



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Tuesday evening, June 15, 2021

Day 115

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
Pitt, Angela D., Airdrie-East (UC), Deputy Speaker and Chair of Committees
Milliken, Nicholas, Calgary-Currie (UC), Deputy Chair of Committees

Aheer, Hon. Leela Sharon, Chestermere-Strathmore (UC)
Allard, Tracy L., Grande Prairie (UC)
Amery, Mickey K., Calgary-Cross (UC)
Armstrong-Homeniuk, Jackie,
Fort Saskatchewan-Vegreville (UC)
Barnes, Drew, Cypress-Medicine Hat (Ind)
Bilous, Deron, Edmonton-Beverly-Clareview (NDP)
Carson, Jonathon, Edmonton-West Henday (NDP)
Ceci, Joe, Calgary-Buffalo (NDP)
Copping, Hon. Jason C., Calgary-Varsity (UC)
Dach, Lorne, Edmonton-McClung (NDP),
Official Opposition Deputy Whip
Dang, Thomas, Edmonton-South (NDP),
Official Opposition Deputy House Leader
Deol, Jasvir, Edmonton-Meadows (NDP)
Dreeshen, Hon. Devin, Innisfail-Sylvan Lake (UC)
Eggen, David, Edmonton-North West (NDP),
Official Opposition Whip
Ellis, Mike, Calgary-West (UC),
Government Whip
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)
Hoffman, Sarah, Edmonton-Glenora (NDP)
Horner, Nate S., Drumheller-Stettler (UC)
Hunter, Hon. Grant R., Taber-Warner (UC)
Irwin, Janis, Edmonton-Highlands-Norwood (NDP),
Official Opposition Deputy Whip
Issik, Whitney, Calgary-Glenmore (UC)
Jones, Matt, Calgary-South East (UC)
Kenney, Hon. Jason, PC, Calgary-Lougheed (UC),
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LaGrange, Hon. Adriana, Red Deer-North (UC)
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Lovely, Jacqueline, Camrose (UC)
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Nielsen, Christian E., Edmonton-Decore (NDP)
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Nixon, Jeremy P., Calgary-Klein (UC)
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Leader of the Official Opposition
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Pancholi, Rakhi, Edmonton-Whitemud (NDP)
Panda, Hon. Prasad, Calgary-Edgemont (UC)
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Pon, Hon. Josephine, Calgary-Beddington (UC)
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Rutherford, Brad, Leduc-Beaumont (UC)
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Deputy Government House Leader
Sawhney, Hon. Rajan, Calgary-North East (UC)
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
Shandro, Hon. Tyler, QC, Calgary-Acadia (UC)
Shepherd, David, Edmonton-City Centre (NDP)
Sigurdson, Lori, Edmonton-Riverview (NDP)
Sigurdson, R.J., Highwood (UC)
Singh, Peter, Calgary-East (UC)
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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Rick Wilson	Minister of Indigenous Relations

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Martin Long	Parliamentary Secretary for Small Business and Tourism
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Standing Committee on Alberta's Economic Future

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Loyola
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Shepherd
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Sweet
Yaseen

Special Standing Committee on Members' Services

Chair: Mr. Cooper
Deputy Chair: Mr. Ellis

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

Standing Committee on Private Bills and Private Members' Public Bills

Chair: Mr. Ellis
Deputy Chair: Mr. Schow

Amery
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Getson
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Nielsen
Rutherford
Sigurdson, L.
Sigurdson, R.J.

Standing Committee on Privileges and Elections, Standing Orders and Printing

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Select Special Committee on Real Property Rights

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Standing Committee on Resource Stewardship

Chair: Mr. Hanson
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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, June 15, 2021

[Mr. Milliken in the chair]

The Acting Speaker: Please be seated.

Government Bills and Orders Committee of the Whole

[Mr. Milliken in the chair]

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

Bill 58 Freedom to Care Act

The Deputy Chair: Are there any comments, questions to be offered with respect to this bill? For clarity, we are on amendment A3 as well. I see the hon. Member for Edmonton-Mill Woods has risen.

Ms Gray: Thank you very much, Mr. Chair. I'm pleased to be able to speak to Bill 58 at Committee of the Whole once again on this third amendment, which is one that I think is incredibly important.

Now, up until this point in Committee of the Whole I've really appreciated the opportunity to go back and forth, engagement with the minister, with the government caucus on this bill, because the issues are so serious. I'm hoping that through tonight's examination of Bill 58 we might be able to get into some more specifics. When we introduced the amendment that would disallow cabinet from essentially designating someone as being a nonprofit, the minister in her response really stated a few things that are obviously her intentions, but they aren't in the bill itself. We are not debating the minister's intentions; we are debating what the bill says and does. Specifically, the minister implied that any designating of nonprofits would only be done in emergency circumstances, and that collar is not in the legislation. The minister implied that it would be for a short period of time. Again, I don't see that in the legislation. So we're talking about what the minister intends but not what's in the legislation.

The minister also talked about all of these exemptions being published on a government website in the most transparent way possible. Again, the minister's intentions; that's not actually in the legislation other than the annual report. As we continue to talk about these important amendments, I really hope we can talk about what the legislation says. Certainly, the minister's intentions in bringing this forward are important, but the minister will not have that job until eternity. Other people will be interpreting this legislation, and that will be based on the words and what the legislation actually says and does, and right now it says and does a number of troubling things.

We are currently on an amendment to limit those exemptions. Right now this bill can be used to exempt anyone the government deems to be a nonprofit from regulations. That's problematic because there are some very, very important regulations that should not be temporarily waived. This amendment prohibits nonprofits from asking to be exempted from employment standards regulations, an important piece of legislation that sets a baseline for employment in this province. Given all of the scenarios of making sandwiches that the minister has used to demonstrate the need for this, paying someone less than the minimum wage has not been one of those examples. Exempting someone from their basic rights as a worker has not been part of the examples. This amendment, which

in a very straightforward way simply removes the ability to exempt someone from the employment standards regulation, to me makes sense and aligns with the minister's intentions.

Secondly, this amendment would prevent exemptions from the Occupational Health and Safety Code, the piece of legislation that makes sure workers are kept safe when they are working and sets those minimum standards for health and safety. Again, in none of the scenarios the minister has talked about through this fulsome debate has exempting someone from occupational health and safety or employment standards been used, so I can presume it is not the government's intention or the minister's intention to exempt someone from these types of regulations.

However, when I read the legislation, it completely allows it. This is where we get into the problems of the difference between the minister's intentions and what the legislation actually does. This amendment will help to bring into alignment more closely those intentions and the actions. I think that this amendment is particularly reasonable when we consider what our province has been through in this pandemic and how important employment standards and occupational health and safety have been throughout the delivery of care.

Now, the Freedom to Care Act: freedom to care should not mean exempting organizations, no matter how well intentioned, from basic minimum safety standards and from those minimum employment standards. I certainly appreciate everyone who has entered into the debate on this piece of legislation and on these amendments, and we have had some very good back and forth with the government on various aspects of this, which I appreciate, but when it comes down to the decision of supporting this bill or not, when it comes down to the decision of what I am going to tell stakeholders this bill does, the minister's intentions don't play into it. It's about what the legislation says and does, and this piece of legislation creates giant loopholes.

The amendment has already been defeated that has to do with the government designating people nonprofits for the purposes of this act. This amendment, I hope, will get the full support of all members because of the implications of employment standards regulations or the Occupational Health and Safety Code being waived given that there's been no signal from the government that that's what they want to use this legislation for. Let's reassure the stakeholders that we are not the only ones who have noticed this, Mr. Chair. I've been in contact with a number of stakeholders concerned about the giant, gaping potential holes this legislation might introduce. Certainly, this amendment would close one of those holes and improve this piece of legislation.

I hope all members will give this amendment their full support. Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Are there any hon. members looking to join debate on A3? I see the hon. Leader of the Official Opposition.

Ms Notley: Well, thank you very much, Mr. Chair. It is a pleasure to be able to get up and speak to Bill 58, interestingly referred to as the Freedom to Care Act, which could otherwise be referred to as the Freedom to Drive Multiple 18-wheeler Trucks through Even More Loopholes Act. It is a very troubling piece of legislation.

Mr. Chair, I would say that, you know, in the many years that I've had in this House where we've looked at legislation, whether I've done this in the opposition and we've gone through the legislation clause by clause and looked at how it was drafted and what it was intended to do and talked about what the stakeholders had to say and looked at the connection between what the stakeholders were urging, whether it be in the public or whether it

be through previous written advocacy or whether it be through their conversations with us when we reached out to them to find out what their concerns were, whether it was in that role or whether it was in the role of writing legislation and looking at legislation at cabinet to determine whether or not this was the best way to go forward with the piece of legislation, whether it was well crafted, whether it was written in a way to get to the objectives identified, I have to say that in those many, many years of doing that work, it is rare – it is quite rare – that I've seen a government sort of stride into this Assembly and attempt to pass a piece of legislation written with as much overreach in it as this one.

It's troubling because, of course, there have been lovely little communications pieces and, as the Member for Edmonton-Mill Woods has just identified, there have been lovely little declarations of intent in the House, but as she rightly states, that is not what is written in this piece of legislation. Instead, what is written in this piece of legislation is an unprecedented opportunity to run roughshod over multiple efforts on the part of many stakeholders over many years to achieve worthwhile public purposes like, oh, the minimum wage, like ensuring the right to refuse unsafe work if being directed to do something that might actually make you put your life at risk. I mean, there are a lot of other things as well, but those are two pretty big ones.

7:40

The point is that this bill does not do what the members opposite say. As I say, in my experience, I've never really come across a more widely drafted piece of legislation attached to such a narrow alleged purpose.

All of us appreciate and honour the work of nonprofits throughout our province. We appreciate those nonprofit groups and volunteer groups that do a broad range of things to make life in our province better for our citizens, and we very much appreciate the people that particularly do it as volunteers. This is not about that.

Certainly, you know, we also are very keen to do anything that can be done to create jobs and grow the economy in Alberta because that's also another very important objective. But this is also not about that.

In fact, we know, as members in our caucus have already identified, that we have reached out to people within the sector to say: "Well, what were you asking the government for? Were you asking for permission to completely go behind closed doors and rewrite the rules of civil conduct for yourself in order to be able to do your job with absolutely no constraints?" They said: "No. That wasn't what we were looking for. What we were looking for, actually, were more grants, more streamlined grant applications, potentially the ability to not have to create a new project every year when trying to get funding for a well-proven project with a very clear objective; please don't make us go through the red tape of creating a new project to get the same grant that we've gotten each year" – those kinds of things.

That's what I've heard from nonprofits and particularly those involved in charitable sectors. That's what they said generally. They never said: "You know what? I want to be able to go to cabinet and ask to not have to follow the Employment Standards Code." Not a single one of them ever said that. Nope.

It's interesting because, as the Member for Edmonton-Mill Woods pointed out, the minister herself was unable to give anything but the most minute of examples for why we would need this broad, broad-ranging power in this bill. I'm sure that it will come as no surprise to the members opposite that when Albertans these days are asked about who they trust and their level of trust in the government, it's not super high right now, Mr. Chair. It really is not super high. In fact, I would argue it's at really low levels.

Basically, the members of this caucus, this government, are coming in and asking us to approve a bill that gives the cabinet the ability to go behind closed doors and rewrite every piece of legislation for whatever body they decide deserves it, and we're supposed to trust them. Seriously? In the face of what we have seen over the last 18 months or even the last three months, that's what you want people to do, to believe that we should be able to trust you to do that? That's exactly what this bill does. How do we know that? Because we tested it. Originally there was a proposal to amend the bill so that we were not in a position of having anybody become a designated nonprofit for the purposes of this act.

Let me be clear. There are two categories of organizations that can enjoy the benefit of having all the rules rewritten for their special request. One category is the group that's defined as those nonprofits working for charitable purposes. Then you have the description of charitable purposes, and I will get into that in a moment, Mr. Chair. But just to be clear, that category doesn't just include, you know, the lovely lady down the street who's kindly making food and delivering it to her neighbours in the middle of a snowstorm. It includes massive private nonprofits, which are almost indistinguishable from corporations notwithstanding the fact that they are technically nonprofits. It includes groups like, say, for instance: Bethany Care Society, AgeCare, Covenant Care, Shepherd's Care, Park Place Seniors Living, Bayshore homes, Extencicare, Optima Living. Maybe not Extencicare; Extencicare right now is not a nonprofit. But those other ones I just listed are all nonprofits, and they allegedly provide services for charitable purposes.

What we're talking about here, as one example – and I'm sure there are lots of others that we haven't thought of – is these big corporate-type nonprofits which provide continuing care and seniors care to hundreds of thousands of Albertans who all of us love and care about very, very much. That's one group that gets to stride into the minister's office and ask her to go to cabinet and ask that none of the rules apply to them anymore. The other group, of course, is anybody else that the cabinet wants to designate that way. That's what we see in section 1(g)(ii), that members of this caucus have already rejected our request to eliminate. That is the section that would essentially give the members opposite the ability to designate Walmart and Cargill as nonprofits.

To be clear, there is nothing in the way this legislation is written that limits the members opposite from designating Walmart or Cargill as nonprofits for the purposes of this act. It seems unreasonable that the members opposite would want to do that. They say: "Oh, don't be ridiculous. You're seeing ghosts. You're making things up." Really? Well, then, how about you find a way to rewrite this act so it doesn't give you the authority to do just that? That's what it does right now. You don't have to be a lawyer to see it, but, frankly, there are a few lawyers over here, and we see it.

Now, that being said, the other thing that concerns us – because it was quite shocking that members opposite felt that they needed the ability to do this, and they weren't prepared to ask their drafters to come up with a more precise collar on the flexible situations within which they might need to slightly expand the definition of a nonprofit. But the second issue, of course, is the fact that for whatever purpose, for whatever reason, they can just go in and eliminate whatever standard applies to that entity in the course of its operations. That is, of course, why we have this amendment in front of us now.

This amendment is designed to exempt certain standards from the exemption. It's an exemption from the exemption. Again, are we seeing ghosts? Are we making things up? Are we thinking that you folks are planning on making sure Cargill, you know, doesn't have to worry about workers' compensation and health and safety and

the right to refusal anymore? Well, you know what the best way is to prove to the world that the legislation, that is written in exactly the way to ensure that that happens, doesn't do that? Change the legislation, and agree to the amendment that we're putting forward.

That's what this would do. It would say: no matter what, you cannot exempt these entities from the obligation to follow the rules of the Employment Standards Code and health and safety legislation. Now, why would that matter? To be clear – and that's the other thing. Let's read this thing. You know, every now and then people talk about: oh, this is just about taking care of volunteers. Part 2 of the legislation has nothing to do with volunteers. It applies to every single employee that is employed by whatever organization is either a nonprofit as described in here, doing things for charitable purposes, or is itself designated because it happened to be that cabinet went behind closed doors and decided to designate it for no other reason other than they were asked and they decided to say yes. This is about protecting their employees.

Do groups for benevolent purposes sometimes make mistakes? Well, I don't know. Canadian Blood Services, people: let's think about that one for a minute. That was a nonprofit. You may have heard about that problem that existed. Under this legislation, if this government were in charge of that, they could exempt them from liability. They could exempt them from ensuring the standards to ensure that our blood supply wasn't infected. That is a group that would fall under the charitable purposes description that is currently in this legislation.

Now, I'm not talking about them right now. Let's talk about something that's closer to our heart and closer to what we've all been talking about and worried about in this House over the course of the last 18 months, and that is the care of senior citizens, who are also the citizens of this province. We know that seniors at a certain point in their lives may well need more care. They may get some of that care in the home, or they may get some of that care in a care home.

7:50

The broad range of groups out there that provide that care, whether it's in a home or whether it's in a private home, are often employed through nonprofit corporate entities, which absolutely fall into the descriptions that are defined in this bill, who absolutely do provide care – hence, the Freedom to Care Act is not even really that ridiculous of a name – but who absolutely themselves need the protection of the Employment Standards Code, the workers' compensation system, and occupational health and safety. Why is that? Well, many of you will probably think – well, I don't know how many folks over there think about how dangerous it is to go to work each and every day and the kinds of accidents that can happen to people and the kinds of things that can actually kill workers such that their children never have them come home.

We often think about people who work in very dangerous lines of work, you know: police officers, firefighters. We think of people who do really intense industrial work. Those are definitely dangerous types of work, but do you know what the most dangerous type of work is? Caring for senior citizens. Do you know what the profile is of the person most likely to be doing that work? It's a woman. And is she also very likely to be racialized? You betcha. The stats not only say that that racialized woman is more likely to suffer an injury at work that results in her need to get medical care and lose the ability to actually go to work because she has been so significantly injured; that person is also statistically the most likely to be the victim of violence.

It's a sad reality. We don't think about it a lot, but sometimes when folks age and they lose their understanding of their surroundings around them, they get scared, and they lash out.

Statistically speaking, it's been clearly the case that for years it's not police officers who are the most likely to be victims of violence when they go into work each and every day. It's not corrections officers who are the most likely to be victims of violence when they go into work each and every day. Do you know who it is? It's women, primarily racialized women, who work for these nonprofits that are theoretically working to provide charitable services, including health and certain forms of care. And they are doing it. Don't get me wrong. They are doing it. We need those folks, but those people go into work each and every day, and they are confronted with risk.

Now, that's not even to talk about the level of risk that they have been confronted with over the last 18 months because of COVID, accelerated and exaggerated far beyond what was necessary because of the incompetent management of the pandemic by the members opposite. Let us just say for sure that we know these folks are subjected to danger in their workplace.

