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The 30th Legislature
Fourth Session

Alberta Hansard

Monday evening, December 12, 2022

Day 8

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Fourth Session

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New Democrat: 23

Independent: 2

Vacant: 2

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Legislative Assembly of Alberta

7:30 p.m.

Monday, December 12, 2022

[The Deputy Speaker in the chair]

The Deputy Speaker: Hon. members, please be seated.

Government Bills and Orders Second Reading

Bill 6 Police Amendment Act, 2022

The Deputy Speaker: The hon. Minister of Public Safety and Emergency Services.

Mr. Ellis: Well, thank you very much, Madam Speaker. I'm pleased to be here today to move the second reading of Bill 6, the Police Amendment Act, which will ensure police in Alberta are more accountable and more responsive to the communities that they serve.

This is the first time Alberta's policing legislation has undergone substantial changes in 34 years. In that time the world and Alberta have changed, of course, dramatically. Policing has changed, too, Madam Speaker, and so have the public's expectations of the police. We've moved from having police forces with a narrow mandate to maintain law and order to having police services that still perform the vital function of keeping communities safe but do so in a much different environment. Today police are expected to involve their communities in developing approaches and solutions that we now understand to be very complex and often nuanced in public safety challenges.

Police derive their authority from having the confidence of the public that they serve, but maintaining public confidence isn't their job alone. Under the Police Act the legislated responsibility to ensure adequate policing throughout the province falls to the Alberta government. If we want our police services to be representative of the communities that they serve and respond to their needs, not just today but into the future, the provincial government has a responsibility to provide them with the framework in order to do so.

I'll now detail how the Police Amendment Act will serve this important purpose. Firstly, the legislation answers long-standing calls from a broad range of stakeholders, including the police, to reform the public complaint process. This legislation will establish an independent agency to handle complaints against the police, the police review commission. Establishing the police review commission replaces the system of police investigating police, which invites a perception of bias, with an independent body that will be responsible for receiving complaints, investigating them, and conducting any resulting disciplinary procedures.

This would make the complaints process totally independent by changing these functions from being handled in-house by police services and putting them under the authority of an arm's-length organization. By creating an independent agency to receive, investigate, and adjudicate complaints, we'll also make it easier for Albertans to access the process, stay updated on the progress of the case, and resolve their matters in a quicker fashion.

The Albert Serious Incident Response Team, which investigates deaths and serious injuries involving police services in Alberta as well as serious and sensitive allegations, would become part of the police review commission. We're proposing amendments to ensure every death and serious injury involving law enforcement is investigated independently and consistently by expanding ASIRT's

mandate to include cases involving peace officers working for the province and authorized employers, including municipalities.

Bolstering public confidence, which is one of the main aims of this legislation, also aims in finding ways to ensure that police are in tune with the community's public safety goals and priorities. We're proposing amendments that will give Albertans a larger role in working with police to ensure their community's needs and aspirations are being met. Firstly, many communities across Alberta policed by the RCMP would gain a role in setting policing priorities and performance goals that they currently don't have under the current system.

If passed, this legislation will mandate the creation of formal governance bodies for communities policed by the RCMP, giving them oversight closer to what municipalities with stand-alone police services have via their local police commission. Communities policed by the RCMP currently have the option of forming policing committees, but during the stakeholder engagement that informed this legislation, we learned that most communities, unfortunately, have not done so. Although this legislation would mandate the creation of these civilian governance bodies, we've taken care to develop a model that respects the distinct needs of different sized communities.

For small and rural communities policed by the RCMP under the provincial police services agreement, we're proposing a provincial police advisory board. This group of communities is also represented by an interim board, established in conjunction with the police-funded model that was implemented in 2020, but the interim board is made up solely of municipal elected officials. This legislation would open membership on the provincial board to a much wider, broader scope of the public, with one seat designated for First Nations and representatives and one seat designated for representatives of the Métis communities.

