteers put their hands up and said: "You can use my bike. I'm not using it right now." That's the kind of opportunity I think the minister wants to harness, the opportunity for people to stand together and, in times of need, to support one another and make it as easy as possible.

I do hope that this risk that has been identified – and I'm not saying that the intent of the Lieutenant Governor through OIC is to long-term change the definition of organizations. It is about the risk, though, that is created through 8(a) around designating an organization. That means any organization could be designated a nonprofit for the purposes of the act. Even if it's short term, I think that that could have some liability. That's why we're highlighting this and hoping that the minister will either, in turn, support our amendment or perhaps come up with alternate amendments that meet the intention that she certainly raised around it being societies or entities that are separate from the larger corporation and would have less of an impact on the larger group that could be impacted, including large numbers of employees. I think there probably is some kind of compromise here.

Like the member for Calgary, or the Member for Edmonton-Rutherford, rather – he spends a lot of time talking about jobs in

downtown Calgary, so I sometimes get the advocate for Calgary in my mind, but he is certainly the MLA for Edmonton-Rutherford. As he said, I would like to be able to support this bill enthusiastically. This is one liability that some organizations have highlighted for us. For that, we hope that the minister will meet us partway and find a solution to remedy that risk.

Thank you very much, Madam Chair.

The Chair: The hon. minister.

Mrs. Aheer: Thank you. Thank you so much to the member for, again, a lovely discussion. I just want to clarify again. The members keep talking about applying for status as a nonprofit. That's not what this does. The regulation is an exemption, straight-up, short-term, common-sense, and we have to report it, too.

I would suggest – and I think the member thinks this, too – that in times of crisis compelling people to be volunteers: I think that's a bit of a stretch. Corporations and organizations, anybody who, if they're wanting to apply for this exemption, which would make, really, very little sense at this time because businesses have the ability to shift the way that they do things in order to help out – that's why nonprofits have barriers as it is within the legislation, because they don't function like corporations. That's why they're considered special entities. If I could just clarify again – but I appreciate the discussion. I think that any time we look at these things, it's important to think about that, but the entire premise around this is around doing social good. These people would be volunteering. That's why we have the volunteer liability as well. It's actually about really expanding the scope for volunteers during a crisis so they have the capacity to come out.

One of the things we really noticed – well, I mean, all of us knew this during COVID: our senior population became our vulnerable population right off the bat, and a good chunk of our volunteers across the province are seniors. We did a reboot, sort of, of volunteering through the Volunteer Connector to be able to connect people in their areas to be able to volunteer, especially those that might not be as vulnerable as the seniors at that time, in order to help out with so many of the things that you were talking about regarding the help that came out of COVID. So many amazing people came forward to help each other. As a result of the ability to connect folks, we ended up having thousands and thousands and thousands of people coming forward to volunteer, partially because of the connector but also partially just because Albertans do that. It's just who they are. They rise to the occasion.

I just wanted to clarify for the member. This is for folks who are wanting to come and help and bringing their volunteers with them. An organization like what I think you're talking about: to compel people, for under minimum wage, to come and do social good when the entirety around this, applying for that exemption, is to be able to have volunteers be able to come in – it's a bit of a stretch to the entirety of the act. They cannot apply for status. It is an exemption for a small period of time to be able to come in and help. Like I said, there are a lot of organizations that would not follow normal exemptions.

You know, I would have to say that, like, the nonprofits and our volunteers have helped us make it through these difficult times. It's been such a privilege. I have stories upon stories upon stories of people who have come out of the woodwork. If I could make another example just to give you an idea: what about a farm, right? If you look at a farm which is a corporation or, like, the Hutterite colonies, what if they wanted to make sandwiches during the floods? Without this, they wouldn't be able to get the exemption. I would hope that the member speaking is not trying to make it look

like, you know – and I don't think you are. I really believe that you're looking for opportunities to make this better.

The Chair: Hon. minister, I'd just remind you to direct your comments through the chair.

Mrs. Aheer: Oh, I'm so sorry, Madam Chair. Looking right at, having conversation: pardon me. I'm sorry. Thank you.

I would just like to remind that – you know, we don't ever want to have the impression that businesses can't be trusted. Businesses and organizations and corporations that are going to have an arm of their business be able to help out to do social good are going to do it for the right reasons. I have absolutely no doubt about that.

The legislation doesn't allow for government to exempt their corporate friends, and to what end? If an organization or a corporation wants to come in and do public good, don't we want them to do that? The entirety of this legislation is to be able to give space for an organization to be able to do that. I think that if we look at how Albertans help out during disasters, why don't we give them the ability to do that? Like I said, businesses already have the ability to be able to do that, and that piece that you're talking about in that section opens up an entire space for organizations to be able to come in.