The reason I talk about this is because, you know, we talk about government regulation, and folks over there love to go on endlessly about red tape. "Oh, red tape is just bureaucratic stuff, and it just kills jobs, and oh my. It's the worst thing ever." In my mind, almost the genesis of red tape were the rules that started to protect people from being forced by their employer, in order to earn the measly wage that would allow them to bring some form of food back to their children and their family, to allow them to not do that and to allow themselves to keep themselves safe when working in industrial settings way back 200, 300 years ago as the economy started to evolve. That is kind of the genesis, one of the two or three key geneses, for the so-called red tape. Others are environmental protections like don't dump your chemicals into the town water supply, for instance. I know. Folks over there call that red tape. We call that rules. Whatever.

What I'm taking about here is rules around safety, the most important kind of rules there are. If it is not the intention of the members opposite to allow a broad range of organizations that fall under either the, you know, nonprofit for charitable purposes definition or the, "hey, dude, I ran into a UCP cabinet minister last night, and he's going to get me exempted from a bunch of rules" category – if it is the case that the members opposite are not intending for the organizations that fall into either one of those two categories to be given the opportunity to conduct themselves less safely or in a way that ensures that their employees will be less safe, then the members opposite should, obviously, accept this amendment.

These are critical regulatory protections. These are regulatory protections that keep people safe. These are regulatory protections that stop people from being told to work and then not getting paid. That's actually called fraud, FYI. Most regular working people, those low-income, racialized women who are most likely to be victims of violence when they go to their workplace, also happen to be the ones who are most vulnerable to fraudulent actions when they go to work and someone decides they don't want to pay them. That's why we have rules like the Employment Standards Code to make it illegal to not pay people for the work that they do.

Why would members opposite want to allow those rules to be rules that these organizations, a broad, broad range of very, very large, powerful organizations – why would they want them to be able to be exempt from that? This is not about charities and removing red tape; this is about giving the members opposite an unprecedented level of authority and power to exempt a broad range of people from doing the bare minimum to keep their employees safe, to keep the people for whom they are caring safe, and to ensure that the basic rules of the workplace are respected.

I haven't heard from a single charity, complaining: "You know, we really wish that we didn't have to pay our employees. It would be so awesome if we could not pay our employees. That'd be, like, super cool." As a result, I would argue that this should be accepted.

The Deputy Chair: Thank you, hon. Official Opposition leader.

Are there any members wishing to join debate on A3, perhaps? My expectation is that there might be an intervening speaker for a very short moment, unless we are – I am prepared to ask the question on amendment A3.

[The voice vote indicated that the motion on amendment A3 lost]

[Several members rose calling for a division. The division bell was rung at 7:58 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Ceci	Ganley	Hoffman
Dach	Gray	Notley
Feehan		

Against the motion:

Allard	Luan	Schow
Amery	Madu	Schweitzer
Fir	Neudorf	Singh
Getson	Nixon, Jason	Stephan
Glasgo	Orr	Turton
Glubish	Pon	Walker
Goodridge	Rosin	Williams
Guthrie	Rowswell	Wilson
Hunter	Sawhney	Yao
LaGrange		

Totals:	For – 7	Against – 28
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[Motion on amendment A3 lost]

The Deputy Chair: We are back on the main bill, Bill 58, Freedom to Care Act. Are there any members wishing to join debate? I see the hon. Leader of the Official Opposition has risen.

Ms Notley: Well, thank you very much, Mr. Chair. That was extremely disappointing. Apparently, the need to protect working people from having their employment standards and health and safety rights removed from them by the stroke of a pen behind a closed door is not a thing that members opposite think is worth their time.

All right. Well, we've spoken so far about how this act could be abused in so many ways by Canada's least trusted Premier in terms of expanding its application to, say, Walmart or Cargill or anybody else they choose to. We've also spoken about the need to protect the people who work in the nonprofit, charitable sector as well as those who might work for, you know, Walmart or Cargill or Amazon or whoever else. In both cases the members opposite resisted either limiting the scope of this incredibly overreaching act or at least limiting the degree to which the rights of those who work for those who might enjoy the benefit of this incredibly overreaching act – ensuring their basic employment rights and safety.

So let's now talk about the very people who enjoy the care that might be provided by at least a subset of people who are very definitely intended to be covered by this act, those people who are nonprofits, who provide a charitable purpose, including, of course, health service and recreation service, all of which applies, well, to many, many organizations but certainly to those that provide

disability care services as well as support for senior citizens living in Alberta. I want to talk about how we can at least keep those people safe from any backroom decisions to meet with the friends and the insurance company lobbyists and all those other folks and remove the standards of care for those people: you know, your grandparents, your parents, those people who might need that kind of care.

What we are going to do is that we're going to propose another amendment. This amendment would – it's another exemption to the exemption power. It would prohibit the least trusted Premier in the country from going behind closed doors with his cabinet and removing the standards of care for seniors and those with disabilities who receive long-term care or continuing care in the province.

8:20

What this amendment will do – and I will propose it and pass it around in just a moment. What it would do is that it would say: "You, government of Alberta, cannot go behind closed doors and remove the basic standards of care that have been developed as a result of multiple judicial inquiries into deaths in the continuing care and disability care sectors. You cannot go behind closed doors and exempt these agencies from having to follow those standards." Just those standards; nothing else. They can still, you know, not necessarily pay their employees overtime or not necessarily keep their employees safe, but for the very people that they're caring for, they need to stick to the rules that are in place.

Mr. Chair, I propose, then, to introduce an amendment to this bill.

The Deputy Chair: I'll just allow the page to bring up the copies here, and then I'll provide just some instructions for the room generally and then offer you the opportunity to continue remarks should you choose to.

All right. Hon. members, this amendment will be referred to as amendment A4. As is the case normally, you can raise your hands and one will be delivered to you. There will also be copies at the tables at the entrances to the Chamber.

I would also just take this opportunity to remind all members to – if anything, this is just a reminder to ensure that the language that is used in this House doesn't tend to lead toward something that may be construed as abusive or insulting or likely to create disorder.

If the hon. Leader of the Opposition could please – I think that it might be beneficial for everyone to read it into the record, and then, with almost 16 minutes left, if you would like to have further comments, please go ahead.

Ms Notley: All right. Thank you, Mr. Chair. I move this amendment on behalf, actually, of the Member for Edmonton-Castle Downs. The amendment that that member proposes is as follows. She moves that Bill 58, Freedom to Care Act, be amended by striking out section 5(1) and substituting the following:

5(1) Notwithstanding any other enactment to the contrary, and subject to subsections (2) and (3), the Lieutenant Governor in Council may, by order, exempt a non-profit organization from the application of any regulations made under any other Act other than the following:

- (a) Nursing Homes General Regulation (AR 232/85);
- (b) a regulation that solely applies to non-profit organizations.

Mr. Chair, what this does is that this essentially adds sub (a). The substance of this amendment is the addition of sub (a). We are essentially saying that folks can go behind closed doors and talk to all their friends and remove the rules for all their friends on request, but the one rule they cannot play with is that which is included under nursing homes general regulation AR 232/85.

Not surprisingly, I'm sure folks here are wondering: what exactly is that? Well, the nursing home regulation AR 232/85 is a regulation that, of course, provides for a number of different standards in nursing homes. Bear in mind that when we talk about nursing homes, these also include homes that care for people with severe disabilities, so it's any exceptionally vulnerable Albertan. The regulation itself is not very long. It essentially outlines definitions, basic care, and then a nursing home contract, and I'm going to spend a little bit of time talking about that nursing home contract because that's where the guts of this really live.

Basically, that regulation, which we are suggesting ought not be removed by the stroke of a pen, behind closed doors, in a cabinet meeting led by the least trusted Premier in the country of Canada, says the following, that there are certain types of basic care that outline accommodation and meals, services in the facilities, necessary nursing services, personal services, therapeutic and special diets as required, drugs and medicine specified by the minister, routine dressings as required, and life-enriching services.

It goes on in section 4, this regulation that I would like you really to protect from being removed by the stroke of a pen, to identify that "a nursing home contract shall be in the form set out in the Schedule" and that "the following standards are deemed to be obligations of an operator under a nursing home contract." Allow me to stop there for a moment just to remind the folks there who are listening at home. Operators under a nursing home contract are the very nonprofits that these members have definitively said want to enjoy the benefit of this Freedom to Play By a Different Set of Rules Act. "The following standards are deemed to be obligations." This regulation says that the following standards are absolutely the obligations of a person running a nursing home contract. One is the continuing care health service standards, and two is the long-term care accommodation standards.

So here we get to the guts of this thing. Here we find the opportunity for the government to completely turn on its head years and years of work done to establish basic standards of care for Alberta's seniors and severely disabled, and through this act we're going to turn that up. We're going to blow it all up. Yeah. The members opposite might be saying – I see the Minister of Community and Social Services is in here – "That's not what we're going to do. We're not going to do that. You're reading this into the act." And I say, "I hope you're right." You know the answer to that? You approve this amendment. You say: "This one specific regulation will not be affected by this act. This one specific regulation will stay in place." That's the way to prove to me that this isn't about this, at the very end of the day.

Those two standards which are deemed to be obligations for all operators running nursing homes in Alberta are the ones that are the continuing care standards and the long-term accommodation standards. Let me walk you through what is in the continuing care health service standards, which are referenced in the regulation that I'm desperately trying to protect here. That standard has roughly 23 elements to it. To give you a sense of the kinds of things it covers, let me just run you through those, the continuing care health service standards: information on continuing care health service standards, wait-list management, client-family information and feedback, client concerns, how to promote wellness.

Communicable disease and infection prevention and control: people, this is the regulatory meat and potatoes for how we stop disease spreading in seniors' homes, all right? That's where you find it.

Standardized assessment. Client-family involvement in care planning: I'm sure many of you have heard from frustrated families who are unable to advocate for their loved ones in seniors' homes. These are the rules that govern that.

Integrated care plan. What's an integrated care plan? That is something that is put in place by a regulated health professional, typically a nurse, who is required to be part of the care team in these situations.

Service co-ordination. Client health information: that's about giving the senior or the severely disabled Albertan or the person who is acting on their behalf access to their medical records. Nurse practitioners: making sure that they're part of the scene. Continuing care health service providers. Physician services.

Here's a good one: medication management. Therapeutic nutrition and hydration: people should have food and water. That's what that one is about. Therapeutic services. Oral health. Seniors and severely disabled Albertans should be entitled to a certain standard of care when it comes to their teeth and their dental and their podiatry and their hearing and their vision services.

8:30

Specialized health services and medical emergency supplies: these are the things that are covered in this regulation. These are the rules that have been developed over years of work, and these are the rules that we are asking you, by accepting our amendment, to protect from the backroom, behind-closed-doors, stroke-of-a-pen removal. Understanding where you folks are sitting in the polls these days and understanding just how much trust Albertans have in your cabinet, I would suggest that it is in your best interest to fight, to actually vote in favour of this amendment, to save not only the people who you have been tasked with caring for but also the sleepless nights of the people who love them and, quite frankly, your own reputations.

Let me talk about some of the additional things that are in here. I'm going to get to later and talk about the long-term care standards because I will ultimately get to those as well, but this one also outlines the different levels of services provided in different nursing homes and different categories of nursing homes across the seniors and severely disabled care sector. It talks about, you know, whether you're in assisted living or whether you're in designated assisted living, whether you're in designated assisted living 1, 2, or 3 or whether you're in long-term care, and all of those bring with them different standards: different standards of care, different standards of safety.

Again, I mean, I've been around here for a long time. I've watched this document evolve. Unfortunately, I've watched this document evolve primarily in a reactive way as a result of watching things go wrong, as a result of scandal, as a result of families going public and describing care situations which are untenable for their loved ones. This standard is meaningful, and it's there to protect people.

All you've got to do is say that this standard will not be impacted by this ridiculous piece of legislation. You don't need to call it a ridiculous piece of legislation; that's me. You folks could just vote along with this and say that this standard will not be eligible for removal from random care homes depending on who they know and how they get attention, nor will they be eligible for removal as a matter of course because they fall under the definition of a nonprofit providing charitable care. These standards are so meaningful to people who are requiring and relying on this level of service and this kind of service.

Let me talk about – so I think these ones, if I'm not incorrect, Member, are in the long-term care standards still, right? Those ones? I'm looking at continuing care still. This is in the long-term care?

Ms Hoffman: Long-term.

Ms Notley: This is in the long-term care. I'll get to the long-term care in just a moment.

The continuing care standards document is the one that talks about staffing. It talks about the way the care is organized, and it talks about the level of care that needs to be provided in different sorts of homes. You know, I look at standard 1.7, for instance. Let's just talk about that. "Continuing care health services shall be provided in accordance with all communicable disease and infection prevention and control standards issued by Alberta Health." Let's think about that one for a minute, Mr. Chair.

We know the vast majority of people who passed away through this pandemic were people who were living in congregate care settings, primarily seniors and in some cases severely disabled Albertans. We know that those outbreaks happened and that they were not controlled. We know that there were recommendations – recommendations – that underpaid staff not move from care centre to care centre to care centre to care centre. We know that in other provinces, like B.C., for instance, they banned that, and they actually paid those workers so that they would not move from place to place to place to place, and we know that that action was not taken here.

So we had those workers moving from place to place to place to place. They had to do that in order to put food on the table. We therefore saw outbreaks move from centre to centre to centre to centre, and we saw them incapable of managing the outbreaks. The issue here is: are we going to raise the standard of care, the standard of infection control, the standard of outbreak management, the standard of communicable disease control, and if we do, are we going to put it into this document, which is where it lives right now? And if we're going to do that, why in heaven's name would we want to pass a piece of legislation that allows the cabinet to go behind closed doors and on a facility-by-facility basis eliminate it? Why would we do that? Is this the red tape you're really talking about getting rid of?

Communicable disease and infection: clients must "receive services that are provided in a manner that reduces risk of transmission of infections and communicable diseases." It then goes on for about a page and a half about how to do that.

The next one: "Continuing care clients are assessed for health service needs using a standardized comprehensive assessment tool." It goes on for about two pages, actually more like three pages, about how to do that.

Oh, here's a good one. "Clients and/or their representatives are given an opportunity to participate in the care planning process." Then it goes on talking about how that should be done.

A question: is that red tape? Is that what folks over there think is red tape, that these seniors' care homes, run in many cases by large corporate nonprofits, will go under if we don't get rid of all the red tape? Is that the red tape you're talking about? I've got to tell you: there are hundreds of thousands of families out there in Alberta who don't see that as red tape. They see that as a lifeline. It's a lifeline to the person whom they love and care about and worry about deeply.

What's another one? Oh, again this idea around system-wide case management, how to manage the multiple medical conditions that clients might face. Again, clients' health information: to make sure that we have appropriate sharing of information around health services. That's in there.

What else have we got? Nurse practitioners: they should be allowed to provide care.

Physician services: clients must "have access to medically required physician services, including referral as required to specialized services." Is that red tape, that obligation to make sure that those care centres do that? Is that red tape? I don't know. I

would say no, but, you know, across the way, apparently, maybe not.

"Clients have access to clinical pharmacy and medication management services based on assessed health service needs:" again, is that red tape? I would think not.

The Deputy Chair: Thank you, hon. member.

We are on amendment A4. I see the hon. Minister of Justice has risen.

Mr. Madu: Thank you so much, Mr. Chair. I just wanted to quickly respond to the comment made by the Member for Edmonton-Strathcona with respect to amendment A4. In a nutshell and for the benefit of our viewers back home and Albertans who have tuned in tonight, we are debating Bill 58, Freedom to Care Act. The Member for Edmonton-Strathcona on behalf of the Member for Edmonton-Castle Downs moved amendment A4, that would essentially replace section 5(1) of Bill 58. All that she is trying to get at is that those exemptions would not apply to the nursing homes general regulation. That's really what she's trying to get at. Subsection (b) in her amendment is already contained in the current section 5(1). Essentially, it is that regulation. I remember the Member for Edmonton-Castle Downs offering a similar amendment respecting employment standards and occupational health and safety.

8:40

Listening to the Member for Edmonton-Strathcona, you would think that there is a bill before this Assembly that would seek to, you know, set aside the nursing homes general regulation. Far from it. Everything you've heard here tonight from that Member for Edmonton-Strathcona is all fearmongering. All fearmongering. There is no substance whatsoever to her contributions or why this amendment A4 should deserve the attention of this Assembly because we have not sought to do anything to undermine the provisions or the standard contained in the nursing homes general regulation, A.R. 232/1985.

All that this bill seeks to accomplish is very simple, one thing: a one-time, temporary, short-term exemption in exceptional circumstances for events that are making it impossible for a not-for-profit organization and civil society to be able to deliver a particular service that Albertans desperately need, like in times of disaster. This is simply common sense.

We don't have a culture or a history whereby we set aside standards that are meant to protect our seniors or those in our long-term care facilities. The Member for Edmonton-Strathcona would not – and I challenge her tonight to point to any precedent in the past that will support all of the rant that you've heard tonight. You won't find it. You won't find that.

Ms Gray: Because you couldn't before.

Mr. Madu: And here the various ministers – and I can hear the Member for Edmonton-Mill Woods heckling or saying that we couldn't find it before.

The blunt truth is that there is various legislation in our province that gives ministers, you know, certain directors, where directors are found to be responsible for certain things, the powers of all kinds of exemptions, yet – and I know that the Member for Edmonton-Strathcona is a former Premier of this particular province. She knows that too well. The Member for Edmonton-Mill Woods is a former minister of the Crown. She knows that too well. You could not find any instance in which standards meant to protect, you know, our people, like the standards contained in the nursing homes general regulation, have been exempted. It never happened.

Mr. Feehan: Your minister put a racist on the curriculum.

Mr. Madu: I can hear the Member for Edmonton-Rutherford heckling. That's what they do. Again, a bill . . .

Mr. Schow: Point of order, Mr. Speaker.

The Deputy Chair: A point of order has been called. I see the hon. Member for Cardston-Siksika.