In addition to those communities, there are 47 municipalities in Alberta that have their own contracts for the RCMP to police them. Communities with a population over 15,000 that have municipal RCMP contracts would be required to set up a local governance body. Smaller municipalities with a population under 15,000 will be represented by regional governance bodies unless they prefer to form their own local board.

This legislation would also give the public throughout Alberta a more meaningful role by requiring police to develop community safety plans. Community safety plans will require police to work more closely with civilian partners on strategies that go beyond enforcement and better address the root causes of crime. When you have greater collaboration between the police and their partners in the community, it leads to more co-ordination, and it helps identify gaps in services. Ensuring people get the help that they need when they need it, whether it's from the police or local social service agencies, will make our communities a much safer place.

The legislation will mandate diversity and inclusion plans that outline steps that police are taking to reflect their communities and to train officers about the distinct cultural needs of the communities that they work in. Improving those connections will result in better outcomes between police and the people that they serve. Additionally, building better relationships could lead to more opportunities for mentorship and encourage more people from diverse communities to pursue careers in policing.

This legislation also aims at increasing the diversity in voices that are involved in police governance by giving the minister the authority to appoint members to municipal police commissions. Provincial appointees on municipal police commissions are a common practice in several other provinces, including British Columbia, Ontario, Manitoba, New Brunswick, and Nova Scotia.

The number of provincial appointees will be based on the size of the commission; however, it's important to add that what we're proposing here is just a seat at the table and more modest than what we see in our friends in British Columbia, where the province can appoint up to three-quarters of the members of their municipal police boards. The provincial government has a legislated responsibility to ensure adequate policing in Alberta, and this is a logical extension of that mandate.

Similarly, we are proposing that sections of the act governing ministerial intervention be clarified to allow the minister to step in at the request of police services or commissions in the event of a dispute at the local level.

Another proposed amendment will enable the minister to set provincial policing priorities, which will help foster consistency in policing right across this province.

Police commissions will also need to create their own policing priorities while taking the provincial priorities under consideration and report whenever there is a change. Police will need to report annually on their progress while they will increase accountability and transparency with the communities that they serve.

We're also proposing administrative changes that will underpin and support our reforms of the public complaints process. First, amendments will create standardized categories of complaints. This will establish a consistent framework on how the police review commission triages complaints to improve the public's understanding of the process. Further amendments will distinguish between police misconduct and employee performance, ensuring police services can better handle performance issues through human services and the collective bargaining process. Separating police misconduct from employee performance will allow the commission to focus on misconduct and help with a more timely resolution of the complaints.

Finally, there are the small, administrative changes to the Law Enforcement Review Board, most significantly the increase in the chair's term from a maximum of three years to five years.

The legislation we'll be introducing today represents a fundamental shift that reimagines police as an extension of the community and provides a variety of practical and realistic reforms aiming at getting us there. This legislation is the product of listening to a broad range of Albertans from all corners of the province from a variety of backgrounds, a variety of occupations. This is the culmination of years of important work that started in 2018, under the previous government, and included meetings with more than 200 organizations representing law enforcement, health and social service agencies and sectors, municipalities, Indigenous organizations, and diverse communities. We have heard from nearly 15,000 Albertans who completed the public survey as well as 1,500 respondents who filled out a survey for law enforcement members.

7:40

I hope that members on both sides of the House will support this legislation, which ensures police are more accountable to the public, more responsive to the community that they serve, which ultimately will help safer communities and build relationships between the community and the law enforcement at large.

With that, Madam Speaker, I thank you very much, and I'd like to move second reading of Bill 6.

The Deputy Speaker: Are there others to join the debate? The hon. Member for Calgary-Bhullar-McCall.

Mr. Sabir: Thank you, Madam Speaker, and thank you to the minister for bringing forward this piece of legislation. We can all agree that the most fundamental role of the government is to make sure that all Albertans can feel safe in their homes, in their

communities, and across this province, and certainly law enforcement plays an important and fundamental role in making sure of that. On this side of the House I want to state for the record that we support civilian oversight of law enforcement, and we believe that policing should be responsive to the needs of the communities and reflective of the diversity of our communities.