11:10

They can't apply for a designation. It is a small, one-time exemption. There's a huge difference between an exemption and then applying for status. We all know that. They can't apply for status through this legislation. They can apply for an exemption and be given that ability to access that and to be able to help out during that time, but they can't become suddenly a nonprofit. They're granted an exemption – they're granted an exemption – for a short period of time as a nonprofit to be able to come in and do social good. That's it, straight up.

The Hutterites, farming organizations, arms of social groups: if a business wants to come in and help out – I know that Telus does this all the time – where they bring their volunteers in, they already have exemptions for that. They're able to do that. I don't know what the difference of that would be from this. There are other organizations that may not have access to that. The nonprofits do not have the same access to these exemptions that some of these larger businesses do, so that's the entire point.

I would like to just again – I think where the member is going and the assumption that she's making is that this would grant an exemption to a business to conduct their business to avoid rightful regulations. That's not where this is going. It's a small-time, one-time exemption to be able to do social good, plain and simple. We want to be able to broaden the scope, to be able to help as much as we can. We saw that during COVID. I would hope that our opposition would see the ability for that scope to expand, especially because so many of you have worked in nonprofits on your own. You know what the barriers are. You know how difficult it is for organizations to be able to help, and there are so many barriers, especially in the midst of a crisis, to being able to help out. Let's all work together to open the scope of this a little bit to help out during crisis so that organizations that want to do social good can do that.

The Chair: Any other members wishing to join debate? The hon. Member for Lesser Slave Lake.

Mr. Rehn: Thanks, Madam Chair. It is a privilege to rise this evening and speak to Bill 58, the Freedom to Care Act. I think that every member of this House can recognize the value and vital roles that volunteers, nonprofits, and charities fulfill. From groups focused on feeding and housing the homeless to those caring for the

sick and vulnerable, Alberta would be, no doubt, a worse place without their contributions.

[Mr. Hanson in the chair]

When considering this legislation, I think of tireless champions of charity in my own constituency like Barb Courtorielle. Barb is well known in my constituency for her selfless efforts to provide comprehensive, compassionate care for the less fortunate. I think of people like Irene Pirie, who is a great advocate for better facilities to perform charitable services from. Recently Irene was hoping to convert the old police station in Wabasca into a friendship and resource centre for those experiencing homelessness. All of our communities around Alberta are made stronger and better by contributions from great citizens like Barb and Irene. We need more volunteers and advocates like them, and I believe that we have a responsibility to support and recognize these truly selfless individuals for their commitment to the community.

As all of my hon. colleagues are aware, the pandemic has exposed cracks in the woodwork of our province. While the government can and must step up to the plate to fix those for which it is responsible, charities and nonprofits are key to filling in some of those gaps in the meantime. Therefore, Chair, it should be obvious that the government ought to support these groups in their work, and that support must include a reduction of bureaucracy and red tape that prevents those groups from fulfilling their work.

This is the goal of the Freedom to Care Act. As the hon. Minister of Culture, Multiculturalism and Status of Women noted in her speech on the second reading of this bill, too often charities, nonprofits, and municipalities are unaware of existing exemptions that would allow them to better carry out their services. While we members of this House may be well versed in understanding, debating, and studying the intricacies of legislation, the folks who carry out important charitable and nonprofit functions are not preoccupied with memorizing and analyzing every fine detail of legislation. Rather, they are focused on results and on getting things accomplished for their communities. From my point of view, this bill shows that the government has recognized that fact. Through the streamlining and centralizing of regulatory exemptions for nonprofits and charities, the most impactful groups will be able to do more social good for the communities they operate within. Through this bill these groups will be able to work with the government, in plain English, to overcome challenges and difficulties that were perhaps unrecognized when specific statutes were created.

Returning to the hon. minister's opening speech in second reading, she shared that the government wishes to create a central website that will list all existing regulatory exemptions for nonprofits and charities: a great idea and one that is simple. Frankly, I don't understand why such a website has not existed for years. If this bill passes, which I hope to see happen, the minister also added that this website will become a portal to new regulatory exemptions granted under this act, a one-stop shop for charities and nonprofits to access exemptions that will allow them to operate more efficiently and effectively. I will say that it would seem to make sense that during the creation of this website the government could enrich it further by adding a central repository of all funding streams available for nonprofits and charities.

Section 6 of the bill will hopefully prove itself to be very useful to the government over the long term. This section requires that the minister provide the cabinet with a list of requested exemptions annually. It would be prudent of the government to review this document carefully, look for patterns in requested exemptions, and, where certain exemptions are multiple in number, draw conclusions about implementing those exemptions into the proper legislation,

allowing charities and nonprofits the ability to access them without formal request going forward.