Point of Order Insulting Language

Mr. Schow: Certainly. I rise on 23(j), "uses abusive or insulting language of a nature likely to create disorder." Now, if I heard incorrectly, I am happy to withdraw this point of order, but I think I heard the Member for Edmonton-Rutherford say: that's why you put a racist on the curriculum. Mr. Speaker . . .

Member Ceci: It doesn't make sense.

Mr. Schow: You're right. Like I said, it sounded quite muffled, but that's the gist of what I heard.

Now, again, I don't have the benefit of the Blues, but if that is what that member said, then I hesitate to use the word "honourable" when referring to that member. I encourage him to retract that comment, apologize, or clarify what that member was saying when he was heckling the hon. Minister of Justice and Solicitor General. I find this to be a point of order, and if it's true, what was said, I encourage you to rule in favour.

The Deputy Chair: Just for clarity, are you making the assertion that you heard that the member was referring to an individual minister or member as having done something racist? Or were you commenting on a potential matter of debate that would be akin to calling out something that perhaps a government had done historically, something along those lines?

Mr. Schow: Oh, Mr. Chair, in this instance it wouldn't actually make a difference because to use that kind of language, to suggest that the government or an individual put a racist in charge of the curriculum is absurd. Now, from what I understand and what I feel like I heard, it was: you – you – put a racist in charge of the curriculum. [interjections] Now, again, if that member wants to clarify the record, please have that member rise, through you to that member, and clarify what he was saying. I'm not done talking yet. The inflammatory language coming from members opposite on a regular basis during debate is completely unacceptable.

The Deputy Chair: I see the hon. Member for Edmonton-Mill Woods has risen to respond.

Ms Gray: Thank you very much, Mr. Chair. I have a number of things to say in response to this. First off, this is not a point of order. Secondly, this is a matter, an extension of debate. I do not have in front of me a copy of the Blues. I cannot tell you if the accusations from that member are accurate or not, but I can tell you that it has been widely reported the racist views of members of the panel that was appointed by this government. I will also remind you that the Minister of Justice did not appoint anyone to that panel, so even if the member from the opposition was referring to that, certainly he was talking about behaviour of the government.

Finally, the minister in his remarks referred to the Leader of the Official Opposition, the hon. former Premier of this province, as ranting, as "fearmongering", and as providing "no substance" to this debate. If that is not insulting language intended to cause

disorder and dissent, I don't know what is. I did not leap to my feet to call a point of order at everything that was inflammatory said by the Minister of Justice because we are in Committee of the Whole, and I do not wish to use points of order to continue debate.

I would submit that this absolutely not a point of order at this time, Mr. Chair. I certainly appreciated your reminder about avoiding abusive and insulting language earlier in the evening. I would suggest that the minister has started us down that path, and we should return to the substance of Bill 58 and to the factual debate of Bill 58.

The Deputy Chair: Thank you, hon. member. We are dealing with a point of order that was brought forward by the Member for Cardston-Siksika not with regard to any comments that perhaps the minister had made but that perhaps the Member for Edmonton-Rutherford has stated. Unfortunately, I can truly say that I cannot definitely say that I heard what the individual said; therefore, that puts me in a tough spot with regard to being able to find an actual point of order.

That said, I think it would be up to the member to consider whether or not, perhaps, he may have gone beyond the pale with regard to comments that may have been made about an individual who would not be here to defend himself or herself. Again, at this stage I cannot find a point of order because of the fact that I do not have the benefit of the Blues, and I'm not even convinced yet that the Blues would have caught what the member had said.

At this stage I'll just remind all members that the use of insulting and abusive language, when used in this Chamber, does have a direct correlation with lowering the decorum in here or making it so that the debate doesn't move forward as effectively as it should because, of course, the goal for everybody here is to have an effective debate in order to move legislation forward in a respectful manner as well.

We are on amendment A4. I believe that the hon. Minister of Justice is speaking at this stage. Should he choose to take it, there are still 15 minutes left on this point.

Debate Continued

Mr. Madu: Thank you so much, Mr. Chair. I was speaking about amendment A4, that has been put forward by the Member for Edmonton-Castle Downs and that was spoken to by the Member for Edmonton-Strathcona, the hon. Leader of Her Majesty's Official Opposition, in essence implying that Bill 58 would somehow remove the standard of care contained in the nursing homes general regulation.

8:50

It's unfortunate because, as I said before, this bill: the one-time exemption, short-time, temporary exemptions in exceptional circumstances are not targeting the labour code, the regular business of, you know, not-for-profit organizations, senior care, et cetera. None of those. For the Member for Edmonton-Strathcona to imply that that is what is going to happen here without any factual basis is unfortunate. This is the pattern of amendment that is meant for the gallery, that the members opposite continue to provide with respect to Bill 58.

Bill 58 is meant to make sure that those members of our communities, you know, who are working hard to help our people in exceptionally difficult circumstances, when they do once in a while come across something that makes it difficult for them, they can approach government. This bill, as small as it is, has built-in checkmates. You have applications that have to go through the Minister of Culture, Multiculturalism and Status of Women, and

then if the minister determines that the exceptional circumstances do exist, the minister will then make a recommendation to the Lieutenant Governor in Council.

I do not think that this amendment A4 is warranted, and I would therefore call upon members of this particular Assembly to vote down this amendment. This is one of those delay tactics that's meant to achieve nothing but is meant to cause anxiety amongst, you know, those who are in those nursing homes. We as elected leaders should not seize the time that we have here to create confusion, fear, or doubt in the minds of our vulnerable citizens. There's nothing in this particular bill that does that; therefore, I urge all members to vote against the amendment.

The Deputy Chair: I see the hon. Leader of the Official Opposition has risen on A4.

Ms Notley: Well, thank you very much, Mr. Chair. I have a few more general remarks to make about this amendment, but let me first respond to the Minister of Justice. I do appreciate his comments. I particularly appreciate the description of our obligation to not create confusion and doubt. Let me just say that the best way to avoid creating confusion and doubt is to suggest that there are things written in the act that are not there.

As the Member for Edmonton-Mill Woods has already pointed out, we have on two or three occasions heard from members opposite what this act is designed to do and the very limited circumstances in which it would be used. Except the problem, Mr. Chair, is that that's not what's written in the act. Now, I can understand the minister of culture doing that, but I am quite surprised to see the Minister of Justice engaging in this argument because the Minister of Justice understands that when you're debating a piece of legislation, you must read the legislation which is on the table that you've been asked to pass. When you do that, you need to not read in things that they intended to say; you need to read in what it actually says.

So in good faith, listening to the Minister of Justice say that, oh, no, no, no, these exemptions will only be used in emergency situations where there's a disaster and it's utterly not possible to use them and they would only be for a very, very short time, I dutifully went to the act, Mr. Chair. I thought, "Well, maybe I missed it," so I went to the act again. I read through it, and I'm like: "Nope. Nowhere. No time limit. No talk about an emergency. No talk about a disaster."

I even went to the preamble, and the minister himself would know that the preamble is actually not particularly instructive except in the most narrow of statutory interpretation situations. Generally speaking, the preamble is not an instructive piece of the bill. But I even went there anyway just in case a particularly creative judge might go there to see if this really is meant to be limited to a disaster or an emergency for a short period of time. Then I looked at the preamble, and, no, it's actually talking about job creation and red tape and regulatory barriers. Sorry; not red tape. It didn't use red tape. My bad. I apologize. It talked about regulatory barriers. It doesn't talk anywhere about an emergency or a short-term situation. It's nowhere in there. Perhaps the Minister of Justice has been misbriefed about this bill, because he's not actually describing the bill that is before us.

What he's describing is what he described, but the bill before us is a bill that gives an unfettered ability for this cabinet to go behind closed doors and remove any kind of regulatory requirement from any agency which is covered by this act, which could be, as we said, a nonprofit that is focused on charitable work or any other organization that the members opposite deem that they want to call a nonprofit. There are no standards there either, so, as I've said

before, there's nothing to bar them from expanding that quite considerably.

Either way, the reality is that this particular regulation that we have included in this amendment is one regulation that includes the meat and potatoes of the standards of care for seniors. The act as it currently reads allows for this to happen behind closed doors, not regularly reported publicly, as the members opposite suggest, not on a website, as the minister tried to suggest, but in an annual report, which, to be clear, typically happens two years after it happens because that's how that works. We cannot have these kinds of massively important standards removed behind closed doors without any criteria in place.

We are simply saying that if you want to remove all the other standards, if you want to remove health and safety standards, if you want to remove the right to get paid a wage – I mean, obviously, that offends my very being. But, seriously, you want to also keep the ability in this act to remove the absolute guts, the meat and potatoes of keeping seniors and severely disabled Albertans safe? That's what's in the regulation that we are begging you to protect from the discretion that you are asking this Assembly to give to you, and there is no rational reason for asking this Assembly to give you that level of discretion.

The last piece that I will talk about, because I did spend a lot of time talking about the continuing care health service standards, which this regulation makes an obligatory standard that nursing homes must follow – the other one is the long-term care accommodation standards, which is also referred to in the regulation that we are trying to have protected here. I just want to give you a few examples of what are in those standards. One, environmental requirements, talking about the temperature that needs to be maintained in seniors' homes and homes caring for severely disabled Albertans. Another one talks about nutritional requirements. Look at this. It literally says that "meals, fluids and snacks [must be] provided in sufficient quantities to ensure adequate hydration and that residents' nutritional needs are met."

Like, is this red tape, folks? Again I ask: why won't you agree to protect this regulation from the discretion that you are currently asking this Assembly to give you? Why do you need the discretion to wipe away this regulation? What possible situation would you need the discretion except maybe in an emergency, maybe a national disaster? But you know what? Then write that in, because that's not in either. Right now it's because it's a regulatory barrier. You do one or the other, my friend.

You know what else is in here? Residents' safety and security: must ensure residents are "accounted for on a daily basis." People, think about that. Is that a rule that you want to potentially remove? What kind of disaster removes the need to account for residents on a daily basis?

Then here's one that's really close to my heart because I remember when this particular tragedy happened when I was in opposition soon after I was first elected.

9:00

Water temperature. I'm not sure how many people here remember when we had the senior who was at, I think, Shepherd's Care in Edmonton here, and she was scalded while being bathed and she died. One of the things the government did in response to that, not only in response to that but in response to prior and subsequent fatality inquiries – that's what it was: a fatality inquiry – was that they said that the government needed to be more prescriptive around water temperature. Here it is in this regulation: prescription around water temperature. Again, why would you want to remove that? Why would you want this Assembly to give you permission to remove that in a cabinet meeting, where we would never hear about it until the annual report came out however long

later? As we all know, quite practically speaking, it's sometimes a good, solid 24 months later. This is a simple regulation we are asking you to protect. We're not asking for any of the other ones to be protected, just this one that keeps our loved ones safe.

This is not even us doing the "Oh, you know, you've given yourself the ability to deem Cargill as a nonprofit," which legally you have, to be clear, or "You've given yourself the authority to deem Amazon as a nonprofit," which, to be clear, you also are doing because, again – the Minister of Justice should know this – bad statutory drafting lives in overreach, and that's what we've got here. Nonetheless, the actual group that you claim to be worried about, nonprofits who are engaged in charitable endeavours, including the provision of health care and recreation services and all those other things – you're talking about the people that provide continuing care to the most vulnerable Albertans. Of all the regulations we're just asking you to protect that one. That's all.

I urge the members opposite to do that, to prove that we don't have to be worried about it, to protect that regulation or, in the absence of doing that, to put into the statute a limit on removing it. Describe the emergency that the Justice minister is talking about. Describe the disaster, describe the declaration, but if you can't do that in the statute, we cannot accept this. Albertans won't accept it, and I don't think most of you ought to accept it, and you should fix it.

Thank you.

The Deputy Chair: Thank you, hon. member.

I see the hon. Premier has risen.

Mr. Kenney: Well, thanks, Mr. Chair. I just happened by the House after finishing a day of meetings, and I must admit my shock and surprise to find that the NDP is contesting what I thought was the most innocuous and broadly supported bill introduced in this session of the Legislature, the Freedom to Care Act. From what I just heard from the Leader of the Opposition's speech with respect to this amendment, which I rise to oppose, apparently the NDP now has adopted black helicopter conspiracy theories with respect to this bill. The Leader of the Opposition just went on and on about health care regulations for long-term care facilities dealing with their – I regret to suggest that the leader of the NDP showed up at the wrong time. I think she meant to debate Bill 70, which is about limited liability, by the way, a similar bill to that passed by six other provincial governments, including the New Democrat government in British Columbia.

But there is a difference between the New Democrats in B.C. and the New Democrats in Alberta, Mr. Chair. In B.C. they actually can get re-elected because they're actually mainstream New Democrats. They don't want to shut down long-term care facilities in order to profit personal liability lawyers. They want to ensure that there's security and stability for long-term . . .

Ms Notley: You're on the wrong bill right now.

Mr. Kenney: Oh, she's arguing against John Horgan again, Mr. Chair, who passed more aggressive legislation to protect long-term care facilities than is present in Bill 70.

But this is not Bill 70. This is Bill 58. Mr. Chair, Bill 58 is another promise made, and it's another promise kept. I want to refer the committee to the United Conservative platform from the 2019 election, Alberta Strong & Free, at page 72, harnessing the power of civil society. Please bear with me as I quote, Mr. Chair. The platform says:

Every day tens of thousands of Albertans give their time, treasure and talent to helping those most in need. These volunteer efforts are often informal, and sometimes take shape in charities and

non-profit groups. They care for those struggling with addiction, homelessness, social isolation, poverty, violence, and so many other challenges.

The "get 'er done" spirit of Albertans means we don't sit around waiting for the government to "solve" a social problem.

I pause the quote, Mr. Chair. Maybe that's why the NDP is opposed. I'll carry on the quote.

We volunteer more hours, and contribute more to charities, than do Canadians in any other province.

One of the first principles of conservatism is that civil society should come before government, and that voluntary groups are generally more effective in preventing and reducing social problems than a big, bureaucratic state. Sadly, all too often the state gets in the way of simple efforts by community groups to help those in need.

The platform then cites two concrete examples, Mr. Chair. I know this because I actually wrote this section myself, word for word, and I'm personally familiar with both of these examples. First:

Pastor Elizabeth Karp . . .

I hope I didn't offend the NDP by referring to a pastor here.

. . . of the Harvest Healing Centre Church decided to help the homeless in her community by creating a shelter. But the project was delayed by two years because regulations required her to install a \$250,000 industrial sprinkler system. In the name of safety, people were forced to sleep [outdoors] in the winter.

For two years.

Mr. Chair, I visited and actually saw this centre. It's a very small centre with space for maybe 10 residents. There could have been lots of accommodation made to ensure proper fire code was respected, but the unreasonable application of industrial regulations designed for large businesses with huge capacity and financial resources was being applied to a tiny community charity running on, you know, fragments of people's donations.

The point here, Mr. Chair, is that local regulators – and it enjoins the provincial government – should look at a fact pattern like that and say: which is the greater social harm, people potentially dying in their cars when it's 40 below because they are sleeping rough, or people having a normal residential sprinkler system in a small shelter that accommodates 10? The proposal here is to apply common sense to maximize the social good for the vulnerable.

The second example cited is this, and I personally encountered this.

When thousands of Calgarians were displaced by the 2013 flood, women from a nearby Hutterite colony delivered hundreds of sandwiches to a temporary shelter, but city bureaucrats threw out [all of] the food because they didn't comply with regulations.

Now, I know the NDP loves regulations, and they want government and union bureaucrats to run everything. They probably get nervous when they see Hutterite ladies coming to an emergency shelter carrying boxes of fantastic homemade sandwiches because they weren't produced under the supervision of a government safety inspector.

Mr. Chair, that's why we went on to say:

Thousands of sad stories like this show why government should apply a softer hand to good faith efforts by poorly-resourced community groups simply trying to help their neighbours.

Therefore,

A United Conservative government will help expand civil society efforts by:

- Adopting a Freedom to Care Act that allows for charitable and non-profit groups to apply for a "common sense exemption" from regulations that are designed primarily for commercial application, where those regulations have the

unintended consequence of preventing a social good from being performed.

Now, Mr. Chair, that's exactly what this bill does. It is an extension of what are known as good Samaritan laws. Perhaps the NDP is not familiar with those laws. They exist in many jurisdictions. Essentially, to put it in plain English, a good Samaritan law says that if you stumble upon, let's say, a person who is having an adverse health reaction to something or a car accident and you intervene, you use your split-second judgment to try to intervene, maybe engage in CPR or maybe pull the person out of a flaming car – you intervene using your humanitarian instinct to help preserve human life – the good Samaritan laws say that if in so doing you create some kind of liability, you unintentionally harm the person you're seeking to help in an act of emergent humanitarian compassion, you have liability protection.

If you're a doctor and you stumble into a situation like that and you don't have time to do a proper diagnosis and follow all of the conventional medical protocols because you're operating not in an official capacity but as a civilian in an emergent situation like that, you have some limited liability protection under good Samaritan laws. This is simply an application of the principle of good Samaritan laws to a broader spectrum of government regulations.

9:10

It would say that if the Strathmore homeless shelter proposed that they could open 18 months earlier by investing in a more conventional fire-suppressant system than a full-scale, factory-style system, the minister could look at that and say: you know, that makes sense; this may save lives by providing shelter to people who are otherwise living rough in the winter. Or, Mr. Chair, the principle would be – you have the Calgary flood situation. You've set up emergency displacement centres where people are sleeping overnight. Volunteers are bringing in food. Perhaps the minister of agriculture could provide for this kind of protection for the volunteers who are engaged in that response. That's all this is about.

I quote from the preamble of Bill 58.

Whereas volunteers may face barriers related to their fear of personal liability in performing their roles;

Whereas non-profit organizations may encounter regulatory barriers to performing social good, limiting their freedom to care; and

Whereas the Government of Alberta recognizes the important role that Alberta's volunteers play in contributing to the Province and the economy and wants to ensure that volunteers and non-profit organizations are supported to continue to provide programs and services that create vibrant, welcoming and engaged communities;

Therefore . . .