There are a number of things that the minister also touched on that need to be unpacked in this piece of legislation, but before I do that, I do want to say that these changes are coming out of a review that we started in 2018. The purpose of that review was to make changes to the Police Act to make sure that the Police Act is responsive to Albertans' needs, but we have not seen any report coming out of that review. That report has not been shared with Albertans. It would have been nice to see what we heard from the communities across this province.

Also, that report is important for us to see because when it comes to this government's record, we have seen that despite significant opposition from the majority of Albertans in municipalities, the UCP remains hell bent on creating a costly provincial police force that no one is asking them for. Their own report says that that will cost them more than half a billion dollars – more than half a billion dollars – to set that up. Alberta Municipalities, Rural Municipalities of Alberta, and Albertans at large have opposed that idea, but still the UCP are pushing ahead with that.

We also know that early on the government changed the funding model for the municipalities and downloaded millions of dollars, 250-plus million dollars, onto municipalities. We also know that for the last three years they have made massive cuts to the Justice department budget. We also know that in 2015, when we started, for instance, the Legal Aid Alberta budget was \$64 million. In 2018 the then Justice minister and MLA for Calgary-Mountain View entered into an agreement, a governance agreement, with Legal Aid Alberta, making Legal Aid Alberta funding \$104 million at the end of 2019. In 2022 that funding has shrunk to \$82 million. Those organizations have been calling on this government to sit down with them and pay up in the areas the government is owing to Legal Aid Alberta under that governance agreement, and so far we have not seen any action from this government.

Whenever the government says that these changes reflect what was in the report, it's hard to trust this government. But, as I said, we are all for civilian oversight of law enforcement. However, the problem with this piece of legislation is that there is one provision that a new body will be created and that the minister will appoint a CEO and registrar for that oversight body. The rest, literally everything governing the powers, duties, and functions of the commission, the provincial advisory board, and policing committees, is left for the regulations. These are the three bodies that were mentioned in the act, and literally everything – their powers, their duties, their functions – is left to the regulations.

There is one provision that there will be a commission that will be responsible for the oversight, and there is no other detail that is provided in this piece of legislation. Again, civilian oversight is really good. In principle we agree with that, but this piece of legislation leaves far too many details to regulations that are yet to be developed and will be developed by this cabinet.

A second thing. I will come back to this civilian oversight piece, but I also want to say that throughout this legislation the government is trying to get more control and concentrate all those powers in the minister's office. Before the minister was responsible for establishing standards for police commissions and policing committees, but now they are also adding that now they will be the one setting the priorities instead of working collaboratively with those commissions. To achieve that goal, what this legislation is proposing is that now the

minister will be able to appoint members to different police commissions across this province. There is no detail whatsoever on how those members will be picked, whether that will be a public process or if it will be just at the minister's discretion.

The concern there is that when we were in government, there was an open process, the Alberta boards recruitment process, where every single appointment was published on that and all Albertans were invited to apply for that. The criteria was not who you know; the criteria was what you know and whether you qualify for that position. Since this government came into power, there is no such process, and we have pretty much seen UCP insiders, former party office holders put in positions like senior advocate and on other boards. Here we are talking about policing, so certainly there is a concern that if the minister is able to stack the deck at his or her own discretion, that could lead to the politicization of policing. That's a huge concern.

7:50

There is a certain formula that the legislation suggests as to how the minister will appoint these board members, that for every three members the minister is going to appoint one member on the commission. However, there is another residual power in this legislation, where the minister could appoint up to 49 per cent of the commission – 49 per cent – and there is not a word about how those members will be chosen, what their qualifications will be – and I will ask that later – who they have consulted on these changes. Were municipalities consulted about these changes? Were First Nations consulted about these changes? Was this something that the Police Act review recommended? Since they never published that report, we will not know whether that was recommended by that review.