The other portion of the Freedom to Care Act is the introduction of new limitations on personal liability for volunteers. Similarly to the regulatory exemption portion of the bill, I am in favour. We know that as the COVID-19 pandemic continues and, hopefully, comes to a close sooner rather than later, Albertans will continue to rely on nonprofits and charities. For this reason, it will be vital to rebuild our province's volunteer network. It is my hope that these new, sensible liability limitations will encourage more Albertans to participate in charity and nonprofit activities. While these new limitations will protect volunteers from damages and harm, the legislation includes clear provisions that ensure these limitations cannot be abused.

In closing, I believe that Bill 58, the Freedom to Care Act, is a good piece of legislation and one that deserves to pass through this House. It will prove key to the ongoing success of Alberta charities and nonprofits and will allow them to accomplish even more societal good. I want to thank the Minister of Culture, Multiculturalism and Status of Women for her work on this file and her ongoing efforts to build a brighter and more prosperous Alberta through her collaboration with nonprofit and charitable partners and the introduction of bills like this one.

I offer my full and unreserved support to this bill, and I hope that my fellow hon. members of this House agree with my assessment and will support this bill so it can promptly pass and, in the process, empower Alberta volunteers, nonprofits, and charities. Thank you, Mr. Chair.

The Acting Chair: Thank you, Member.

I'd just like to remind all members that we are on amendment A1 for Bill 58. Are there any other members wishing to speak to amendment A1?

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

[Several members rose calling for a division. The division bell was rung at 11:20 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Ceci	Feehan	Hoffman
Dach	Gray	Loyola

Against the motion:

Aheer	Long	Singh
Amery	Lovely	Smith
Armstrong-Homeniuk	Nally	Stephan
Copping	Neudorf	Toor
Dreeshen	Nicolaides	Turton
Ellis	Nixon, Jeremy	van Dijken
Fir	Panda	Walker
Hanson	Rehn	Williams
Horner	Rutherford	Yao
Issik	Schulz	Yaseen
Jones	Sigurdson, R.J.	

Totals:	For – 6	Against – 32
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[Motion on amendment A1 lost]

The Chair: We are back on the main bill, Bill 58. Are there any members wishing to join debate? The hon. Member for Edmonton-Mill Woods.

Ms Gray: Thank you, Madam Chair. I'm just going to see how this works out. I move that we adjourn debate.

[Motion to adjourn debate carried]

Bill 72
Preserving Canada's Economic Prosperity Act

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

Member Loyola: Thank you very much, Madam Chair. It's an absolute pleasure to be able to rise and continue to speak to this bill, Bill 72, Preserving Canada's Economic Prosperity Act. As I've discussed in debate during second reading, of course, we talked about how this particular bill is essentially a weaker version of a bill that we had already introduced while we were in government and that, basically, the current government just let lapse. It was like they fell asleep at the wheel or something on this particular bill.

11:40

Then they had to let it go and, like, re-create the whole bill again and bring it back, but this time they actually made it weaker because it doesn't contain a section on refined fuels. I mean, it's entertaining because the members from the other side of the House like to play like they're smarter, they know it all. But the purpose of the bill when we had introduced it: it had the ability to restrict the flow of refined fuels. That was actually what was supposed to be used as a deterrent. This particular bill, as I stated, actually takes out that whole section on refined fuels, which was actually the strongest tool that we had to protect our industry and put pressure on jurisdictions from blocking our resources from getting to market. You've got to wonder what's happening right here. What's the government playing at? Why are they introducing this bill once again that basically, essentially has no teeth?

So, being the incredibly supportive and helpful individual that I am, I indeed have an amendment that I would like to introduce. I'm going to hand that off, and I'll wait for you to get the original and copies, Madam Chair, and I'll wait for your direction.

The Chair: It's a two-pager. Hon. members, this is known as amendment A1.

Hon. member, please proceed. Just note that you're moving on behalf of another member.

Member Loyola: Indeed. If you don't mind, Madam Chair, I'll actually read it into the record.

The Chair: Please.

Member Loyola: Okay. On behalf of the Member for Calgary-Mountain View I move that Bill 72, Preserving Canada's Economic Prosperity Act, be amended (a) in section 1 by adding the following immediately after clause (f):

(g) "refined fuels" means

- (i) gasoline, diesel, aviation fuel and locomotive fuel, or
- (ii) any other fuel or component used to produce refined fuels specified under a regulation made under this Act;

(b) in section 2 by adding ", refined fuels" immediately after "natural gas" wherever it occurs; (c) in section 4, one, by adding the following immediately after subsection (3):

- (4) With respect to a licence for the export from Alberta of refined fuels, the Minister may impose different terms and conditions for the different types of refined fuels;

two, by adding ", refined fuels" immediately after "natural gas" wherever it occurs; (d) in section 8 by adding ", refined fuels"

immediately after "natural gas" wherever it occurs; (e) in section 9 by adding ", refined fuels" immediately after "natural gas" wherever it occurs; and (f) in section 11 as follows: one, by adding the following immediately after clause (a):

- (a.01) specifying other fuels and components for the purposes of section 1(g)(ii);

two, in clause (h) by adding ", refined fuels" immediately after "natural gas."