It then follows to propose the act.

Mr. Chair, the particular section which the opposition seeks to strike through this amendment: what does it do? It simply permits "a non-profit organization [to] make a request to the Minister for an exemption under this section." Again, if the minister deems that this is for a limited time for a specified charitable purpose – it's for one nonprofit organization at a time. Obviously, all of this is to achieve a broader social good.

Again, Legislatures across the world have adopted good Samaritan statutes unanimously, without contention. The only thing I can infer, Mr. Chair, is that the NDP is opposed to this, I think, common-sense bill that we committed to in the election. Her only one reason is because they think – I don't know. Maybe they think that volunteers compete with government union bureaucrats. Their job, their primary job, is to defend monopolies for government unions, and they can't get their head around a government that

would actually instead want to expand and facilitate voluntary, nonprofit, charitable organizations.

The member scoffed at the idea that these people are not being paid minimum wage. Mr. Chair, that's the point: they're volunteers. They're giving of their own time voluntarily. Why, then, should they in every instance face the same degree of regulation, regulations that are developed for, typically, profitable corporations with enormous resources, when we're talking here about often tiny nonprofit and charitable organizations that are doing their best? It's just a small, simple, common-sense process to have an exemption from burdensome regulations that prevent them from serving the homeless, the poor, those who are in need of basic services being delivered by charities and nonprofits.

That's why I oppose the amendment.

The Deputy Chair: Thank you.

I see the hon. Leader of the Official Opposition has risen on amendment A4.

Ms Notley: Well, I will be very brief. I mean, that's a lovely story, Mr. Chair. If only it were so. If only it were correct.

If that's really what the Premier is going for, then our amendment works just fine. If the Premier is concerned about the mom-and-pop operation that's just about volunteers who want to feed people and help the homeless on an emergent basis, clearly our amendment would be fine. That is why thou doth protest too much, my friend. In fact, that's not really what's going on here.

There's an old saying, you know: good facts make bad law. In this case, good facts make a really, really bad bill. All the things that the Premier suggests he wants to do: that's fine. People can get behind it. Nobody suggests that we can't get behind it. The problem is that that's not what the bill says. The bill doesn't say what the Premier says that it says, the bill doesn't do what the Premier says that it does, and that is the problem. There are no limits. There are no criteria. It's a fox in hen's clothing. Is that how it goes? No. A fox in sheep's clothing. Is that it? I don't know. [interjections] A wolf in sheep's clothing. I'll get there, Mr. Chair. I apologize. I'm at that age where sometimes I miss them by just that much.

Regardless, I won't go on any longer. I've outlined the sections of the act and how they read in a basic, clear way. The Premier may be enamoured with his writing. I'm sure it was done at 3 o'clock in the morning while he was preparing his tome of a manifesto, that most Albertans have never seen, let alone read. He may be very enamoured with the story that he told, but the reality is that somebody didn't manage to deliver that story to the people who drafted this bill. There's a great big cavern in between the two, and now we've got a bill that does something far different than what the Premier just described. Once again the Premier is asking Albertans to trust them, and, you know, I've already made my comments about why that's rather unlikely.

Anyway, I think that for the benefit of all those families who have vulnerable Albertans cared for in the centres that would be covered by this act, I would urge members to vote in favour of this amendment.

The Deputy Chair: I see the hon. Government House Leader has risen on A4.

Mr. Jason Nixon: Well, thank you, Mr. Chair. I appreciate the opportunity to weigh in on this important piece of legislation. I'd like to, first, start off with some of the comments that the Member for Edmonton-Strathcona just said in regard to the bill itself not limiting liability or having limitations on itself, which I find quite bizarre and, frankly, disingenuous to say to the Chamber at the same time as you're accusing the Premier of being disingenuous and not

actually reading the legislation, that the Leader of the Official Opposition would stand up and say this. She's read the legislation and says that there's no limitation on liabilities when there are whole sections inside the bill that spell out limitations on liabilities around volunteers in particular, which the hon. member was just referring to.

It goes on to say:

- (2) The limitations on the liability of a volunteer under subsection (1) do not apply if
- (a) the damage was caused by wilful, reckless or criminal misconduct or gross negligence by the volunteer,
 - (b) the damage was caused by the volunteer while operating a motor vehicle . . .

because there are other regulations that are involved in that case, . . . vessel, aircraft . . .

And it goes on: if they're intoxicated or have done other things that could have caused those types of situations. It goes on in great detail, Mr. Chair, and I won't spend all my time speaking about that. But the point is that the bill itself does talk about limiting liabilities.

If you listen to the Leader of the Official Opposition's comments today, from my perspective, Mr. Chair, it becomes very, very clear that most of what the Official Opposition seem concerned about is the fact that this is around volunteers or supporting nonprofit organizations.

Now, Mr. Chair, I don't know if you know this about me – some of you do – but I grew up in a nonprofit organization. I literally grew up in a homeless shelter, and I was not homeless one day in my life. I grew up in an organization, started by my father, that dedicated all of their time to keeping care of the poor. My parents' house in Calgary was literally the first homeless shelter inside our largest city. They dedicated themselves to care for the poor. I got the privilege of being the executive director of that organization for almost a decade. When I left, there were 11,000 volunteers that helped that organization work. But that started with my parents and a few dedicated volunteers who went out into the street to be able to help the poor.

Certainly, now the Mustard Seed is a large organization, with several hundred employees. I haven't checked lately. I assume there are more than 11,000 volunteers, since I left 10 years ago now, inside that organization. But they're there, with multiple facilities all across the province. They're at a different level now, where they need to, of course, be reaching that level of regulations and making sure they're operating their facilities. But back when mom and dad started that, they couldn't have done that. When dad stopped at a dumpster and took home somebody who had nowhere to sleep that night, he wasn't thinking about these types of regulations. He was just trying to help that person, stop them from freezing to death.

The Premier has tried to do the Freedom to Care Act. I think this is one of the greatest things in our platform. I'm excited to finally be here to see this pass. It's to make sure that people that are dedicating themselves to these types of situations aren't stopped by unnecessary regulations.

9:20

I'm going to tell you a real quick story that would not have happened. The hottest ticket in town on Christmas Day in Calgary is actually going to be able to serve Christmas dinner at the Mustard Seed, believe it or not. There's a two- or three-year wait-list. In fact, the hon. Premier has been after me for a long time to see if I can pull some strings to get him in at some point – to serve, not to eat, to be clear – but it is a long waiting list.

That started out with two ladies, two very special ladies who were volunteers, Del Bannerman and Gertie Clark. Del Bannerman lost her two sons just before Christmas, a few days before Christmas,

many decades ago, on the way back from a skiing trip just outside of Banff. They died in a car accident. Gertie Clark lost her other son about the same time. On his way home from school just before Christmas break he died of an asthma attack on her doorstep trying to get to his mom. Both of those ladies and their families were devastated to lose a child, in the case of Del two children.

To lose a child at all is a catastrophe that is hard for a parent and, I would suggest, almost impossible for a parent to overcome completely. To lose a child just before Christmas is a particularly hard burden and a burden for the siblings, too, who are left behind. Mom and dad can never enjoy Christmas the way that they knew from that point forward. It impacts the entire family. They didn't know what to do.

But do you know what they started to do? They went to First Baptist church in Calgary, one of the oldest churches in Calgary. Again, as the Premier said, I don't know if it's offensive to refer to it, but I'm proud of it. I was married in that church, actually, and that church is also where the Mustard Seed started, in its basement. It's also the church that took my father off the streets when he was a street kid.

They went to that church, and they used their little kitchen facility in the basement, and they started cooking Christmas dinner, just their families at first. Then they noticed that other people who had lost kids at Christmas, who were grieving through the same processes, wanted to do that, and those families would come. They would let them come, and it became the Bannerman-Clark Christmas dinner. Now, if you go to the Mustard Seed – my favourite time of the year at the Mustard Seed is at Christmas, and we, the organization, the management of the Mustard Seed, always turn over the entire facility to those volunteers so that they can go in and they can go through their grief by serving others. That's why there's a two- or three-year wait-list. It's because that group serves Christmas dinner, and they do a great job.

If unnecessary regulations had stopped them from going into that church basement 30-some years ago, we wouldn't have a great service like that. There are countless examples like that.

All across this province it's a spirit that's amazing. I think the Premier is correct in comparing it to the good Samaritan laws that we see in other jurisdictions. I've participated with search and rescue in my time, living in the mountains for a long time. It's volunteers who answer the call, the page to be able to go out and help people when they get into trouble. Certainly, we wouldn't want those volunteers to get into trouble if they made a minor mistake while they were trying to save somebody's life. You know why, Mr. Chair? Because they ain't going to come if they think they're going to get sued.

This is the same thing, creating an environment to be able to make sure that people can help the poor or be able to do other social activities like that to help our community and not run into unnecessary legislation. It is not – it is not – in any way meant to take away from the regulations to protect people, as the bill already says. It's not in any way meant to interfere with how we care for seniors, Mr. Chair. This is purely about doing the right thing, to be able to create an environment where those great social entrepreneurs, as I call them, in our province can continue to go out and be able to keep care of people like the poor.

That's what it is, and, Mr. Chair, I hope that everybody votes this amendment down and supports this bill so that we can get it passed, because I think that it's very important for this province.

The Deputy Chair: Thank you, hon. minister.

Are there any members wishing to join debate on A4?

[The voice vote indicated that the motion on amendment A4 lost]

[Several members rose calling for a division. The division bell was rung at 9:24 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Ceci	Ganley	Loyola
Dach	Gray	Notley
Feehan	Hoffman	

9:40

Against the motion:

Allard	LaGrange	Schow
Amery	Luan	Schweitzer
Armstrong-Homeniuk	Madu	Shandro
Fir	McIver	Singh
Glasgo	Neudorf	Stephan
Glubish	Nixon, Jason	Turton
Goodridge	Orr	Walker
Guthrie	Pon	Williams
Hanson	Rosin	Wilson
Hunter	Rowswell	Yao
Kenney	Sawhney	

Totals:	For – 8	Against – 32
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[Motion on amendment A4 lost]

The Deputy Chair: We are back on the main bill, Bill 58, Freedom to Care Act. I see the hon. Minister of Jobs, Economy and Innovation has risen.

Mr. Schweitzer: Thank you, Mr. Chair. I move that we adjourn debate.

[Motion to adjourn debate carried]

Bill 70 COVID-19 Related Measures Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? I see the hon. Member for Edmonton-Glenora has risen. Please, feel free.

Ms Hoffman: Thank you very much, Mr. Chair. I rise today in consideration of Bill 70, which has been titled COVID-19 Related Measures Act. I want to recognize that it's June 15, which means that it's my colleague the Member for Calgary-Mountain View's birthday, so happy birthday to her. We're really excited that she's celebrating her birthday, and I appreciate having an opportunity to hear her always. I know that one of the things she likes to do is read legislation in depth and give deep analysis. She certainly did that when she was the chair of our Legislative Review Committee, and this is a rather short bill, but there is much that can be read into it and much depth that can be provided.

I just want to start my remarks tonight by correcting some of the rhetoric that we've been hearing. The bill absolutely is retroactive. It is retroactive, and I guess when the minister, who isn't actually the sponsor – the sponsor is a private member, the Member for Calgary-Fish Creek – speaks to this bill, he has regularly said that it doesn't stop court cases. Court cases can absolutely proceed. That is true, but it does definitely change the likelihood of their success when the rules have been rewritten after many of them have already been launched.

The minister said: "Well, but it won't significantly change the workload for the law firm. They can just, you know, create more billable hours rewriting certain parts of their argument." That is true, but, again, it puts an additional burden on the family. It does put additional billings forward for that family to have to pay, and it also significantly reduces the likelihood of success, so this bill absolutely is retroactive.

When I think about some of the families that are going to be impacted, we know that in the first wave we saw devastating numbers of folks contract COVID-19 in long-term care and many deaths as well. One of the specific facilities that people spoke to a lot in the first wave was the McKenzie Towne continuing care centre, where 22 residents died. More than 100 staff and residents were infected, and that was the first wave. Many families have, in turn, filed, as I understand from reports in the media, and now their likelihood of success, I imagine, will be significantly hindered should the government choose to force through the bill that they have brought forward for us to consider at this time.

Now, if they say this was about continuing care facilities and their sustainability, I wonder why it is that the government waited a year, more than a year before they brought this forward. If this really was about making sure that they could continue to operate during the COVID-19 pandemic without risk of closure, why did the government wait so long to bring this forward? At the same time we've seen many reports of private, for-profit care centres paying bonuses to senior executives and paying out dividends to shareholders. I don't think they would call it record profits, but definitely many have been incredibly profitable. That has been widely reported as well through the *Financial Post* and through the annual reports for those different companies as well.

I also want to articulate that it has been absolutely one-sided. We haven't seen endorsement for this legislation from patient groups or family representatives or employee groups. We have seen validation for it from folks who arguably were advocating for it, folks who were the operators or owner-operators who wanted to reduce their liabilities. I understand why they want to reduce their liabilities, but it's up to government to weigh risk and reward and to act in the best interests of all Albertans, not just those who can afford to hire wealthy lobbyists and push for private meetings. We still haven't had clarity.

9:50

Yet again, earlier today, my colleague the Member for Edmonton-Riverview asked the Premier straight up if he would take meetings with the families who were going to be negatively impacted by this. They just want to have a chance to let their concerns be known, for the Premier to have an opportunity to hear what the impacts will be on their families. Again we saw the Health minister sidestep the request and fail to commit to meeting with the folks that are being significantly negatively impacted by this legislation. While the government, again, says that this is about long-term care, assisted living, continuing care facilities, they've given themselves a massive, massive, massive loophole to be able to expand it to other sectors through regulation.

Knowing that this is the Member for Calgary-Mountain View's birthday and knowing that it's being able to take the regulation granting power away, I have an amendment that I'd like to introduce.

The Deputy Chair: Hon. members, for your benefit this will be referred to as amendment A1. As is the case normally, please raise your hands if you would like to receive a copy. That said, there will be copies at the tables at both of the entrances.

If the hon. Member for Edmonton–Glenora could please read it into the record for everyone’s benefit, and then continue with comments should you so choose.

Ms Hoffman: Happily. May I have a time check, please, Mr. Chair?

The Deputy Chair: Sure. Thirteen and a half.

Ms Hoffman: Thank you. I’d like to take a moment to introduce the amendment. I’m moving it on behalf of my colleague the Member for Edmonton–Riverview, who moves that Bill 70, COVID-19 Related Measures Act, be amended by striking out sections 2(d) and 8(a). When I say it’s about limiting regulation creation power, for everyone’s awareness section 2(d) reads “any other facility, person or class of persons prescribed in the regulations,” and 8(a) refers to “prescribing any other facility, person or class of persons for the purposes of section 2(d).”

Why are we requesting that this be restricted? Well, if we are to take the minister at his word – and I’d like to be able to do that – that this is strictly about continuing care and liabilities for continuing care centres because he cares about the nonprofit facilities that have told him that they might be at risk of failing to meet their financial obligations if this were to go through, then this doesn’t impact continuing care, long-term care, assisted living in any way. This is really about “other facility, person or class of persons prescribed in the regulations.”

Why do we need this, Mr. Chair? I would say that at the same time we were all hearing about the horrific outcomes at McKenzie Towne, we also knew that there were workers in meat-packing plants who were dying as well, and there were other liabilities and other long-term negative health consequences for other workers and other sites, but top of mind at the same time as we were talking about long-term care were people working shoulder to shoulder in meat-packing plants, acquiring COVID, and their symptoms becoming so bad that they were dying.

While this legislation speaks to continuing care and assisted living, the ability through changes in regulation to expand it to “any other facility, person or class of persons prescribed in the regulations” means that there is a massive opening there for other types of organizations, including the owners of meat-packing plants, to be able to have any liability written off as well.

I don’t think that that’s fair. I don’t think it’s fair when people went to work being told that what they were doing was safe, that they were safe to go to work and to continue on in the conditions that they were, and then later, obviously, it wasn’t. They acquired COVID-19 because of their work, and they died. I think it would behoove us to act in this place in a way to limit the legislation and the impact of the legislation to what the minister has said it will apply to.

Creating these massive openings for organizations, including the owners of meat-packing plants, to have their liabilities potentially waived through regulation I think is unfair and I think is unjust. Again, we don’t have the ability as private members, whether we’re in the government caucus, whether we’re independents, or whether we’re opposition members, to discuss this if we give the ability to make the decision to cabinet.

If the government wants to come back to this place and introduce a new bill that says, “You know what? Continuing care, long-term care, and assisted living was one piece, but now we actually need to get your permission, members of the Assembly, to expand it to other sectors, to expand it to other facilities, persons, or classes of persons prescribed, and here’s what we’re prescribing,” then we can consider that as the lawmakers that we are. But for the government

to give themselves such a massive opening to be able to take this legislation that the minister says is for one purpose and for the government to expand it to any other purpose I don’t think is respectful of the role of private members in this place, whether you’re in the government caucus or you’re not.

I don’t think that it serves the people of Alberta well if we’re continuing to create huge opportunities for massive liabilities to be waived. I don’t think it’s fair. I don’t think it’s just. I think that this amendment does it very clearly and very simply. If the minister is so clear on what his intention is and if the mover, the Member for Calgary–Fish Creek – I imagine the reason why he became the mover is because of the work that he was doing around long-term care and assisted living and the reviews that he was embarking on as a private member in support of government’s work in this regard. It certainly wasn’t, I imagine, the intent to be able to waive meat-packing plants or gyms or restaurants or other places where people may have acquired COVID-19. So I think it’s important that we actually put those parameters in place, that we put the fences around what it is that the minister says the intention of the bill is.