The minister is also able to establish policing committees now, which will be mandatory. The history of these policing committees is that existing legislation allows for these committees, but historically there have been only four or five established in this province. For the most part the elected representatives of municipalities, the mayor and council, have worked with law enforcement on policing priorities, and then, in the case of First Nations, the chief and council have worked on such priorities. But now the minister is making those committees that were there, permissible under previous legislation, existing legislation, which were not used – now the government is making them mandatory. When it comes to the details of who will be on those committees, how people will be selected, there is no detail whatsoever. Their powers, their duties, their functions: that will be determined through regulations. Again, the most critical details are left for this government to decide behind closed doors in cabinet. That certainly seems like overreach again by this government, which cannot be trusted with those powers.

The other thing. They are establishing a police advisory board, which will take over the current board, and there will be 15 people appointed to it. Again, they will all be appointed and picked by this government. The only requirement there is that there be one member of a First Nation, one member of a Métis settlement. In a province like Alberta, where we have 48 First Nations, three different treaty areas, I would want to know how that number was reached and what the recommendations were coming out of the Police Act review. Was that something Albertans recommended? Was that something that the minister consulted on with First Nations?

As I said, civilian oversight, independent oversight is a good thing, and we support that. But for that commission, the police advisory board, municipal policing committees, regional policing

committees, their powers, their functions, their membership – everything is left for this government to decide, and there is nothing in this legislation to make sense of how this new model will work. I don't think that the government was ready to bring this bill forward. They have not done their homework. They just want to make an announcement that, oh, they are bringing forward civilian oversight.

Another thing is that for all people who are appointed to municipal or regional policing committees, the government is asking the council to pay for the remuneration or allowance to the members of the committee in accordance with the regulation. So there is a possibility that the government will establish these committees and further download costs onto the municipalities, which they have done previously.

Then there are other provisions. A few were requested by police services, the police commission. The minister now can direct the council. When asked in the technical briefing what kind of matters can be directed by the minister and where the minister can intervene, it didn't seem like anything was on the table, including police budgets, that now the minister will be able to intervene in.

There are additional reports that the minister may request from the commission, from municipalities. However, there is no mention whether such reports will be made available to the public, and as we saw from that police review report, this government seldom wants to be transparent, so they cannot be taken on their words.

I mentioned about the police review commission earlier. It says that the minister may appoint a chief executive officer and a registrar, and then there is absolutely nothing in this legislation that can tell us how much that will cost, how this organization will be staffed, what their function will be aside from the fact that they're a civilian oversight body. How will they operate? What's the time frame for this commission to be set up and up and running? There are no details around any of that.

I think there are a few other good things. I think one good thing I would like to highlight is that this act will take peace officers and sheriffs under the jurisdiction of the commission, so complaints arising from their conduct now can also be investigated.

Before this piece of legislation ASIRT was the independent, arm's-length body that was tasked to investigate serious harm and injuries. Now this legislation makes ASIRT subordinate to the commission. Again, I think I would like to know who was consulted on this change, why this was the best route, and will there be further consultation about that? There is still a lot that is left to the regulation, where they will determine the powers and duties of the commission.

8:00

There are a few other things; for instance, the government has set the limitation period for one year. Again, why was that one year chosen, and what will happen if one year's time has passed or somebody has retired or switched police services? There is no mention of that.

In general I would say that the intention of the bill is good, to bring civilian oversight to make police more responsive to the needs of Albertans, but government left far too many details to regulations. I think there are many substantial details that generally are included in the legislation, and they should have been included in this.

The second thing is that the government has given itself power to appoint members to various police commissions. I think that's overreach.

The Deputy Speaker: Are there others to join the debate? The hon. Member for Calgary-Hays.

Mr. McIver: Well, thank you, Madam Speaker. I'm happy to rise to speak on Bill 6, the Police Amendment Act, 2022. The bill will make important changes, and I appreciate the comments from the previous speaker. I enjoyed a bunch of those references. One of my favourites was one of the ones that the hon. member closed with, that the government will give themselves power to do things. Well, the government doesn't give itself power; the people of Alberta give the government power at an election every four years. For someone that claims to have finished law school, I thought that that was a really interesting comment to have heard in this House.