As I stated before actually reading the amendment into the record, we on this side completely feel that the government has dropped the ball. When it comes to actually protecting what is one of the most important resources that we have here in Alberta in terms of getting our product to market, if we're really going to make sure that we work hard to make sure that this bill actually has substance to it, then we need to make sure that this is actually in the bill.

Now, I'm not a hundred per cent sure what the government is even intending with Bill 72, Preserving Canada's Economic Prosperity Act. The Trans Mountain expansion project moved forward and now is actually fully under construction. Despite the progress on TMX the government went ahead and proclaimed the legislation as one of their first acts in government. They proclaimed the legislation despite the advice, including from us, not to do so because it could open themselves up to a legal challenge. But rather than think strategically about how best to promote Alberta's interests and those of workers across the province and country, the UCP went ahead and proclaimed it anyway, and worse, then they let the bill expire.

Now here we are. They've introduced this much weaker piece of legislation. This is the weak and ineffective leadership that Albertans have come to expect from this Premier and this government. I'll remind the House that here we are with a government that in their election platform promised to have more jobs, build more pipelines, improve the economy. Even before the onset of the pandemic we saw the Alberta economy actually falling, fewer jobs. I can tell you from the exchanges and communications that I've had not only with constituents from my own riding of Edmonton-Ellerslie – because I'll be honest. People from all over the province get in touch with me, sometimes people from other ridings from the members on the other side of the House. They claim – and this is their claim. I have no way of proving this, but these individuals call me or send me an e-mail and say: you know, I've written to my own MLA, but he's not answering me. How it is that they find me? I don't know, but they find me, and they send me e-mails, or they'll call my office on particular issues.

One of the things that these people often say to me, Madam Chair, of course through you to all of the members of the House, is that this government promised jobs, and they haven't come through with those jobs. Conservatives, in this case our friends here, the United Conservatives, like to say that, well, they're better for the economy, but here we are. They're giving away \$4.7 billion to corporations. According to their archaic way of thinking, by giving this money away to big corporations, somehow that money is going to trickle down to the rest of the people and is actually going to benefit our economy. What we're seeing is the exact opposite even though we warned this government early on.

An Hon. Member: Early on.

Member Loyola: You liked that, eh?

Early on we told them. We actually told them: look, this antiquated way of thinking about the economy is not going to work.

Member Ceci: We told them all.

11:50

Member Loyola: We told them all, and repeatedly we told them. Repeatedly we told them, time and time and time again, but, Madam Chair, they didn't want to listen to us. They didn't want to listen. They just . . .

Member Ceci: Put earplugs in.

Member Loyola: . . . quite literally put earplugs in, put earplugs in their ears right here in the House and decided not to listen to us warn them.

You know, like, you look at jurisdiction after jurisdiction after jurisdiction, and you see that they've tried to implement this particular economic policy only to watch it fail time and time again, whether they've done it over in other places in Canada or whether they've done it throughout the United States, but somehow these United Conservatives were convinced that if we try just one more time, maybe this time it'll be different.

You know, all the power to them because obviously they have it, but it didn't work out in their favour, and here we are with a lagging economy made even worse by this global pandemic that we're going through. It's absolutely essential that we do everything that we possibly can. That is why, here on this side of the House, we're trying to do this government a favour and make sure that we help them pass a piece of legislation that actually has some teeth, that'll actually help Albertans, at the end of the day. That's why I have introduced this particular amendment on behalf of the Member for Calgary-Mountain View to include refined fuels back in Bill 72 the way that it was intended, the way that we did, the way that it would have been better for the people of Alberta.

I suggest to all the members of this House that they please vote in favour of this amendment.

The Chair: Any other members wishing to join debate on amendment A1? The hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you very much, Madam Chair. I wanted to bring forward an amendment myself this evening, but I guess the opposition here beat me to it. I compare my amendment to theirs, and it's actually word for word the same, so obviously I will be supporting this amendment.

I think, first of all, I want to say that Bill 72, Preserving Canada's Economic Prosperity Act, is a very important bill for Alberta and for Albertans. It's important for our energy industry and for our position within Confederation. Obviously, myself, I'm pro oil, I'm pro responsible development, and I'm pro the protections of Albertans' interests. This bill is required because of the actions of those who have protested and vilified our energy industry. This is a critically important tool for Alberta's tool box, and for those reasons, I will of course be supporting this amendment and of course this bill, too.