I also want to take these next few minutes, since I have them while we’re in committee, to talk about what I wish this bill would do. COVID-19 Related Measures Act: when I saw that title, I was hopeful that it would be something about actually stopping the spread of COVID-19 or other highly infectious transmittable diseases. I was hopeful that this was something the government was going to do proactively rather than giving massive indemnity to employers or to private owners. I was hoping that the government had taken the last year and a half to reflect on things that could and should have been done to prevent the spread.

As we all, I think, are quite aware at this point, there are vaccines, at least three different ones, available here in Alberta. That is good news, but they’re not available for all Albertans. If you happen to be not turning 12 this year or older, we still don’t have a vaccine for you. We’re still telling those kids to go to school, to go to daycare, and to spend time trying to get as close to normal as possible, but the government hasn’t done their due diligence in creating safer conditions for students, for children, and for their families to have full confidence that they can do those things in ease.

I wish that the government was bringing forward a bill that was focused on making sure that there are fewer close contacts in those types of centres for children, children who still aren’t vaccinated and probably won’t be for several months, maybe even longer as there isn’t an approved vaccine yet for children under 12 or children who won’t be turning 12 this year. I know that there are some 11-year-olds – I know some of them very well – who have received their first vaccine, and they are so excited, but they also have other younger siblings in their home that aren’t eligible yet.

I wish that the government was bringing forward a money bill to replace old and outdated HVAC systems in schools. We have many schools that don’t have proper ventilation and air circulation. That, of course, leads to increased risk for those who are in those facilities, particularly those who haven’t been able to be vaccinated.

Another example. I wish that the government was bringing forward a bill that would make it easier for people who are in areas potentially that are remote or who have incredibly busy lives to get their vaccines. We typically make vaccines available in schools for children at those appropriate benchmarks developmentally for them to receive them. I think this is something that we’ve been proposing for over a month. Most junior and senior high students would be able to be eligible to be vaccinated at this point, and they should be able to get that vaccine in the same way they get other vaccines, including at school. The staff who work with those children as well could get their vaccines at school.

10:00

Yesterday I had the opportunity to chat with some folks who were getting vaccinated. Some of them had to book half a day off school to go get their vaccine – they had to arrange for a sub and all these types of things – whereas if it was at school, it would be much more efficient and much more streamlined, and we'd be able to have confidence that as many people as possible had been immunized in that school, having given their consent. I wish the government would find ways to make it less cumbersome for children and for staff and the same with daycare staff. There are many 11-year-olds, 12-year-olds who go to after school care who could, if they aren't available in school, at least be available at their after school care, again, with those staff who work in those facilities.

Another COVID-related measure act I wish the government would take is the provision of sick pay for every Albertan. I don't know about you, but any time I see somebody with a runny nose these days or a persistent cough, it's deeply concerning. It's deeply concerning because, of course, they're supposed to be at home and isolating. I imagine some people have allergies and are going to work with allergies, assuming that it's allergies and not something else that could be much more highly contagious. But they're putting themselves and, in turn, others in this dangerous situation often because they don't have the luxury to be able to stay home when they're sick and still pay the rent. That should not be the case in this society or any other civilized society. When people are sick, they should be able to stay home and prevent other people from getting sick in turn. I wish that that was one of the COVID-related measures that this government was taking into consideration tonight.

I wish that the people who are front and centre and the people who are being impacted were the ones that this government had on their mind and that they were prioritizing them. I think about the front-line workers that, you know, we were all singing the praises of this time last year, people working retail, people working at grocery stores, keeping families secure and stable and dealing with so much stress and chaos that people were feeling. That was being demonstrated in lots of ways, including hoarding behaviours at grocery stores.

I wish that the people who are still working in those grocery stores and have been that stable person, that stable worker, in so many of our lives had some guarantee that their contracts were going to be negotiated in a timely fashion and that they'd be paid fairly. I know that many of them wanted the hero pay, but they also simply want to have some certainty that their contracts are going to be negotiated and they're going to receive fair and timely compensation for the work that they're doing, and a lot of them don't right now.

This has been a really tough year and a half for a lot of folks, and when the government has an opportunity to bring in a bill, COVID-19 Related Measures Act – sounds great – their top priority is care providers and indemnifying them from lawsuits, oh, and anyone else that they choose to through these two sections. That's why we're simply putting these parameters in. We're proposing that the government accept these simple amendments to say: "Yes, we are being true to our word. This is about continuing care, assisted living. This isn't about other facilities, persons, or classes of persons that we can later describe in regulation. If we want to do that, we'll come back to the House, and we'll bring forward another bill." Please don't make it retroactive. It just seems so unfair to so many people who have already suffered such loss.

When I think about just specifically that one care facility that I referred to earlier and the 22 folks who died there very early in the pandemic and everything that they've been going through, trying to grieve in a way that is not natural for us – I know that normally

when somebody in my family dies, we have a big Ukrainian Catholic funeral, and then we have a meal after, and we all sing together at the cemetery. All three of those things have been illegal over this last year. Now these families who are being impacted by this, who are grieving . . .

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join? I see the hon. Minister of Health has risen.

Mr. Shandro: Well, thank you, Mr. Chair. First, I want to begin just by correcting some of the incorrect information we've heard from the hon. member. I'll start with – what she said is that this piece of legislation is retroactive. Well, it is retroactive, and nobody has said otherwise. I said as much this afternoon. But I did point out, though, when our colleagues, members opposite like the Member for Calgary-McCall, said that we are extinguishing lawsuits that are currently in place, that it is not the case, unlike Ontario in their equivalent piece of legislation. Ontario actually is extinguishing litigation. We are not taking that perspective here in Alberta. It is retroactive.

Now, she said that this piece of legislation, in being retroactive, is changing the likelihood of success of litigation. Well, Mr. Chair, just because many of her colleagues in the caucus opposite have tried to incorrectly say that this is taking away the right of a person to sue, taking a right away for a person to seek justice – the only thing that it is doing in changing the success of litigation is situations where the litigation involves a doctor, a nurse, a health facility, a pharmacist where those folks made good-faith efforts to comply with the COVID-19 measures that were determined by AHS and Dr. Hinshaw. If they made a good-faith effort in their office as a doctor, in a health care facility, AHS, or, heaven forbid, a long-term care facility, which the NDP seems to be constantly attacking – if they were not making those good-faith efforts, then it would not change the chance of success for that litigation.

That's what the NDP is opposed to. They're opposed to giving that certainty, giving that predictability to our regulated health professions, to our health facilities to say: if you've made a good-faith effort, then we will provide you with this certainty; if you haven't made a good-faith effort to comply with what Dr. Hinshaw and the MOHs in AHS have determined to be the measures that should be taken within a health care facility, whether a long-term care facility or AHS, then you are not going to be included in this protection.

Now that I've told you what the NDP are opposed to, let me also tell you, Mr. Chair, who they're opposed to. They're opposed to the Alberta Medical Association, who's endorsing this piece of legislation. They're opposed to Covenant. They're opposed to AHS. They're opposed to the Alberta Continuing Care Association. They're opposed to the Christian Health Association of Alberta. And I apologize to the NDP for our offending them by using the word "Christian" in this room.

They are also opposed, apparently, since this is no different than the measures that have already been taken by other provinces like Ontario, like Saskatchewan, Nova Scotia, New Brunswick – and the New Democratic government in British Columbia has had similar legislation like this. The difference is actually that unlike Saskatchewan and B.C. and Ontario, where the scope of their equivalent legislation is much broader – it is including all persons – what we have here is dedicated to the health professions and the health facilities. It's the health sector that is included in this situation.

Now, because the hon. member has spoken about continuing care, I also want to point out, as they try to remove, through this

proposed amendment, protection for long-term care and designated supportive living facilities, Mr. Chair, that it's a great opportunity for us to focus on the four years when the hon. member was the Minister of Health for this province and the four years that the NDP totally failed residents of those facilities in Alberta as they oversaw a health system for four years and failed to address some of the issues that we've known for many years and tried to change the system into being centred on patients, trying to allow couples to be able to age together, allow people to age in place so that when they need more intensive care, they don't have to leave where they live and go back into a pathway and find somewhere else to live.

10:10

We saw their failure for four years under that member when she was the Minister of Health, which is why in 2019, even before COVID had come to Alberta, before it had come to the world, we began a review of continuing care so that we could do a robust review of the facility-based continuing care system in Alberta, so that we could allow people to age in place, so that we could have a system that is focused on quality of life of residents, make it centred on patients, allowing couples to grow old together and live in the same place, so that we can work towards improving the standards of practice in these facilities, so that we could increase the monitoring and the auditing and the enforcement activities for these facilities, so that we can make sure that the care that's provided for these residents in the facility-based continuing care can continue to improve.

Now, that's our focus. The NDP's focus, instead, and the focus and the reason behind the amendment today, Mr. Speaker, is that because the NDP, like their counterparts federally, want to use COVID as something to leverage, to turn those who are in the system in long-term care and DSL and get rid of them – they don't want independent providers. They don't want the faith-based groups, they don't want the nonprofits, and they definitely do not want a corporation providing care in the system even though they are – and I see that they're nodding opposite, because it offends them that it isn't part of the system that is one hundred per cent provided by AHS. This is their opportunity to be able to attack as they continue to attack our independent providers throughout the health care system and, in particular, in continuing care. That's their focus, and that's the purpose behind this amendment.

For us, instead, we want to focus on the review that we started in 2019 and, using what we've learned throughout COVID, being able to improve the system for our patients, make it focused on them, to improve the governance of government, of AHS, of the operators, to be able to look at the various staffing mixes. Now, some of the recommendations in this facility-based continuing care review, Mr. Chair, are going to need some time, a couple of months, for us to be able to look at some of the financial consequences, but it says in this review that it's recommending increasing the care hours – it's going to depend on the level of care that you need in these facilities – for long-term care, for DSL, increasing the level of care hours to the extent that by 2030 this could be a half billion dollar increase in the budget for the province of Alberta.

That's our focus, being able to improve a system, a really important system, that provides care for 28,000 Albertans, where we have a third of our beds being operated by AHS, a third operated by independent providers or corporations, and a third where the independent providers are nonprofits and faith-based groups. It's a varied system that works well for those residents. It's one of the reasons, actually, also, Mr. Chair, that we saw, unfortunately, more deaths during COVID in long-term care facilities that were publicly owned despite the misinformation that we continue to see from the NDP throughout COVID as they continue to try to slander these

operators and the hard-working health care workers in their facilities.

That's our focus, Mr. Chair, to improve the system to be able to provide – what are the ways that we can provide better staffing models in these facilities? How do we provide more hours of care for these residents? How do we improve the standards and the enforcement activities, the auditing for these facilities so that residents are the focus of the system, quality of life is the focus, rather than the NDP, where their focus is merely just trying to drive the independent providers in the system out of the system? That's the reason for this amendment, Mr. Chair. That's the reason for the NDP, both here provincially, as well federally, attacking our continuing care operators.

Mr. Chair, I'd also point out, when we look at other provinces like Ontario and Saskatchewan and B.C., as I said, that we are in many ways aligning ourselves with what they and Nova Scotia and New Brunswick have done although learning from Ontario, where they had extinguished litigation. We are not extinguishing litigation here with this piece of legislation.

What we are doing is, as I said, being able to provide for these regulated health professionals but also for these health facilities throughout the system, trying to provide them with the predictability and the stability to say that if you make good-faith efforts to comply with the infection prevention and control measures that are determined for COVID by Dr. Hinshaw and her office and AHS, you can have that predictability and that stability, knowing that you are going to be covered by this legislation, the legislation that the NDP are opposed to, opposed to what is endorsed by the AMA, endorsed by the ACCA, endorsed by Covenant and AHS, what other provinces have already done but to a lesser extent.

It's unfortunate, Mr. Chair. We've seen this continued attack. They wanted to create this false narrative throughout COVID that government has been attacking the health professions when nothing could be further from the truth. Throughout COVID we directed AHS that resources would not be an issue in responding to the pandemic. We made that very clear from the start in supporting those who are involved in our testing, in our lab system, those who are involved in our vaccine rollout, those who are involved in our acute-care facilities, those who are involved in our long-term care facilities. One of the goals that we had in being able to help our long-term care facilities was the additional funding of \$140 million in the previous fiscal year to help them with their increased staffing requirements, the enhanced cleaning requirements, the enhanced PPE that was required in these facilities and, as well, in all of our acute-care facilities to make sure that the staff, patients, and residents throughout the system were protected throughout COVID. That's our focus.

While the NDP like to pretend that they are the only ones who want to support our health care workers, here we see them again opposing Bill 70, which is supported by the Alberta Medical Association, supported by the health professions to be able to provide protection for our health care workers and our pharmacists, Mr. Chair, who are involved so importantly with our vaccine rollout, allowing us to be leaders in the nation for our vaccine rollout because of that partnership with community pharmacy. Those are the folks that the NDP do not want to be included in this legislation because – it pains me to say this – it's transference. As much as they like to accuse us of attacking the health professions, the opposite is true.

We see that with this opposition to Bill 70. We see it with the amendment that's proposed here today, the NDP attacking the health professions, not wanting, if they make good-faith efforts to comply with the health measures, that they would get this type of

protection that other provinces are providing, that they are providing to their health professions and their health facilities. The NDP do not want them to have that opportunity, that predictability and stability for them to know that government has their back. Well, they have government's back. At least, they have my back. Unfortunately, I think we see here today that they do not have the NDP's back.

With that, Mr. Chair, I move to adjourn debate.

[Motion to adjourn debate carried]

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

Mr. Schweitzer: Mr. Chair, I move that the committee rise and report progress on Bill 58 and Bill 70.

[Motion carried]

[Mr. Milliken in the chair]

The Acting Speaker: I see the hon. Member for Peace River.

Mr. Williams: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bills: Bill 58, Bill 70. 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.

10:20

The Acting Speaker: Thank you, hon. member.

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

Hon. Members: Aye.

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

Government Motions

Referendum on Equalization Payments

83. Mr. Kenney moved:

Be it resolved that the Legislative Assembly determine, pursuant to section 3 of the Referendum Act, the following as the question to be put to electors at a referendum and to which the response from an elector who votes in that referendum must be either yes or no: should section 36(2) of the Constitution Act, 1982, Parliament and the government of Canada's commitment to the principle of making equalization payments, be removed from the Constitution?

[Adjourned debate June 7: Mr. Schow]

The Acting Speaker: Are there any members wishing to join debate? I believe I do think that there is a member that has caught my eye, and that hon. member is the Member for Calgary-McCall.

Mr. Sabir: Thank you, Mr. Speaker. I rise to speak to Government Motion 83.

The Acting Speaker: I hesitate to interrupt the hon. member; however, it has come to my attention that you have actually already spoken to the main motion, to Motion 83. However, perhaps if we have other speakers who might bring forward an amendment, that might restart the opportunity for individuals to speak.

Ms Gray: Respectfully.

The Acting Speaker: Yeah.

Ms Gray: Can we just double-check that?

The Acting Speaker: Double-checked.

Ms Gray: Thank you for that.

The Acting Speaker: Are there any members wishing to join debate? I see the hon. Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you very much, Mr. Speaker. I'm pleased to rise and move this amendment. I would move that Government Motion 83 be amended as follows – oh. Let me send it up to you first.

The Acting Speaker: Thank you, hon. member.

This will be, for the benefit of all, referred to as amendment A1. As is the case, you can raise your hand, and a copy will be brought to you. There will also be copies on both tables close to the entrances.

If the hon. member could please continue her comments and read it into the record, that would be beneficial for all.

Ms Ganley: Yes. Thank you very much, Mr. Speaker. I move on behalf of my hon. colleague for Edmonton-North West that Government Motion 83 be amended as follows: (a) by striking out "Should section 36(2)" and substituting "should the equalization program, the principles of which is entrenched in section 36(2)" and (b) by striking out "removed from the constitution" and substituting "renegotiated immediately to meet the fiscal interests of Alberta".

What does this amendment do? Essentially, it tries to change the referendum question, because the referendum question itself is, in our view, somewhat incorrect. The wording of the referendum is not language that would adjust the problem we actually have, and that problem is that the equalization formula as it currently stands, the equalization formula written by some right here in this room, has been set up in such a way that it is unfair to this province.

There are a couple reasons for this. The formula, to begin with, is the problem. The principle of equalization, broadly speaking, is that all Canadians should have roughly equivalent levels of services for a roughly equivalent level of taxation. In principle, I think it's a good one. In a country as vast and diverse as Canada we should all enjoy the same standard of living. Your access to health care: should it be based on where you live?

But let's be clear. We believe that the formula should be changed and worked on to address that. The fault of the formula being broken lies most heavily with the Premier and Member for Calgary-Lougheed, who was a senior federal cabinet minister when it was drafted in 2009. Why didn't he fix it? Why didn't he stand up for Alberta then? I guess we can never know. The current minister of economic development called out our Premier in 2017 for exactly this. The Premier had no answer for that then, and his inaction is no answer today. The purpose of this change would allow us to deal with the formula. It is the formula, I think, which is extremely challenging for Alberta. We believe that this Premier should be squarely focused on job creation, diversifying our economy, and this referendum shouldn't be the number one priority.

Here are some solutions he could be fighting for on equalization, that would make a real difference for Albertans. One of the most obvious areas that could be adjusted to help Albertans is the fiscal stabilization program. This program is designed to protect provinces from sudden and severe shocks to government revenue. I think we're all aware that Alberta has in the last few years experienced several of these, but the formula, written by our current

Premier, imposes a cap on the amount that a province can get, so when we experienced the oil price crashes in 2014 and 2020, we did not get all the help that we had a right to. The Premier was also at the federal cabinet table when this cap was put in place. Our leader has called for this program to be fixed and for Alberta to be paid out the billions in support that would be proportional to the revenue shocks that we experienced. That needs fixing.