I also heard comments about the act, whether it was – I heard at different points. If you check the *Hansard*, I'm sure you'll find at different points in the discussion we heard comments where the hon. member said that it was too slow, based on some report done some time ago, and then a couple of paragraphs later the hon. member said that it was too fast and the government couldn't possibly have time to have done it right. Clearly, what we just heard was a bunch of gobbledygook with no real focus or real consistent amount of thought into what's actually happening.

Here's the other thing. I appreciate that the hon. member said that civilian oversight was a good thing – probably one of those few sentences that I agreed with in what I just heard – but, also, then the hon. member went on to complain about all the things that would be necessary to provide that civilian oversight, and they were all bad.

Madam Speaker, it seems to me that this is a bill that is well intended. I can tell you that as a person in this Legislature – I may not be the only one. I'm probably one of very few that actually sat on a police commission for a couple of years, so I can tell you that civilian oversight is a good thing, and it's a good thing to support police.

Now, I appreciate folks on the other side: many of them are on the defund-police camp, which is not really supportive of police. I myself am on the I-support-police camp. Having been part of civilian oversight in the past, Madam Speaker, I can tell you that it makes a big difference. Let's face it. Many of us, if we're honest with ourselves, if we had to pass judgment on what a good job or a bad job we have done, we'd probably give ourselves a passing grade, and, in fairness, in some cases that would be correct.

But where it gets complicated, Madam Speaker, is if we perhaps didn't deserve a passing grade, it might be hard for us to give ourselves a failing grade if we were judging ourselves. So, let's face it, civilian oversight is a very good thing. This is part of the reason why even the rules now, before this piece of legislation, have it such that in some cases a police service from an area, a jurisdiction, a geographical jurisdiction, different from the one where somebody's charged, if there is a connection to the police, gets investigated by a police service out of that particular jurisdiction, for obvious reasons. It gives credibility to the investigation, it gives credibility to the police service in the area where the event took place so that people who actually look at this don't say: well, yeah, the police investigated themselves; who could take that seriously? It's not fair to the police, actually, so this actually is supportive of our police services, which we all ought to support here because they are the ones that are one of our last lines of defence. Them and, of course, all of our other first responders.

Madam Speaker, I would say to you that this is a bill that has been well thought out. It has a very good chance of making Alberta a better place, and I, for one, support it and recommend that other members of the House do the same.

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

Ms Ganley: Thank you very much, Madam Speaker. This is an interesting bill. I have a lot of questions about it. I will say to the diatribe, I suppose, from the previous speaker that it's a bit rich to get up and be confused about what bill you're speaking to and then proceed to complain that the last speaker didn't know what he was talking about.

On the bill, Madam Speaker, Bill 6, which has, I think, a lot in it, I'd like to start, rather ironically, by speaking about what I think are the good things in it. The first good thing in it is the police review commission, in principle. I say "in principle" because a lot of details are left to the regulations, so one is never totally certain what's going to happen there. But I think, overall, the idea of a centralized police review commission is a very good one. My recollection is that this is something that everyone was asking for. The police chiefs were asking for this, the people that acted for complainants were asking for this, the oversight bodies were asking for this, so this is, overall, I would say, a very good step. I think it is better governance.

It certainly removes the sort of appearance – because, of course, we had ASIRT for higher level things, but for things that weren't death, serious injury, or a serious and sensitive matter, those things would typically go to either another police service or the specific police service being investigated. It just didn't always look great, and it was very challenging for the police services to manage that, because even if they did a good job, which they did, by and large, the vast majority of the time, it didn't look great. I think that's a very good thing. I think everyone will be happy with that.

The guiding principles, also, which are at the beginning of the act, I think are good. They're good principles insofar as they go. I might quibble somewhat with the language. I feel it's a little bit out of date, the language around mental health rather than trauma informed, the language around respecting diversity rather than, say, addressing something like systemic racism or dealing with intersectionality. I think there's more modern language that could have been used, but in principle I think those guiding principles are good. So those are the things that I think are in the right direction.