I think by having this amendment, this bill will be dramatically improved. The problem with this bill as it sits now is that it excludes gasoline, diesel, jet fuel, basically all the consumer fuels. In doing so, it removes the political pressure, which should be the meat of the bill. That's why this amendment is important.

The question is: how does excluding refined fuels like gasoline, diesel, and aviation fuel allow the bill to balance effectiveness against the risk of legal challenges when the government bill proposes blocking two significant product types, natural gas and crude oil? That's all this bill blocks, which are, of course, our major exports that go to markets beyond British Columbia.

Here's what we do know from the courts. The Federal Court of Appeal has set aside an injunction granted to B.C. in its

constitutional fight over Alberta's so-called turn-off-the-taps legislation. Until Alberta actually imposes restrictions on exports through action taken pursuant to the act, that constitutional dispute has yet to arise and may not arise at all. Put otherwise, the decision says that the dispute as it currently stands remains more theoretical than real. That means we should still do this with refined fuels included.

The fuels in the current bill before the House are export fuels. That means we are being asked to pass a bill today that affects the products that would cause the most harm to Alberta. These are products that normally go beyond British Columbia to foreign exports. Including refined fuels means that we could decide later if we'd like to use them or not, leaving those options open for what we can withhold, leaving more tools in the tool box.

Now, I came across an interesting article while researching this bill, and in essence it says, "One way to hurt B.C. consumers without simultaneously shooting Alberta in the foot would be to stop shipping gasoline and diesel through Trans Mountain and use the pipeline exclusively to pump diluted bitumen." So what it's saying there is, of course, that if we want to hurt ourselves, we shut down our bitumen that we're shipping through the pipeline. If we want to put some pressure on British Columbia, then we stop their gasoline and diesel and jet fuel. Of course, then that would apply more pressure to them. That would have an effect on the prices at B.C. gas stations. It would effectively cut off the province's supply of Albertan refined products.

Diluted bitumen is purely an export product, and I understand that the Burnaby refinery can't process it. Meanwhile thousands of barrels more of diluted bitumen flowing out of Alberta would mean more profitability for the oil sector, so if we reduce the amount of diesel and gasoline and jet fuel going through the pipeline, we could send more diluted bitumen, which, of course, is something that we have a problem getting to the export markets, so that would be helpful to us. Western Canadian select, the primary variety of oil produced in Alberta, is sold at a significant discount for the simple reason that there are few ways to get it to global consumers. Thus, the more diluted bitumen that can be pumped onto Port Metro Vancouver tankers bound for China and other places, the more that discount drops on that product that we rely so much on to sell.

This bill actually does the exact opposite of this. It allows us to block crude oil and natural gas from going to the markets that we want to sell to but doesn't actually restrict the products that the people in British Columbia use, which, of course, removes the lever that we would like to have in dealing with some of our counterparts across Canada. The plan laid out in this Bill 72 risks the most damage to Alberta whereas blocking refined fuels would have an immediate impact at the pumps in British Columbia. Obviously, I think the previous turn-off-the-taps legislation had refined fuels in there, and obviously removing that does make this bill weaker than the previous bill, when we had all the options on the table and all the levers that we could use to apply pressure.

I think this bill is important to Albertans. I think what's important is that Albertans see that this government is doing something for them, that it's protecting their interests and doing it in the most effective way possible. I think this amendment is something that the government needs to seriously consider. I think it's something that Albertans would expect. I don't think that they would expect that the turn-off-the-taps legislation would be weakened by this government. I think this is an opportunity to strengthen this bill and actually represent Albertans better and have more tools in the tool box to deal with some of our neighbours that may not be as agreeable to having our products travel through their province as we would like.

Obviously, this is an industry that is very important to Alberta and important to Albertans. Of course, this bill doesn't just count going west with our product but east and south also. I think we need to pass this amendment, make sure that this bill is as strong as possible for Albertans so that we can protect their interests the best way we can.

Thank you.

The Chair: Any other members wishing to join debate on amendment A1? The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Madam Chair, thank you very much. It's my pleasure tonight to rise and speak in support of Bill 72 and this amendment. Supporting Bill 72 is not a decision that I arrived at easily. You see, supporting Bill 72 and this amendment isn't anyone's first choice, but it's an absolutely necessary tool in the tool kit of resource movement, free trade, and getting Albertans back to work.

12:00

Madam Chair, in a world where Northern Gateway, Energy East, and Keystone XL pipelines were approved and under construction, this bill would not even be necessary. But the fact is that under Ottawa's Bill C-69, the no-more-pipelines legislation, of course, it is highly unlikely that another coastal pipeline will ever be approved. Also, for this government, elected on a platform of jobs, economy, and pipelines, this current state of affairs must be an embarrassment. The truth is that after two years in office this government has very few accomplishments it can point to when it comes to pipelines or even defending our energy sector.