But that's not what this referendum question from the Premier does. It does not attempt to fix the terrible, broken formula he has created. The way that our natural resource revenue is calculated is not fair to Alberta. For example, Quebec generates significant economic activity from its hydroelectricity, and its Crown corporation, Hydro-Québec, generates billions for the Quebec government. Because it's the Crown, those dollars that go to the government of Quebec aren't considered tax and therefore aren't included in the formula. That, in the view of the Official Opposition, is just one example of how the natural resource component of the formula is not fair. That needs fixing. But the Premier's referendum question does nothing of the sort.

We've seen the problem of the GDP growth rate rule introduced by the Premier when he was in cabinet. This growth rate rule ensures that each and every year, no matter what happens with the fiscal capacity of the provinces, the equalization pie continues to grow. So even if there's a very real situation where the fiscal capacity of the provinces converge, as has happened here since 2014, the equalization pie still continues to grow. That makes no sense. The growth rate rule was brought in by the Premier when he was Alberta's senior lieutenant in the previous federal Conservative government. It was a bad decision for Alberta then, and it's far more damaging today. Albertans have a right to be upset about the unfair system that has been imposed on them. Alberta families have lost jobs, they've lost homes, and in some cases they've lost hope.

10:30

But let's be clear on another thing. This referendum does nothing to create jobs to replace the 50,000 lost by this Premier before the pandemic even began. It does nothing to help the 200,000 Albertans currently looking for work. It does nothing to grow the economy.

We need to build an economic future for this province. We need to diversify our economy and become a renewable energy powerhouse, the greatest one in North America. That can be done. Albertans can do that, but that should be our focus right now, not referendums with no meaning.

It's worth noting here that this referendum is aimed directly at the Constitution, again, not the formula, that's problematic for Alberta, but the principle itself, a principle which, I think, most people support, the principle that we should have equal access to health care and education.

I think the other challenge with this referendum is that ultimately we haven't the power to amend the Constitution in that way. Again, we in the Official Opposition would be happy to support real work to secure a bigger share of federal revenue. We would work with this government to fix the equalization formula that was written by the Premier. We would help him clean up the mess. Certainly, there are many causes of a great deal of pain concerning the Premier's role here in Alberta. That's another mess that we need to discuss in this House, but let's focus on cleaning up this mess first.

This referendum does nothing. It does not remove equalization or even start a process that might lead there. It does nothing, and that is why we bring this amendment, because it would change the referendum so that we could start a real conversation, a real conversation about what Albertans need, a real conversation that would enable us to move forward with attempting to fix this formula.

To be clear, Mr. Speaker, fixing the formula would have dealt with a lot of the issues we had in both 2014 and 2020. As I've outlined, there are a number of problems with the formula. We're happy to work with the government to fix the formula, but the question as currently worded says nothing about the formula. It talks about the principle, and the principle itself is not what's at issue here.

With that, I would urge all members to vote in favour of the amendment. Thank you, Mr. Speaker.

The Acting Speaker: Thank you, hon. member.

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

Mr. Sabir: Thank you, Mr. Speaker. I rise to speak to this amendment, which is essentially asking to strike out the section 36(2) reference. The reason for that is that what the Premier has been saying all along, what the UCP has been saying all along is that the way the equalization formula works is not working for Alberta. When times are tough, we want our federal government to step up and help Albertans to weather the economic downturns and help them with what they need during difficult times.

I believe that was the promise that the UCP made, and we agree with the government that this formula is not working fairly for Albertans, for Alberta, and that needs to be fixed. I will talk about the formula itself as well, but what the wording of the referendum is doing – that's not the language. That's not the language that will fix that formula, that was brought forward by the Conservative government that the Premier was a part of.

What this question of the wording in the referendum is doing: it's removing section 36(2) altogether. It's trying to remove it, not removing it. It's trying to remove the wording of section 36 from the Constitution, which is the principle of equalization. Broadly speaking, what that principle is: all Canadians, no matter where they live in Canada, should have access to roughly similar services for a roughly similar or equivalent level of taxation so that everyone in Canada, so that every Canadian, no matter which province they live in, which part of the country they live, is able to enjoy the same standard of living. I think that the UCP never said that during their campaign, that they're against the principle of equalization. What they said was that the formula is not working for Alberta, and we agree with that.

Alberta has tried to change the formula before. Let me quote the Prime Minister of Canada: equalization is not an Alberta program or an Ontario program; equalization is a strictly federal program. That has been the response of the government of Canada to Alberta's efforts to change the equalization formula, that program. Guess, Mr. Speaker, who that Prime Minister was. It was not Justin Trudeau. It was Prime Minister Stephen Harper who said this, that equalization is not an Alberta program or an Ontario program, that equalization is a strictly federal program. That's how the government of Stephen Harper was treating Alberta, the government that our Premier was a part of and helped write that formula. This formula was broken back then, and it is broken right now.

One has to ask: why did the Premier not fix this formula back then? Why did he not stand up for fairness for Alberta? Even the current minister of economic development called out the Premier on this in 2017 during the leadership race, and the Premier didn't have any answer back then either because he never stood up for Alberta when he was in Ottawa.

10:40

I hope that when the Premier goes out to campaign on this referendum and when he travels around the province in his rented

blue truck pretending to be an everyday Albertan, he will be honest with Albertans and will tell Albertans that he was there at the table when this was drafted, when this formula was drafted, when this unfairness was perpetrated on Alberta. He didn't do anything to stop that. He didn't do anything to change that. He didn't do anything to advocate for a fair deal for Alberta. Even the Premier's friend Ken Boessenkool and even Ben Eisen at the Fraser Institute both agree that this referendum will have no real effect and that it will cost Albertans \$10 million.

Ms Hoffman: At least.

Mr. Sabir: Yeah.

Well, they paid \$1.3 billion on a pipeline to nowhere. I don't know if they care about \$10 million, but that's a lot of money. That's a lot of money at a time when we are nickel and diming Albertans. When we are cutting just simple cost-of-living increases to people on disability receiving AISH, that's a lot of money. When we are laying off teachers, when we are firing 11,000 health care staff, that's a lot of money.

Many legal experts, many people from academia, political circles, even the Premier's own political circles: they all agree that this referendum will have no real effect. It will not change anything for Alberta. It will not change anything for Calgary. It will not fill empty towers in downtown Calgary. We believe that that should be priority one for this government. We should be focusing on creating jobs, we should be focusing on diversifying our economy, and we should be fighting for things that matter to Albertans.

As I said, the Premier was at the table when this formula was written. I think what the Premier could have done at that time: they could have designed that formula in a way that would protect Alberta from sudden and severe shocks to government revenue due to the commodity prices, and for sure Alberta experiences a lot of those shocks. But the way that that formula is written, that doesn't help Alberta. We saw that when oil prices crashed in 2014 and in 2020, we didn't get the help that we needed from the federal government.

We should be looking at changing that formula so that it works in the best interest of Alberta, and we shouldn't be shooting at the principle of equalization, that many previous Conservative Premiers have supported as well, that Premier Peter Lougheed has supported as well. Most reasonable Albertans will support that anyone living anywhere in Canada should have equal access to services for an equal kind of tax regime. Taking that formula, taking that section out of the Constitution does not fix anything for Alberta.

[The Speaker in the chair]

This amendment gets to the heart of the issue. But instead of trying to remove section 36(2) from the Constitution, we should be focusing on negotiating a better deal, negotiating a formula that works in the best fiscal interest of Alberta and Albertans. That's the formula. That's the reason for that unfairness, and that's where we should be focusing our efforts. We should change that formula so that it works to protect Alberta's economy when times are tough, to protect Albertans when times are tough.

We should not be going after section 36(2), the principle of equalization. That's not what the Premier promised. That's not what Albertans are looking for. What Albertans are looking for is a formula that treats Alberta fairly and helps them when times are tough. And unless this government accepts our amendment, I don't think the motion as drafted can be supported.

Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. I see the hon. Government House Leader.

Mr. Jason Nixon: Well, sure – why not? – on 29(2)(a). Mr. Speaker, thank you for the opportunity to quickly rise. The hon. member spoke with passion about the need to stand up for Albertans, accused the hon. the Premier of not standing up for Albertans by bringing forward legislation and a motion in this case to be able to create a situation for Albertans to be able to vote and make clear their opinion, first of all, when it comes to equalization within Confederation but, secondly, to be able to elevate the conversation to a national stage, to make sure Albertans' voices can be heard and that there could be a true conversation about that. That would be standing up for Albertans. I may rise in a moment to talk more on this motion about that specifically.

But for the hon. member, for his questions on that, who was just two years ago part of a government who was in power in Alberta the last time that the equalization formula came up for conversation. In fact, the then Finance minister – his constituency has changed of late. I don't know if it's Calgary-Fort anymore, but he was the former NDP Finance minister at the time, who was asked both outside the House and inside the House, including by myself as an Official Opposition MLA, why he would not take steps as the Alberta government to stand up for Albertans while that formula was being negotiated. He said that he didn't care. It wasn't really something he wanted to touch, kind of was indifferent to the subject, Mr. Speaker, repeatedly.

So the then Premier, who is now the Leader of the Official Opposition – that was a theme, Mr. Speaker, getting to my question for the hon. member. In fact, the then Premier, the now Member for Edmonton-Strathcona, famously said to this Chamber that she was going to stand up for Northern Gateway and other pipelines, then went and had the meeting with Premier Horgan, a person she used to work for, had a relationship with, who is now a Premier of another province, and when she left that meeting and reporters asked Premier Horgan, "Did the Premier of Alberta even raise pipelines with you while she was there?" – you can go look at it; this is a direct quote from the Premier – he said, "She didn't even raise it with me." How's that for sticking up for Albertans?

Mr. Speaker, my question for the hon. member is: how would he propose to stick up for Albertans when it comes to equalization, and why did he not, when he was a member of a cabinet just over four years ago, the last time that equalization was being negotiated, make sure that his government stood up for Albertans and at least raised Albertans' concerns when it came to equalization? Is he saying to this Chamber right now that the majority of his constituents are okay with the way that the current equalization formula is? Is he? I can tell you – I grew up in his neighbourhood that he represents – that they're not. Certainly, they're not okay inside my constituency with that.

So the question for him is: why, when he was a cabinet minister four years ago, when it was being renegotiated, did he not stand up for Albertans and make sure that his government called on the federal government to change it? Is he truly going to say inside this Chamber, Mr. Speaker, that his constituents do not want this conversation elevated to the national stage? Yes or no?

10:50

The Speaker: The hon. Member for Calgary-McCall.

Mr. Sabir: Thank you, Mr. Speaker. How much time do I have?

The Speaker: One minute, 30.

Mr. Sabir: I think I will briefly say this, that in this House there is only one person among all 87 who held the pen when that formula was negotiated, when they were writing that federal formula in 2009 and again in 2014, and he completely failed to stand up for this province, to stand up for Alberta. That's the formula they now want a referendum on to tell us that we did very wrong in 2009, and let's do something different.

I think we are here to work with this government to fix this formula and not the way they have drafted it. They are just attacking the Constitution's 36(2). That's not what they promised. They should be focusing on the formula they have written, the Premier has written. He was at least at the table, and that's the formula which is perpetrating unfairness of Albertans. We want to work with the government and federal government to fix it. If they don't do it, we will do it in 2023.

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

On the amendment are there others? The hon. Member for Red Deer-South.

Mr. Stephan: Thank you, Mr. Speaker. I stand to speak against this amendment. The members opposite talk about theory, the principle of equalization, but what about the practice of equalization? What about: how does equalization actually work in the real world? Do the members opposite have an understanding of the real world?

Mr. Speaker, I've drafted a number of partnership agreements, and partnerships, commercial partnerships, all have an element of equalization. There are always situations where, in a partnership, perhaps one partner has a bit more success than the other, and there is an element of sharing, working together for the collective interest. I've drafted a number of partnerships. I've been in a partnership myself, and I've seen that in operation, but what if the partnership is always making one partner in particular pay a disproportionate amount more than everyone else every single year? This is what is occurring. Alberta businesses and workers are paying billions of dollars more than they receive every single year, and the compounding effect of that is now over \$600 billion in terms of net transfers.

Of course, there are a number of elements where Alberta businesses and workers pay way more every year than they get back. CPP is one example of that. Now, this referendum is speaking about equalization, but there are many examples where fiscal federalism has resulted in a structural welfare payment by Alberta businesses and families. Mr. Speaker, I can tell you that in the real world if a partnership agreement results in one partner – really, essentially one partner – every year paying more than everyone else, that partnership is not a stable and safe and successful and sustainable partnership.

Mr. Speaker, the problem with this amendment is that let's say the current Prime Minister somehow agreed to something that was a modicum of fairness to Alberta businesses and workers in respect of an adjustment to the formula. Well – guess what – we're always subject to the whims of a subsequent Prime Minister. So long as the equalization formula is in place, they can change it in future years at their whim. This is not in the public interest of Alberta businesses and workers.

I am extremely disappointed, Mr. Speaker, in the members opposite, that they would propose something that dilutes and weakens the leverage and position for fairness of Alberta businesses and workers. That is because they are stuck in an ivory tower of theory. They are ignoring the reality. All the time we hear things like this, unfortunately, from the members opposite. In some respects they do not understand the real world. This is a rigged

partnership. The members opposite want to enable that and acquiesce to that. That's fine. They can answer to Albertans for that, but this government is going to give Albertans the right to speak.

Mr. Speaker, it is in the best interests that Albertans do speak. Whenever I've been in a partnership – and I have been in a partnership – when partners want things changed, they ask for it to be changed. That is acting in good faith. Albertans are going to act in good faith. They are going to have their word, and we will be watching. How will the partnership respond? Will they act in a principled way? Will they act in good faith? I truly hope so. I hope that this can be the start of healing and fairness when all of us as partners treat ourselves in a principled way, in a good-faith way.

Mr. Speaker, I speak against this amendment. I speak in favour of the government motion.

Thank you.

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

Seeing none, on amendment A1 are there other members wishing to speak? If not, I am prepared to call the question.

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

[Several members rose calling for a division. The division bell was rung at 10:58 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Ceci	Ganley	Hoffman
Dach	Gray	Loyola
Feehan		

Against the motion:

Allard	Neudorf	Sigurdson, R.J.
Getson	Nixon, Jason	Singh
Glasgo	Nixon, Jeremy	Smith
Glubish	Pon	Stephan
Goodridge	Rosin	Toor
Guthrie	Rowswell	Turton
Hunter	Sawhney	Walker
Kenney	Schow	Williams
LaGrange	Schweitzer	Wilson
Luan	Shandro	Yao
Madu		

Totals: For – 7 Against – 31

[Motion on amendment A1 lost]

The Speaker: On Government Motion 83 are there others wishing to join in the debate?

Seeing none, I am prepared to call the question.

[The voice vote indicated that Government Motion 83 carried]

[Several members rose calling for a division. The division bell was rung at 11:18 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Allard	Neudorf	Sigurdson, R.J.
Getson	Nixon, Jason	Singh
Glasgo	Nixon, Jeremy	Smith

Glubish	Orr	Stephan
Goodridge	Pon	Toor
Guthrie	Rosin	Turton
Hunter	Rowswell	van Dijken
Kenney	Sawhney	Walker
LaGrange	Schow	Williams
Luan	Schweitzer	Wilson
Madu	Shandro	Yao

Against the motion:

Ceci	Ganley	Hoffman
Dach	Gray	Loyola
Feehan		

Totals: For – 33 Against – 7

[Government Motion 83 carried]

Government Bills and Orders Committee of the Whole

[Mrs. Allard in the chair]

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

Bill 70 COVID-19 Related Measures Act (continued)

The Acting Chair: The Committee of the Whole has under consideration amendment A1. Are there any members wishing to speak to this amendment? I see the hon. member.

Mr. Feehan: Thank you, Madam Chair. I appreciate the opportunity to speak very briefly to Bill 70 although I do so somewhat wearily. Having watched the government, I share the weariness of the people of Alberta, who have watched the government time and time again introduce bills and then pretend that they're about one thing when, in fact, the content of the bill is about another. This Trojan Horse sort of style of governance is kind of wearing because as you confront it, of course, the response is to tell you that you are not right and to begin to spin fabrications about the opposition as a way of deterring from the fact that these bills are all, you know, of the same sort. They're all sort of the "Don't worry; this'll be good for you" kind of bill when, in fact, it's not.

[Mr. Milliken in the chair]

Just like, as we saw previously, Bill 58, Bill 70 does the same thing. It pretends that it's opening a small door when, in fact, it's opening an airport-hangar-sized door for the government to act in any way it wants in the future. People can see that happening. Certainly, the government has been confronted on it time and time again, but the government's stance of just telling you that what you can see plainly in front of you is not true is clearly a part of their long-term pattern of misdirection. You know, I just find myself very discouraged that we're here, back in the House, debating this kind of bill when so much could have been done in response to COVID-19. We know that this has been a very difficult and traumatic situation in this province and across Canada and around the world, and it is frustrating to watch the government come forward with little to no input on how we could have made situations better for people.

11:40

I can tell you what this bill is not about. It's not about living, healthy people. I'm sorry to the government for mentioning living,

healthy people. I know they don't like that. I want to remind people what this bill is not about. It's not about residents. It's not about improving circumstances to decrease the likelihood of them contracting COVID-19. It's not about the residents' families supporting their family member who is in a residence and ensuring that they have the ability to continue to be present for their family.

It's not about the staff in the institutions, who are, you know, constantly working hard for us, literally in some cases putting their lives on the line for us, under these terrible, trying times and doing so often without complete and reasonable compensation, that would include full-time, regular, consistent hours in a single institution, in order to pay their mortgages and to put food on the table for their children. It's not about them and making it safer for them.