There are some things – I don't want to say they're bad. I would more say they're questionable in that they don't have sufficient substance, and there isn't really a clear reason. I guess I'm a natural skeptic – might be the way to put it – so when someone does something and there's no clear reason for why you would do that thing, I always sort of wonder what's going on.

8:10

Ms Hoffman: What do you think is going on?

Ms Ganley: Well, this is the thing. I don't know what's going on.

There's the establishment of a provincial board and then municipal and regional committees, and in both instances – I'll read out the section. With respect to the provincial board – it's section 28.02 in the act – "the Provincial Police Advisory Board shall have the powers and perform the duties and functions set out in the regulations." That's the entire substance of what the provincial police advisory board will do. Its powers, duties, and functions: that's, like, one hundred per cent of what it does, and that will all be in the . . . [interjection] Oh, an intervention.

Ms Hoffman: If you're okay with it.

Ms Ganley: Yes, I am.

Ms Hoffman: Thank you very much. It's not every day that I get to ask an intervening question to the former chair of the Legislative Review Committee, so having the opportunity to do so, I would say that one of the things that I appreciate about the hon. Member for

Calgary-Mountain View is her incredible attention to detail. That definitely applied to bills that came before this House but also to regulations that didn't necessarily come to this place because regulations are passed behind closed doors.

I would say: what is one of the member's concerns around a section being that broadly defined to be later spelled out in regulation? For me, as a not lawyer, one of my concerns would be that we don't get the clarity about what the actual purpose is, that that is determined just by a subset of the members in this Assembly, a subset within the government caucus, and that there is no clear transparency. Sometimes, as we know, regulations aren't necessarily communicated in the clearest of ways to those that might be impacted. So if the Member for Calgary-Mountain View could elaborate on that, I would find it helpful.

Ms Ganley: I would be delighted to elaborate on that. I love talking about the difference between legislation and subordinate regulations. Nobody else loves it, but I love it.

Yeah, generally in good legislation what I would say is a rule of thumb is that the legislation, which is the piece that comes to the Legislature, which is the piece that is passed by all elected members – so arguably everyone who doesn't live in Calgary-Elbow or Calgary-Lougheed now in this room is represented, and they have a voice in this room. That's the purpose of representative democracy. So the legislation should have the substance of the issue. The regulations should be left to sort of work out details or things that change frequently or maybe, you know, like a process or something, but you wouldn't normally leave everything.

You might say that additional ways in which the commission would do its work would be there, you might say that they can add sort of additional powers, maybe, in certain circumstances, but generally – generally – you would want in the legislative part to broadly define what the powers are and what the duties are. The powers, duties, and functions are what the board does; otherwise, you don't know what the board does aside from the title. It's called a policing advisory committee, but that's pretty much it. So that's a concern.

With respect to the municipal and regional committees – the section is 28.06, again – “a policing committee shall have the powers and perform the duties and functions set out in the regulations.” Again, this is very, very broad, and the reason I am reluctant in this case is because, again, at least in theory, if a constituent were to come into my office and say, “You voted for this bill and it does something I don't like; I would like you to explain to me why you thought that was good or why you thought it was worth voting for,” in this case I wouldn't be able to explain anything to them because I'm being asked to vote on the bill without knowing what the substance of the issue is. That's way too much power being devolved to cabinet. [interjection] I see another intervention.

Ms Hoffman: Thank you very much, Madam Speaker and to the member for allowing the intervention. I guess where my head goes, based on the remarks that I've heard so far, is that there are very significant parallels between this section within the bill and Bill 1, which of course has been already . . .

Member Irwin: Rammed through.

Ms Hoffman: Well, rammed through, indeed, but also plagued with scandal and deep public concerns about its legality. Knowing that it's going to be brought to the courts by Indigenous leaders already is something that's been talked about significantly. Definitely, this section of the bill, I think, is intended to give large, sweeping powers within this piece of legislation, so I'm wondering

if the member can maybe talk about other times – I know that this is only the fifth bill brought in under the current Premier and the current cabinet although many of the cabinet members were there previously, often in the same portfolio – what some of the concerns are around seeing this type of sweeping power delegated to the authority of cabinet.