The government was elected to oppose carbon taxes, but its lobbying efforts have been effectively worthless, with the federal government now actually increasing carbon taxes beyond previous commitments. When the American President opted to kill Keystone XL, this government begged and pleaded with Ottawa to speak up, only to be rebuffed, only to have the Prime Minister not even raise his eyebrows. When we lost EnCana and when Teck cancelled the Frontier project, sure, this government authorized some terse letters, but of course nothing came of that. Alberta's government is great at stringing together a list of demands, but Ottawa has clearly judged our rhetoric to be empty. The situation has been handled so poorly at this point that nothing – nothing – will change until Alberta puts some real consequences in the window for all these federal and other provincial attacks on our top-drawer energy industry.

Madam Chair, that, as I understand it, is where Bill 72 and this amendment, that improves Bill 72, come into play. This is our last big play. Shutting off the taps is our nuclear option. This is where we get tough, finally, and we draw a line in the sand. Or at least that's what I thought. That's what it's supposed to be. I can't help but wonder if Ottawa will interpret this bill somewhat differently upon reading it. As mentioned, you see, compared to its predecessor, which was supported by the courts, this Bill 72 is actually much weaker.

Under Bill 72 from this government Alberta may shut off the taps only for unrefined fuels, products like crude oil or natural gas. Bill 72 does not allow us to shut off the taps on refined fuels like gasoline, diesel, aviation fuel, and locomotive fuel. So we'll be shutting off the taps on the products that actually flow through for export, creating Alberta jobs, creating Alberta opportunities, and this government has us not shutting off the taps on actually getting other Canadians' attention. I understand that what flows through Trans Mountain services and provides about 300 gas stations in British Columbia. Could you imagine 300 gas stations with no product? I've read estimates that the price of gas would go up between 5 cents and \$2 a litre. Vancouver airport, Canada's second-

busiest airport, and this government have made it so we can't put some leverage and some pressure on that. It's inconceivable.

I'm very, very grateful to be here representing Cypress-Medicine Hat for three terms. I remember when Trans Mountain was at about the halfway mark, at, you know, three or four years of progress. And the B.C. government actually was going to be paid over a billion dollars by Albertans just to have the pipeline go in the same right-of-way as the existing pipeline. Madam Chair, it would have been the first time one province paid another province just for the right to transport an economic good across their province. Tit-for-tat.

Upon learning this, upon learning that we excluded the refined fuels like gas for cars, diesel for trucks, aviation fuel for airplanes, and locomotive fuel, I ask: why? If we're crafting legislation to potentially enact Alberta's nuclear option, why are we watering it down?

As I see it, there are only two possible explanations. The first is that the minister isn't much of a poker player. If she were a poker player, she would understand that tipping our hand before we've been called is terrible strategy. She would also understand that weakening her own legislation may be interpreted as a bluff. And why wouldn't it? Why would Ottawa take us seriously on any of these issues at this point? With every single pipeline project shelved and every energy industry setback that Alberta has experienced over the past two years, this government has ultimately backed off and folded. If we command no respect on Parliament Hill, this government shares that blame.

Madam Chair, the second possibility is that this government has arrived at its moment of truth and has suddenly gone completely gun-shy. In opposition the UCP constantly challenged the former government on doing more to draw a line on Ottawa. On this issue in particular, we challenged the former government's willingness to challenge the status quo. Now here's this government weakening our legislation in hopes that we won't face further legal challenges. Guess what? If we reach a point where we must enact this legislation, it's going to be challenged regardless. Backing off now doesn't strengthen Albertans' hands; it makes us weaker.

This is why I am supporting this amendment to the legislation to include both refined and unrefined fuels to make this tool strong. You don't bring a knife to a gunfight, not if you want to win. Passing this legislation could be a turning point in our relationship with Ottawa, with this amendment, and I hope that it's unanimously supported. Weakening it, Madam Chair, sends exactly the wrong signal not only to Ottawa, but it sends the wrong signal to Albertans, and Albertans deserve better.

Colleagues, I ask you all to support this important amendment.

The Chair: Any members wishing to speak to amendment A1? The hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you very much, Madam Chair. I just wanted to clarify something. I said the pipelines going south, but obviously if they're going south across the U.S. border, that's actually a federal issue, and this bill deals with just provincial pipelines.

Obviously, I think this amendment is important to make this bill stronger and more effective, and if it's more likely to be challenged in court, that obviously means that it's more likely to be effective also. That's why we need to have this tool in the tool box to be able to have this opportunity to cover these other products that would go through the exact same pipeline. I mean, if we're talking about turning off the taps, I don't know why we would be turning off the taps for some things and not other things when we could have the maximum opportunity to use these tools as they're meant to be used. That's obviously why this bill is before the House.