It's not about, you know, the people who are out of work in this province, who could have been drawn in to create all kinds of manufacturing that would have assisted in this process, perhaps creating PPE or other aspects of the work that's being done. The government really could have done what they did in wartime and marshalled the resources of the province, employed people to take care of the needs of this province, created whole new industries, and set us off on a good course of tackling the terrible unemployment that we've experienced under this government.

It's also not about virology. It's not about creating the labs in this province that can do this kind of work, supporting the universities that are supporting this kind of work, and creating the knowledge base and the technical skills by establishing virology labs and expanding them and expanding the members of the public service who can work in this area as well.

It's just a big disappointment, that the government has kind of failed to step up. What they have done is that they put in a bill that leaves the door wide open for them to act in any way that they want to act, and we've certainly seen that this government likes to act in peculiar ways. It's very discouraging to see sections of the bill, such as the one we're discussing here in this amendment with regard to the application of the act, putting in sentences like 2(d), which reads: "any other facility, person or class of persons prescribed in the regulations." Totally wide open. There's absolutely no description of what the intent is here. There's no limitation. There's no listing or suggestion of the people who might be covered by this. It's simply a door so wide open that you could go through it with a truck, an airplane, a Hindenburg blimp. It's ridiculous that this is in the legislation, and it tells us that the government hopes to use this legislation in ways that they are not taking responsibility for right now.

It's very discouraging to hear the Minister of Health stand up and start talking about quality of life and stuff when that is not at all in this legislation. They're not talking about healthy human beings in this legislation. They're not doing that anywhere. The Minister of Health makes comments about staffing models and so on. Is that in the legislation? No. The whole speech is to deflect us, to provide misdirection, to make people believe things that the opposition is saying that, in fact, the opposition has never said. They create these straw dogs and then they burn them. You know, it's a very discouraging thing, to sit on the opposition side of the House and to watch this kind of activity going on, bill after bill passed that they talk about in one way but actually write in another way, in a different way.

I can tell you that the people of Alberta will see through this in time. In fact, the polls are already telling us that they're seeing through it now. I can tell you that I and the opposition will continue to stand up and tell the people of Alberta that what you are being told is a misrepresentation of what is being written in these acts and that the glory stories that are told about what they care about are not

demonstrated in the content of the work that they bring into this House. That's just completely unacceptable.

I conclude my remarks this evening by asking the government once again, as, I guess, a glutton for punishment, to reconsider the act, to actually go in and write down what they say the act is about when, in fact, clearly, that is not written in the act. It's time to be up front, to be clear, to be transparent with the people of Alberta and to stop pretending all the time that you have these noble intentions, that are not clearly defined in the language of the act.

Thank you.

The Deputy Chair: Thank you, hon. member.

We are on A1. Are there any members wishing to speak? I see the hon. Member for Peace River.

Mr. Williams: Well, thank you, Mr. Chair. I rise in Committee of the Whole to speak to Bill 70, and I think that I'm starting to figure it out. What the opposition members do is not say anything particularly clever but just say the same thing over and over and over again until these mistruths continue to penetrate the way people think about it. It's easy sometimes to be discouraged by it, but I want to remind the member opposite exactly what this bill does. My understanding is that this bill sets the level of gross negligence. This will not allow bad actors to get away. This will allow continued litigation on the question of whether people did not in good faith try to implement the measures brought forward by the government with the recommendation of Dr. Hinshaw and Alberta Health Services.

Now, the member continued to say in his speech what this is not about. He said that it's not about the staff or the institutions. Well, Mr. Chair, I can tell you that if 70 per cent of long-term care is operated by private operators and we do not have this safeguard in place, they will not be private operators for long. I hesitate to think that that might be the intention of the NDP, to try and eliminate private operators in long-term care and other forms of health care that are not currently state run. I think it's important that we defend the interests of those community-based health care providers.

This government has done its part to make sure that we continue, through all of COVID, to keep our health care system operational. That's what this was about, Mr. Chair, making sure that our health care system could continue to serve vulnerable people. For us now to not protect them, especially those who are taking care of our elderly, those who built this province, to me seems like a really poor choice and an about-face for the members opposite to now look at advancing an argument and voting against legislation that would protect that part of our health care.

Now, this government has had its interactions with – for example, some of these stakeholders, the AMA, at times are not big fans of the steps that this government has taken, but they are public and on the record in endorsing this. It seems like those members of the health care community care about this. Covenant Health is on the record. We can look at the Alberta Continuing Care Association, who say that this is an important piece of legislation that they need. The Christian care association, the Alberta Seniors & Community Housing Association: Mr. Chair, these are institutions and staff that are asking for this. The member opposite is implying that they don't want this.

Well, the truth is that without this, there could potentially be billions of dollars of litigation against people who acted in good faith, did everything they could to defend the health of average Albertans through what was a global crisis that came upon us. This is responsible action by the government, and it's irresponsible action by members opposite to contort this into something it's not and to vote against this important piece of legislation for the

continued sustainability of our health care professionals and institutions.

The Deputy Chair: Thank you, hon. member.

We are on A1. I see none.

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

[Several members rose calling for a division. The division bell was rung at 11:50 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Ceci	Ganley	Hoffman
Dach	Gray	Loyola
Feehan		

Against the motion:

Getson	Neudorf	Shandro
Glasgo	Nixon, Jason	Sigurdson, R.J.
Glubish	Nixon, Jeremy	Singh
Goodridge	Orr	Stephan
Gotfried	Pon	Toor
Guthrie	Rosin	Turton
Hunter	Rowswell	van Dijken
Kenney	Sawhney	Walker
LaGrange	Schow	Williams
Luan	Schweitzer	Wilson
Madu		

Totals: For – 7 Against – 31

[Motion on amendment A1 lost]

The Deputy Chair: We are back on the main bill, Bill 70, COVID-19 Related Measures Act. Are there any members? I see the hon. Member for Calgary-Mountain View has risen.

Ms Ganley: Thank you very much, Mr. Chair. I have an amendment to move. It's very short. Would you like me to read it while it is still on its way to you?

12:10

The Deputy Chair: Yeah, now that you've passed it off. Knowing that, what I'd say is that this one will be amendment A2.

Ms Ganley: Thank you very much.

The Deputy Chair: Before you do it, just for our benefit, I think the easiest way to do this, if you'd like a copy of it, is to grab a copy off the tables if that's possible. However, if not, there is still, obviously, the availability for you to put up your hand and get a copy. Just know that our regular pages are not here anymore.

If the hon. member could please read it in for the record, again, A2, with 19-plus minutes remaining should you decide to continue with your remarks. Thanks.

Ms Ganley: Thank you, Mr. Chair. I move on behalf of the hon. Member for Edmonton-Riverview that Bill 70, COVID-19 Related Measures Act, be amended by striking out section 9. That is the text of the amendment.

What is section 9?

The Deputy Chair: I hesitate to interrupt the hon. member. Would it be possible that they might be able to actually have it e-mailed? It's just that without the pages, we've got two options in order to

get a copy for the table. One is if you have the infrastructure to send it. Perfect. I'm seeing a thumbs up.

If the hon. member could please continue.

Ms Ganley: Thank you, Mr. Chair. The amendment strikes out section 9. Section 9 reads as follows: "This Act has effect on March 1, 2020." It is the section which makes the act retroactive, in case there is any lingering confusion on that particular front, because the act is retroactive.

Why is this problematic? Well, first, it strikes at the heart of the government's rationale. You know, we keep hearing government members stand up and say: oh, this is to keep places functioning during the pandemic. Well, sure, the act has retroactive effect, but it doesn't actually go back in time and change anything. They're bringing it in now. Well, they've been functioning throughout the pandemic.

I think the other thing to note about this is that this does have a genuine detrimental effect on people who have already filed lawsuits because those people have already paid their lawyers to file those lawsuits. They have paid their lawyers to engage in a bunch of analysis to determine whether or not the cases could go forward, to determine whether or not there was negligence to file the suit in the first place. Potentially, they have undergone examinations. I mean, there could be a lot of money on the table here, and anyone who's been involved in litigation before knows that costs that would actually accrue would never cover that. In this case it is now significantly less likely that those folks will ever get those costs recovered because it is significantly less likely that they will be successful.

The government keeps saying: oh, well, you know, this won't strike your litigation. Okay. Sure. Of course it won't strike your litigation. It's a little like saying: "We didn't cancel your marathon. We just now expect you to run it wearing high heels and with a backpack of rocks on your back. We haven't cancelled it. It's just practically impossible for you to succeed." I think that that's a bit disingenuous, really.

You know, there's a lot in this bill that's problematic. We've canvassed this excessively. I think that certainly one of the things we attempted to fix with our last amendment, which is to say the very broad power of the government to designate literally anything to fall under this act, is extremely problematic. I would suggest that the act itself is problematic. Legal experts have been fairly clear that the courts on their own would have taken into consideration the effects of the pandemic, so in that way this isn't necessary.

I think the other thing worth pointing out again is who this defends, and it isn't the employees. It's insurance companies because at the end of the day that's who would have been ultimately responsible for the costs. Families would have sued, and, sure, you name the long-term care home – potentially, I mean, you name a person in limited circumstances although not especially likely in this case – and their insurance takes over the case. The insurance hires the lawyer, the insurance defends the case, the insurance pays if there's anything to be paid, and the insurance settles the case. That's what insurance does. So you are taking from these families the right to sue for negligence that anyone who was injured by someone else's negligence or killed by someone else's negligence in most other circumstances would have. That's problematic.

What this amendment aims to fix is something that adds, shall we say, insult to injury, which is to say: it goes back in time. There are suits that have been filed. We know there are suits that have been filed, so the suggestion that somehow this doesn't interfere with anyone who's already filed a suit is just wrong. Those suits are there already, and changing the standard which someone is required to meet halfway through the case has an effect. Saying, "Well, we

haven't automatically struck your claim" – the person that is on the receiving end, the defendant, has to take the additional step of going in and making a motion to strike your claim before the claim is struck. That's pretty cold comfort, I think, to most people. This is a very different standard that is being created, and I think that that is incredibly problematic because, again, one of the fundamental principles in our society is that if you are permanently disabled through someone's negligence, if your loved one is killed through someone's negligence, you have the right to seek recourse through the courts, and this interferes with that.

With that, Mr. Chair, I think it has been a long discussion, and I would move to adjourn debate.

The Deputy Chair: Thank you, hon. member.

[Motion to adjourn debate carried]

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

Mr. Schweitzer: Thank you, Mr. Chair. I move that the committee rise and report progress on Bill 70.

[Motion carried]

[The Speaker in the chair]

Mr. Rowsell: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bill: Bill 70. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Speaker: Hon. members, does the Assembly concur in the report? If so, please say aye.

Hon. Members: Aye.

The Speaker: Any opposed, please say no. In my opinion, the ayes have it. That motion is carried and so ordered.

Government Bills and Orders Third Reading

Bill 66 Public Health Amendment Act, 2021

The Speaker: The hon. the Minister of Health.

Mr. Shandro: Well, thank you, Mr. Speaker. I'm pleased to rise to move third reading of Bill 66, Public Health Amendment Act, 2021.

We've seen a lot of lively debate and discussion about this bill and its purpose. The pandemic has been tough for all Albertans, and there's no doubt about that, Mr. Speaker. However, we've also had the opportunity to see our public health legislation in action, giving us the chance to see the impacts and to identify improvements. Updating the Public Health Act through Bill 66 allows us to better reflect on current and emerging public health challenges and best practices, and the proposed amendments here in Bill 66 will help Alberta's government to respond quickly to public health issues, to protect the health and safety of everyone in Alberta.

Now, Bill 66 also reflects the feedback from Albertans and the recommendations from the Select Special Public Health Act Review Committee. Albertans told us that they want better protections for their individual rights, greater checks and balances within the act, so the proposed amendments achieve this by removing all sections in the act that authorize a minister to modify

legislation by order. This delivers on our commitment to repeal sections of the Public Health (Emergency Powers) Amendment Act, 2020.

12:20

Now, Bill 66 also proposes to remove unnecessary powers to order mandatory immunization or conscription, and the amendments go further to clarify and enhance individual rights in the act. Specifically, some of the amendments to point out: first, to ensure that individuals are informed of the location if they are going to be detained; second, to establish criteria that must be met before requiring an individual to be treated or examined; and third, to establish criteria for how personal health information is handled under the act. Albertans and the review committee were firm that we need these kinds of protections to ensure that we're balancing the protection of public health with individual rights.

On top of that, we're increasing transparency in information sharing from government when responding to a public health emergency. Bill 66 includes new requirements to publish orders that apply to the public or to groups online as opposed to those orders which may be individualized. If they are applicable to the public, if they're applicable to a group and they do not identify an individual, then they would be required to be published.

While many of the recommendations of the select special committee focused on the authorities of the act, their report also included amending the legislation to better reflect current and emerging public health challenges and practices. Now, we've taken their recommendations and found additional opportunities to modernize the Public Health Act through Bill 66, and these changes better reflect the state of the province today and what we've learned through the COVID-19 pandemic so that we're better positioned for the future. These amendments include reinforcing the province's work to prevent chronic disease, the work the province can do to prevent preventable injuries, giving the minister a clear mandate to engage in public health planning related to chronic diseases, updating provisions on absence from employment to reflect the possibility of working remotely, establishing the qualifications of the chief medical officer of health in legislation, and repealing section 70 and the regulated matter regulation.

Now, this is an old and outdated provision that does not fit with the recovery-oriented treatment and supports that we are looking to provide to those in Alberta who suffer from addiction. Repealing section 70: what this means, Mr. Speaker, is that Albertans who use an inhalant as an intoxicant will no longer be fined for their addiction.

I also want to take this opportunity to highlight a few key points that sparked lively debate on this bill. The proposed amendments will not affect current public health measures, nor limit government's ability to respond effectively to the pandemic.

There were claims that section 29 implies that government was unsure of the legality and defensibility of the chief MOH orders. This is, Mr. Speaker, simply not true. This isn't the case. Section 29 was amended to be clear that the chief MOH orders made under the previous act will remain valid and remain enforceable by law after Bill 66 comes into force. Bill 66 does not increase – and this is another misconception – the power of executive officers to issue orders.

On top of that, an additional thing to point out is that there are no provisions in the bill that would force an individual to have the COVID-19 vaccine or to be detained if they refuse. The amendments make it clear that detention is a last resort, and in the case of COVID-19 choosing not to be vaccinated would not be an action that would warrant having a certificate issued against an Albertan.

Alberta's government is continuing to strengthen and modernize our province's health legislation, including the amendments here in Bill 66. The Public Health Act is, as we've mentioned before, both I and the Premier, in this House, one of the oldest laws that we have in the province of Alberta. Bill 66 outlines the next steps to modernize the act and to provide that greater transparency to Albertans that Albertans are asking for. We've learned through the pandemic that the importance of having the right legislative tools available to respond quickly, to respond efficiently to a public health emergency is important while also striking the right balance between the rights of individuals and the measures needed to protect the public health.

In closing, I ask for everyone to support third reading of Bill 66, the Public Health Amendment Act, 2021. Thank you, Mr. Speaker.

The Speaker: Hon. members, is there anyone that would like to provide some additional debate? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you, Mr. Speaker. I think I've spoken several times to this piece of legislation, but it's worth just highlighting a few things again. You know, the minister just rose and talked about how the act enhances individual rights. Well, I would characterize that as a creative interpretation. Let's review how we got here. At the beginning of this pandemic the government forced through legislation in 48 hours. That legislation was Bill 10. It enabled the government and individual ministers to essentially legislate by way of ministerial order, with no requirement to publish. That's problematic. We objected, and a number of other groups objected. This bill is the bill that finally and completely walks back that change, that overreach. To characterize walking back a government overreach as sort of vesting people with additional rights is fairly creative.

After that had happened, a committee was struck. The committee recommended against these changes, so I'm glad to see that the minister accepted the NDP's recommendations on this front, coming out of the committee, and rejected the UCP recommendations. I think that that was definitely a step in the right direction, so I'm pleased to see it. Mr. Speaker, it is worth noting that I will be supporting this bill in large part for exactly that reason.

I also think it's worth noting – the minister mentioned in his remarks section 29. That's because members of the legal community have raised questions about what it is that that section is doing, because it appears to retroactively validate orders which the government seems to believe are invalid, and the orders that it's retroactively validating were never published in the *Gazette*.

Now, that sounds like something that's not that important, but because of the way the law used to work, because we didn't used to have the Internet to get the law out to lawyers, the *Gazette* used to be the mechanism to communicate to those lawyers. The rule was that you file the law with the registrar, and then it is in force. When the regulation is filed with the registrar, that is the moment at which it is in force. The registrar publishes it in the *Gazette* unless cabinet creates an order that says that the registrar shall not publish it in the *Gazette*, in which case the registrar publishes that.

The fact that nothing has been published in the *Gazette* is highly suggestive of a problem, and no one from the government has risen to explain what the answer to that is. Might I add that the registrar is the Minister of Justice, so presumably it would be quite easy for the government to simply rise and say: "Yes, the regulations were filed with the registrar; they just weren't published in the *Gazette*." For whatever reason we chose not to publish our regulations." I think it's quite easy for the government to take a very simple step

of explaining how these orders were in force, yet they've chosen not to do that.

What they've chosen to do instead is simply to say, "Fear and smear; that's false," to do the thing that they always do except that most of the time when they say, "That's false," it really means, "That's true." It's confusing and difficult for the public to follow. One might understand why members of the public would have become skeptical because there have been many, many instances, too many to probably list in the speaking time available, in which the government has said one thing when, in fact, it was another. We've seen that happen multiple times this evening. We're talking about legislation, legislation that's written in black and white. It's very clear what it does.