Ms Ganley: Yes. Thank you very much to the Member for Edmonton-Glenora. Might I add, as well, that you are looking lovely this evening.

Ms Hoffman: Aw, thanks.

Ms Ganley: Returning to the bill, yeah, I think that's an excellent point, and that is what, to a certain degree, gives me cause for concern here. This isn't the first time we've seen it. We saw it in Bill 10. Obviously, that was under a previous Premier. Then the government had to go and sort of walk that language back after giving itself too much power. We saw it again in Bill 1 in this session, the sovereignty act, which again gave cabinet way too much power. So it does appear to be a theme that the power is sort of centralized in the hands of cabinet, and that's not good governance. I know that good governance isn't always a thing that is a sexy political issue, but it's important. Without it we can't govern ourselves, and that's extremely problematic.

I think this is problematic. It does cause me to question. You know, I would be willing to give it the benefit of the doubt but for, as the member mentioned, these previous instances in which there has been sort of a massive overreach by this government attempting to sort of take too much power. Everything is in the regulations. That's my big concern with this.

My other question is: who's asking for this? As the Member for Calgary-Bhullar-McCall pointed out, you know, there was a consultation. It was started in 2018 originally, under our government. The report from that has – I mean, it came back and then never went out. The government still has it; they've just never released it. I don't recall anyone asking for this.

In fact, these sorts of regional and municipal committees are allowable under the current legislation. Under the current legislation they're permissible. They're not required, but they're permissible, and there have been maybe a handful in the entire history of the province. People can do this now and they choose not to, so I don't understand why we're forcing it on them. Who's asking for this? Who is it that wants this? Who thinks it's helpful, and why do they think it's helpful? That might help us to define what it is that the powers, duties, and functions ought to be.

Member Irwin: Oh, just one more intervention.

Ms Ganley: Oh, sorry.

Member Irwin: No, that's okay. It's hard when I'm behind you.

Thank you so much. I do hesitate to interrupt the Member for Calgary-Mountain View because her knowledge is deep, but I want to allow her to be able to speak without interruption for the next 10 minutes or so.

She brings up a really good point about consultation. Again, I do hope that the minister – he touched on it slightly in his opening remarks, but I would love to hear, you know, who exactly was consulted. Who's asking for this? It wouldn't be the worst thing if he could even table the folks, the groups, the individuals who were consulted. I think we'd like to hear that, especially given what we heard from the Member for Edmonton-Glenora, this government's lack of ability to consult, as we saw with Bill 1, the sovereignty act. We've got multiple treaty chiefs, First Nations chiefs from around

this province who've spoken out, who've said that there was absolutely no consultation that took place. In fact, that minister's office was shut out. So I would give an opportunity to the minister to clear the record.

Thank you. No more interventions.

Ms Ganley: Thank you very much. I appreciate that. That was very helpful, actually, because it reminded me to sort of go back and run through the history of this matter a little bit. I don't think anybody disagrees that the Police Act needs to be amended. In fact, I think that there is broad agreement on a lot of things that need to be done. However, there are some places where the details are problematic, and the act is sort of a mishmash of amendments, and that sometimes makes it run in a bit of a clunky way.

8:20

In 2018 it was me who got to go out with the consultation, and I went very broad. I took that consultation to social-serving agencies, to stakeholders throughout, because the truth is that the problems that occur in policing are impacted by health and vice versa. The problems that occur in terms of social disorder, in terms of mental health and addictions: the police get those problems because, at the end of the day, when all other services fail, the police have to pick up the phone. They are legally obligated when they are called to pick up the phone, so it is often the case that the police find themselves involved in matters that are not best dealt with by the police, that would have been better dealt with by a mental health intervention, that would have been better dealt with by an addictions intervention, that would have been better dealt with by having housing and appropriate supports.