I would encourage everyone to support this amendment. Thank you.

The Chair: Any other members? The hon. Member for Athabasca-Barrhead-Westlock.

Mr. van Dijken: Thank you, Madam Chair. I stand and I do not support the amendment as being presented. I think what this House has to recognize is that we're dealing with two separate products, a perishable product and a nonperishable product. We deal with crude oil, natural gas, bitumen as essentially a nonperishable product, and the members opposite would like to see us move in a direction to also add perishable product to the list of those items that would be subject to the actions in Bill 72. We talk about gasoline: a typical shelf life of three to six months. Diesel fuel may be up to a year of shelf life.

12:10

We're also talking about two different ownerships. When we talk about crude oil, when we talk about bitumen, when we talk about natural gas, essentially, the resource extraction companies that have partnered with Albertans to harvest these products from beneath our feet have made a contract together to say: Albertans have ownership of the product that's coming from out of the ground. The resource extraction companies come along and harvest these products in a partnership. And then, when they have it harvested, they pay their royalty, and when they pay their royalty, they have full ownership of that product.

When they have full ownership of that product, do we, then, as Albertans want to be in a position where we are restricting their ability to actually market that product? I would suggest not. I would suggest that if we went down that road, then we go down a road which sets in motion a lot of concern over how government interferes with the natural flow of free markets. I can see how an argument could be made with regard to the nonperishable products, the crude oil and the natural gas and the bitumen, but that product is a product that we still own together until that company has paid royalty. So we have a certain amount of control over the amount of harvesting that we encourage to happen.

You know, I think it's one thing to talk about teeth in a bill, but it's another thing to set in motion restrictions that could be deemed negative to investment in resource extraction and refining in this province. So I will not support this amendment. I believe that it's probably an amendment that would not stand up in court, to begin with, based on ownership of the product and who's really in control of the product at the time, after refining. I encourage everybody to not vote in favour of this amendment.

The Chair: The hon. Member for Central Peace-Notley.

Mr. Loewen: Yes. Thank you very much, Madam Chair. Just, I guess, in response to the previous member's comments, he mentioned about perishable product. Obviously, these actions would be temporary actions, whether it would take months or weeks to accomplish something. I think that's pretty fair to say.

Also, about the two different types of products: both are marketable products. Whether they're refined or not refined, they're both marketable products. As far as free markets go, obviously, with the Sturgeon refinery, that the government has invested a lot of money in – I think we own a portion of that; the people of Alberta actually own a portion of that, too.

I just want to point out that the previous bill, that had actually run out, that we're replacing, had refined fuels in it. We never had a problem with it then, so I can't see why we'd have a problem having this in here now. I think there's a pretty good case to suggest that

this would be an appropriate plan of action, to have this amendment passed, have it added into the bill so that we can have the most effective bill possible for Albertans.

Thank you.

The Chair: Any other members to speak to amendment A1?

Seeing none, I will call the question.

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

[Several members rose calling for a division. The division bell was rung at 12:14 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Barnes	Gray	Loyola
Ceci	Hoffman	Stephan
Dach	Loewen	Yao
Feehan		

12:30

Against the motion:

Aheer	Jones	Schulz
Amery	Long	Sigurdson, R.J.
Armstrong-Homeniuk	Lovely	Singh
Copping	Nally	Smith
Dreeshen	Neudorf	Toor
Ellis	Nicolaides	Turton
Fir	Nixon, Jeremy	van Dijken
Hanson	Panda	Walker
Horner	Rehn	Williams
Issik	Rutherford	Yaseen

Totals:	For – 10	Against – 30
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[Motion on amendment A1 lost]

The Chair: We are back on the main bill, Bill 72, in Committee of the Whole. Any members wishing to join debate? The Member for Lesser Slave Lake.

Mr. Rehn: Thank you, Madam Chair. It is an honour to have the opportunity to rise this evening and speak to Bill 72, Preserving Canada's Economic Prosperity Act. I'd like to start off my speech by taking a moment to recognize the importance of our natural resources industry. As all members of this Legislature must surely be aware, the efforts of the many thousands of Albertans who work within this sector have an outsize impact on the economic health of our province. From the bottom to the top the energy sector has driven our province's success. Not only has it put food on the table for so many; it has provided great incomes for many and has created thousands of related jobs in a broad variety of industries. It has enabled the construction of buildings and infrastructure in Slave Lake, High Prairie, Red Earth, Wabasca, and also those big, beautiful towers in Calgary. It has been key to maintaining and continually improving the high Albertan standard of living for everyone who calls this land home. Suffice to say, I am proud to stand with our energy and resources industry. It is my hope that this Legislature is as proud of our energy industry as I am.