12:30

I guess I'll simply close my comments on this bill by saying that the bill itself I support, and I will support it. What troubles me is that when I got into politics, I always thought I would divide with the Conservative government along sort of substantive value lines. They believe in trickle-down economics; I don't believe in trickle-down economics. I believe in early intervention; they don't generally, or at least they don't support it with the money that would be necessary to indicate that they actually think about that. I'm surprised to discover that we split on a more fundamental level. That more fundamental level is one of transparency and honesty with Albertans. It's one of having a real and rational debate about things, and it's one in which when legislation clearly says that it does something, we accept that that's what it does, or, alternatively, someone rises and provides an explanation.

Mr. Speaker, I think the reason that this bill frustrates me even though I will support it is because, at the end of the day, it really just is a story of this government, a story in which overreach was passed, they claimed that it wasn't what it was, they wanted to walk it back, they struck a committee, the committee recommended not walking it back, and then they walked it back anyway. The public has a hard time keeping up, and I think rightfully so.

I will support this legislation, and I hope that the government has learned something from this ordeal.

The Speaker: Hon. members, is there anyone else that would like to provide some additional questions, comments on the main bill? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate, again, the opportunity to rise in the House, an opportunity given to me by the people of Edmonton-Rutherford, and I'd like to thank them for that. While I'm thanking people, I want to take a moment to thank the government because I really appreciate that when anyone has made an error, they take responsibility for that error and come back and resolve the error. I believe that's what is happening here in this bill, and it's the reason why, in spite of some fears about the bill, which I'll mention, I will be supporting this bill.

I just think it's important that we know that the reason why we're here today is because there was a very dramatic overreach in Bill 10 that is being resolved in this bill. Thank goodness it was actually people who are normally friendly to the government who pointed out to them how much of an atrocious overreach it was, so they actually listened. Of course, it was pointed out by many others, but they ignored them all. I guess their friends, who were suing them, made the point for us.

I do want to thank the government for taking responsibility to fix their error here. I certainly look forward to coming back in the fall to see the new bills that'll fix the errors and the overreach in bills 58 and 70, that we talked about this evening, as well as perhaps

some others. Fixing their overreach seems to be something that is going to become the history of this government in its short one term in office. I must say that I'm happy to be here and to be able to cast a vote that says: yes, the government was overreaching, and, yes, it is time to stop that from happening.

I also, you know, support other parts of this legislation, including the fact that, for example, orders will now go online, become more accessible to people, and a few other pieces. Again, I say thank you to the government for that.

I am sorry, of course, that the minority report that was put out on this legislation was largely ignored by the government, and I wish that they had taken some time to consider deeply the suggestions that are always made with the intention of improving legislation at that stage. It would be nice, you know, if they had responded to it.

I also had wished that they had taken some time to look at paid sick leave in this legislation, something which I think is fundamentally important and inevitably in the arch of history we will get to in this province. It looks like now it'll be after 2023, but, you know, it's one of those pieces of modernization that fits in line with many of the good structural changes we've made in society like worker protections, WCB, like public universally accessible health care, like broad services like sewage and transportation and water and electricity, that all have been done in this province. I know that one day workers will have paid sick leave. It's just too bad this government decided not to be on the right side of history on that one. It would have been nice to see that in this particular bill.

As we're keeping it a bit shorter this evening, I will just finish with one area of caution that I have, and that is a worry about the process of the recovery of costs that are put in this bill and a worry, you know, about how that will play out. I understand the intent from the government, but I know that after they introduced Bill 1 in this House, I heard widely across the indigenous community that they felt that that bill was designed to stop indigenous protests in this province. They felt it was worded globally, but its intent was to be very specifically directed toward one community.

Again we have a situation in this bill where the intent to have some cost recovery is there in the bill, but, of course, people are worried that it'll be used as a tactic to go after people that the government doesn't happen to like and will not be used equally or broadly. You know, this government has earned that reputation amongst the people in the province of Alberta. We hear about it all the time. We hear about it with the lawsuits that have been brought, whether it be by their friends on Bill 10 or by the Métis Nation of Alberta.

I guess I'll close this off by just saying that I thank the government for the changes they have made, and I look forward to further changes that we, hopefully, will see in the fall legislation when they come and fix some of their other pieces of legislation.

Thank you.

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

Seeing none, are there others? The hon. the Premier.

Mr. Kenney: Thank you, Mr. Speaker. I'm pleased to rise, I think, as the closing government speaker, at least on Bill 66, the Public Health Amendment Act. I'd like to thank the hon. Minister of Health, his officials, the drafters, and the members of the legislative select special committee, who spent much time on this, all of the witnesses who participated in bringing this forward.

Mr. Speaker, I'd just like to offer some comments and context here. This is a multifaceted bill that seeks to remove many of the

extraordinary powers found in the Public Health Act. The Public Health Act, as the hon. the Minister of Health has underscored, is one of the oldest statutes of Alberta. It was, we believe, initially adopted by our predecessors in this Assembly in the year 1910, before this building, I think, was actually completed and just five years after the province came into being. The province was still building the basic infrastructure of its statutory, of its legal framework.

It was prescient though, Mr. Speaker, if you think about it historically, because they adopted the Public Health Act just eight years before Alberta and the world was hit hard by the Spanish flu, influenza, of 1918-1919, which resulted in the deaths of an estimated 100 million people around the world, including tens of thousands in Canada, whose costs in terms of human life and social devastation were significantly greater than what we've experienced through the COVID-19 pandemic of the past 16 months. Much of the architecture of the act which we seek here to amend dates back to the beginning of the last century, to 111 years ago.

12:40

One of the powers embedded in that, Mr. Speaker, is found currently in section 38 of the Public Health Act. It reads:

38(1) Where the Lieutenant Governor in Council is satisfied that a communicable disease . . . has become or may become epidemic or that a public health emergency exists, the Lieutenant Governor in Council . . .

which, of course, is the cabinet,

. . . may do any or all of the following:

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

et cetera. To put that in plain English, the Executive Council of Alberta, the Lieutenant Governor in Council, has had the power for 111 years in this law to order persons to be immunized, to compel them by force of law to be vaccinated.

Now, Mr. Speaker, Bill 66 keeps this government's commitment to repeal that power, that 111-year-old power. It does so through section 11, which simply says, "Section 38(1)(c) and (3) are repealed." What are sections 38(1)(c) and (3)? Exactly what I just quoted.

Now, why am I walking through this, Mr. Speaker? I know it's late at night and not a lot of people may be following this. But I feel compelled as Premier to put this on the record because I have heard gross misrepresentations – dare I say lies – from people who I'm sure know better, who are claiming that this bill does no such thing. They are claiming that, in fact, the bill retains the power of mandatory inoculation, which is clearly, totally, obviously untrue. And if anybody has any doubts about this, I invite them to look at page 6, section 29 of the bill, Bill 66.

Mr. Speaker, again, I know that – look, the pandemic has been hard on everybody, obviously hardest on the families who've lost loved ones as we approach 2,400 COVID-19 related deaths since March of last year. It's been hard on our front-line health care workers, who, in many cases, especially in the large city intensive care units during spikes and waves, have often been heroic in their response. It's been hard on children who've had to cope with being separated from their friends and their peer groups and sometimes from their schools. It's been hard on the small-business people and those who work for them, especially in the hospitality and areas of the service sector, who have gone, in some cases, with as much as a third of being substantially closed by government order in the past 16 months. It's been hard on so many. It's impossible for us to

properly articulate the degree of suffering, of sacrifice, of loss that we have endured over the past 16 months.

We must, of course, remember that this loss and sacrifice is shared by people all around the world. I think we have been fortunate in Alberta, thanks to the diligence of our fellow citizens, the professionalism of our health care system, to have endured much less loss than most places around the world as we – please, God – come to a close of this pandemic, as it moves to an endemic, to quote our brilliant chief medical officer. We should be grateful, Mr. Speaker, that Alberta has suffered a death rate substantially lower than Canada's, one-third of that of the United States, and about a third of that of Europe. We've done that with less stringent and damaging public health restrictions than the vast majority of the jurisdictions across the western world, yet the loss, the pain has been very real.

Many Albertans are, I would say, experiencing great anxiety. Some people are perhaps having a hard time coping with the concept that we may be able to move safely beyond public health restrictions as the primary policy response to protect lives and the health care system from the pandemic, and others have grown increasingly fearful of government and its response.

Right now, as we are in a phase of the pandemic response very much focused on maximizing vaccine uptake as our ticket out of the pandemic, we more and more hear voices of those who are, at best, skeptical and, at worst, strongly opposed to vaccine use. Now, Mr. Speaker, our public opinion polling, at least for the government of Alberta, which I think is somewhat reflected by other public domain, public opinion research, indicates that about 10 per cent of Albertans have absolutely no intention, that under no circumstances will they be vaccinated against COVID-19, and about 5, maybe 8 per cent, depending on the day, are disinclined to become vaccinated. That means that about 82 to 85 per cent of the population either have been vaccinated, intend to get vaccinated, or are open to getting vaccinated. To that small group I say this: we told you that there would be no mandatory vaccination in Alberta, we told you that for greater certainty we would actually change the 111-year-old law, and now this Assembly, in a bipartisan consensus, is keeping that commitment.

We have been offering vaccines to save lives now for seven months in this province; 3.5 million doses have been administered. This week we will surpass 70 per cent of the eligible population who have received at least one dose. We are now at 22 per cent of the eligible population who have received a second dose. Thanks to the miracle of modern medicine, as a result of the protective power of these vaccines, we have seen this deadly, lethal pandemic crash. We have crushed the spike thanks to the diligence of Albertans but most especially thanks to the 70 per cent who have decided to protect themselves, their friends and loved ones, and our broader community by becoming vaccinated. When I hear the skeptics say that this is some kind of an unknown experiment – Mr. Speaker, if this was an experiment, it would be the largest experiment in human history. Nearly 2.8 billion doses have been administered around the world.

Let me just say this – I know it's late, but it's for the record; it's important that we say this – that in Alberta, with 3.5 million doses administered to 70 per cent of the eligible population, we have so far registered, I believe, 560 adverse outcomes subsequent to vaccines. Now, the vast majority of those adverse outcomes are quite minor conditions like nausea or severe headaches. Regrettably, we did encounter, we did experience and record one fatality as a result of a blood clot issue following an AstraZeneca dose, one fatality – one fatality – out of 3.5 million doses administered. Mr. Speaker, quite literally, for 99.99 per cent of Albertans who have received the vaccine, there has been no

recorded significant negative health outcome, and the viral numbers, the hospitalization numbers, and the fatalities have all crashed as a result of their protective effect.

Sorry. I'm going a little too far into a speech on vaccination, but one more point on this. We now hear the usual voices of fear and hysteria in the COVID debate saying that now we have to go back and do another hard lockdown. They always have one response, which is to maximize the pain and punishment on people using the brutally blunt instrument of maximal restrictions. I understand that that was the leading story on CTV News tonight, and CBC said that Calgary was steeped in delta B.1.617.2, the so-called Indian variant, with 170 cases out of 1.4 million people.

12:50

Mr. Speaker, let me report to those individuals. You know, it's strange. At the end of the COVID debate the two extremes are meeting in agreement about their skepticism towards the vaccines. On the one hand you have people who claim to be supporters of science telling us that the vaccines don't really work and that we need to resort to punishing restrictions; on the other side of the debate we have people saying that the vaccines don't work or that they're dangerous.

Mr. Speaker, yesterday Public Health England published the first major study about their rise in delta B.1.617.2 variant cases and concluded the following: that within 14 days after the administration of a first dose of the Pfizer vaccine, which is effective, the same as the Moderna, in terms of its MRNA design, 96 per cent of those who got the first dose were protected from hospitalization as a result of the delta B.1.617.2 variant, and 98 per cent were protected following a second dose. The numbers for the AstraZeneca were slightly less.

The MRNA vaccines like Pfizer have been 90 per cent of the 3.5 million doses administered in Alberta, so I say to the people on both extremes of the debate: please accept the science; it works. And to the skeptics: "You're getting what you asked for in Bill 66. You said that you wanted not to be coerced. You are not being coerced. You asked for no vaccine passports." There are no vaccine passports in Alberta. We've been at this for seven months. The Minister of Health and I continue to get questions every day: why don't you bar vaccine passports? Mr. Speaker, it's our view, it's my view that the Freedom of Information and Protection of Privacy Act places real constraints on employers or other organizations that might seek to demand the disclosure of private medical information about people's medical status except for very legitimate, circumscribed purposes. The Health Information Act does that. So we believe there already is statutory protection against the so-called vaccine passports.

Again, I say to some of these special-interest groups that have raised tons of money by spreading misinformation: shame on you as you continue to tell people that this bill maintains mandatory vaccination powers. The opposite is true.

I know I'm wearing on people's patience here. It's late, and we want to wrap up. I need to make one other point, and that relates to section 13 – excuse me; I stand corrected – to section 17, page 9 of the bill, and various other provisions which eliminate, effectively, the power of ministers to make orders which modify legislation in the case of a public health emergency or after the declaration of a pandemic influenza.

Mr. Speaker, you know, in March and April of last year, I will admit, in Alberta, right across the world, we were all struggling to figure out how best to cope with a once-in-a-century public health crisis. None of us as legislators, as government leaders had any particular technical training in this. We hadn't been through this, really, as a society since 1918, 1919, so we had to figure it out, to

some extent, as we went along in the early days. Let me be blunt. We did not know whether this Legislature could continue to sit and operate. We did not know whether the pandemic would become so virulent – you know, we were looking at worst-case scenarios, at Madrid and Milan and Wuhan and Tehran and, to some extent, New York City – 15 and 16 months ago. We were looking at dystopian scenes, and some of us were worried about a potential breakdown in basic institutions if that became the norm. I know that sounds dramatic, but we had to prepare for and think about the worst-case scenarios, and in that scenario it was very plausible that this Legislature might not be able to meet for weeks if not months.

But we knew in that context that we would have to continue to pass legislation to respond to the emergency, so we called upon powers that had been embedded in the Public Health Act for the last nearly 20 years. Following the 9/11 terrorist attacks in the United States, Mr. Speaker, Alberta did an exhaustive review of its emergency legislation. In part they contemplated how to respond to a potential mass bioterrorism event and other potential disruptions of the functioning of society. I imagine that one of the scenarios they considered is: what if this Legislature was to be destroyed or impaired by a potential terrorist attack? As a result of that study, our predecessors in this place, about two decades ago, made a wide series of amendments, including to the Public Health Act, in which they gave ministers, effectively, the power to modify legislation in an emergency.

I admit, Mr. Speaker, that the government in haste – in haste – used these provisions on a number of accounts. I would argue that they were quite benign. These were not, as some money-raising interest groups have claimed – legislation was not modified by ministerial order in ways that would impair people's rights or freedoms. I'll give you just one practical example. We found out that the Credit Union Act requires an in-person annual general meeting. Well, we issued a public order saying that nobody could meet in person for AGMs. How do we square a conflict between the public health orders and the law? Well, what we did was that we modified the Credit Union Act by ministerial order under section 52.21 of the Public Health Act. Minister of Health: we did that on – what? – about 10 or 12 instances, I think, where there were ministerial orders modifying legislation last spring.

Mr. Speaker, let me offer a confession here. I was never really comfortable with using ministerial orders under the Public Health Act to modify legislation, but in the rush of that time I was persuaded – and I take full responsibility for this – that it was necessary. We didn't know how long the Legislature could sit. We needed to take certain actions to conform statutes to the public health orders, so we did some of those things. Some of those amendments, those modifications that were made were supported by the opposition. I'm not trying to cast blame on them. I'm just trying to say that a lot of these things were pretty noncontroversial.

But, Mr. Speaker, you know, by the time we got into, I think, late April, I said to my colleagues in Executive Council: "Look, the Legislature is still able to operate. If you need to modify legislation to cope with the pandemic, please bring it through the normal legislative process." I frankly regret that we didn't do that from the beginning because I am an unapologetic defender of the conventions of the Westminster parliamentary system. I think it is a brilliant system, and the very notion, to me, that the executive can modify legislation by fiat is offensive. I want to say that I regret that we ever went there. I regret that we ever used those authorities.

There is a widespread misconception that the so-called Bill 10 last spring created the power of ministerial modification of legislation. That's not true. That power existed since, I think, 2003 . . .

An Hon. Member: Two.

Mr. Kenney: . . . since 2002. So it existed for the last 20 years.

Mr. Jason Nixon: September 11.

Mr. Kenney: Yeah. I explained the context of post 9/11.

Mr. Speaker, in closing this debate – and I'm sorry to keep my colleagues up here – I just wanted to offer that expression of regret on behalf of Executive Council. I think these decisions were made, frankly, in good faith, under enormous pressure, where actions were needed, where we didn't know how long the Legislature could sit.

I think the better solution would have been to modify the standing orders, which we have now done, to allow for emergency forms of normal legislative adoption, okay? I want to thank the Government House Leader, and the opposition for working with him, for having modified the standing orders so that if we find ourselves in a future situation where we cannot gather in this place, certainly not in large numbers, we have other ways of dealing with legislative changes through amendments.

1:00

With that, I want to thank all members for their careful study of this important bill, which I do believe is an important expansion of protection for individual rights and freedoms. We are rolling back some powers here that are 20 years old, others that are 110

years old, having learned many lessons from the past year. There will be many more lessons yet to learn. We'll have a lot to study, and I'm sure there will be further amendments in future sessions that can improve the legal response to a pandemic of this nature. That will be for another day, but this is a very important step forward.

Thank you.

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

Seeing none, are there others wishing to provide additional debate?

If not, I am prepared to call upon the hon. the Minister of Health to close debate.

Mr. Shandro: No, Mr. Speaker.

[Motion carried; Bill 66 read a third time]

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

Mr. Schweitzer: Thank you, Mr. Speaker. I move that the Assembly be adjourned until 9 a.m. on Wednesday, June 16, 2021.

[Motion carried; the Assembly adjourned at 1:02 a.m. on Wednesday]

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