This brings me to the heart of Bill 72. Bill 72 is not so much about controlling interprovincial energy exports. It is fundamentally about standing with our energy sector and making it crystal clear to our neighbours that we will never back down in our support of our

energy industry and that we will never give up fighting for the ability to get our resources to market.

Madam Chair, what strikes me as the impetus for Bill 72 is proper due diligence and an effort to cover all of the bases, so to speak, with regard to resource development. Canada gets ahead when we work together. It's a Canadian value; it's an Albertan value. Unfortunately, we see, however, that some of our provincial neighbours are not so interested in working together when it suits them politically. While we as Members of this Legislative Assembly are well versed in the advantages of moving energy through pipelines as opposed to rail and truck, clearly others are not. While we understand that pipelines are the most environmentally friendly way to transport energy, others either do not understand this or choose to ignore this in favour of political expediency.

We all have a role to play in protecting and enhancing our environment for future generations, and we must act on our environmental priorities. We cannot be blind to facts and realities while we do so, though. Decreasing our carbon emissions is a worthwhile goal and one that I believe we can make progress towards. We're not going to achieve decreases in emissions through the reality-blind, keep-it-in-the-ground mentality propagated by the loudest voices. The only real path to decreased emissions, Madam Chair, is through realistic measures and technological advances: realistic measures like replacing rail and truck transport with pipeline transport; technological advances like improved fuel economy in our vehicles, homes that require less energy to heat, and production methods that continue to push down environmental impact.

I readily admit, however, that this does not make for a catchy slogan. Because of antienergy groups' misinformation, in some instances people see it as much easier and more attractive to protest against new pipelines and expanded pipelines, but it's simply worse for the environment. The demand for energy is not so elastic that the failure or cancellation of a pipeline results in less fuel consumed. All it means, Madam Chair, is that the fuel will be trucked around or shipped by rail, and the data is clear that those methods of transport are significantly worse for emissions and the environment than energy shipped by pipeline. This, sadly, is the political reality, though, in some of the provinces in our country.

This is why covering all of our bases in defence of the energy sector is necessary. While our province can and must do everything it can to negotiate with other provinces, our position must have teeth. Bill 72 is about ensuring that we have those teeth to defend our resource sector. When we need to make it clear that we're serious about getting our energy to market, we need to have the power to enforce those words. Bill 72 is about enforcing those words. That is why it is critical that we pass this bill into law.

I'd like to take a moment to address one of the key concerns raised by the opposition about the difference between the original bill of this name and the current version, the removal of the reference to refined fuels. That original bill faced a court challenge, and it centred around refined fuels. We won that court challenge; we confirmed that we have the right to protect our provincial interest and control our interprovincial energy exports. Much like the aim of the bill generally is to cover all bases in defence of our energy sector, I see that the removal of the reference to refined fuels is covering all our bases in the legal sphere. While we won the court case against the original iteration of this law, there's no guarantee

that we'd win again if this law were to be challenged by antienergy interests again. That is why, Madam Chair, it is key that we cover all of our bases with regard to potential legal challenges. Justice delayed is justice denied, and future litigation against Bill 72 could serve to render it without any impact even during a temporary injunction. That is something we have to prevent.

I'm coming to the conclusion shortly. I hope that through my speech today there's no doubt where I stand on Bill 72. I believe this Legislature must pass it, must pass it swiftly, and must pass it unanimously. It is crucial to the future of our energy industry, future of our economy, and, indeed, future of our province as a whole. I cannot support this legislation any stronger, Madam Chair. It has been a great privilege to stand up and speak to it, and I urge this House to make this bill law.

Thank you.

12:40

The Chair: Hon. members, you'd never know who tunes in at this hour. Please join me in welcoming Speaker Dawson Rowe. He's the Speaker of the Students' Legislative Council at the University of Calgary and maybe a future Speaker in the Alberta Assembly.

Are there any other members wishing to speak to Bill 72 in Committee of the Whole?

Seeing none, I will call the question.

[The remaining clauses of Bill 72 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Any opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Nally: I move that the committee rise and report Bill 72 and report progress on 66 and 58.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. van Dijken: Madam Speaker, Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 72. The committee reports progress on the following bills: Bill 66 and Bill 58. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Aye.

The Deputy Speaker: Any opposed, please say no. Carried.

The hon. Associate Minister of Natural Gas and Electricity.

Mr. Nally: Madam Speaker, the clock does not lie, and it is definitely late, and we've made some pretty good progress here tonight, so I move that the Assembly be adjourned until 9 a.m. Wednesday, June 9, 2021.

[Motion carried; the Assembly adjourned at 12:43 a.m. on Wednesday]

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