In order to try and solve that problem, we did a very broad consultation, because we wanted to talk to those other systems about what belonged there. We wanted to talk to housing and to mental health and to addictions about how they could better handle those issues so that they didn't wind up with the police, who normally – again, they have to show up because they're legally required to turn up when they're called. The police don't think that they are the best place for those mental health and addictions issues either. It's just that the system is not designed to work together. Anyway, that is why we did the consultations so broadly, because that was one of the problems we were attempting to solve.

Now, my immediate successor – there have been so many; I've lost track – the former Member for Calgary-Elbow, thought that this was a laughable approach. He made fun of this approach. He thought it was ridiculous to consult with all of these outside stakeholders. He said that he'd have the act in by 2020.

Ms Hoffman: Oh, you can say his name now.

Ms Ganley: I still don't think I can say his name.

Ms Hoffman: A member who's no longer sitting . . .

The Deputy Speaker: Hon. members, I'll just remind that all comments are to come through the chair.

Ms Ganley: Oh, sorry, Madam Chair. Anyway, it doesn't matter. Everyone knows who I'm talking about. The former Member for Calgary-Elbow, currently unrepresented, yeah, found it hilarious that we would consult with these sorts of stakeholders around mental health and addictions and all those things.

I had not heard that another round of consultation went out, so it would be very helpful to me, and I think all members of this House, to know what consultation was done and who was talked to and sort of what the follow-up from that was. That first brush that we did in

2018 was never supposed to be the whole conversation. That was supposed to be a scoping of the conversation. That was a conversation around: how broad do we need the conversation to be? Who needs to be included? What do we need to talk about? What are the areas of focus? It was, like, designed to set up principles and then have further conversations. So I would love to know what happened to all that.

Okay. I am now going to – oh. Other things that are questionable in my view. The minister's ability to step into disputes: I find that a large centralization of power. It seems odd to me. I don't really understand why you would do that. The minister is not a chief of police. The minister is meant to be oversight of the chiefs of police. It doesn't seem like great governance, so I would love to know a little more about that to make me a little bit more comfortable with it. Again, it just seems like a huge centralization of power.

The questions I have. I note, at least with respect to level 1 complaints and possibly others, that the costs associated with the investigation are to be borne by the police services themselves. Just overall, I'd like to know how much this is going to cost and, like, how the costs will be divvied up, whether they will all be borne by the police services paying into it, and what we expect the total cost to be. What exactly will be the powers, duties, and functions of the board, broadly speaking? Who asked for the Solicitor General to be able to step into disputes in the case of a dispute? I find that, again, a very weird thing, so I would love to know who asked for that and why we think it's a good idea. Okay. I'd also love to know who asked for the advisory boards because, again, I don't recollect – like, people can do it now and they don't, so I'm a little curious.

Oh. Big issue. Currently the disciplinary process loses jurisdiction when an officer resigns. Is that problem addressed in this legislation, and does it intend to be addressed? That's one of the biggest problems that needed to be fixed.

Okay. I have a lot more. Do I have . . .

Member Irwin: You've got, I think – time check? – a minute.

The Deputy Speaker: About a minute.

Ms Ganley: About a minute. Okay.

I would just love to know a little bit more about the substance. I can see that a complaint is made, it goes through the process. It seems generally good. The minister intervening thing, again, is a bit curious, so I'm hoping that the minister can answer those questions. Being as they were asked at second reading, hopefully, they can answer those in committee.

With that, Madam Speaker, I will adjourn debate in what I think is just in the nick of time.

The Deputy Speaker: Actually, you had, like, 35 seconds left, but maybe I shouldn't tell you that.

[Motion to adjourn debate carried]

Bill 5

Justice Statutes Amendment Act, 2022 (No. 2)

[Adjourned debate December 7: Mr. Deol]

The Deputy Speaker: Anybody wishing to speak to Bill 5 in second reading? Seeing the hon. Member for Edmonton-Glenora.

Ms Hoffman: May I just have a check as to how much time my colleague, the member who . . .

The Deputy Speaker: It's too late because you stood. So now it's your time. I don't know how much time is left. My apologies.

Ms Hoffman: Okay. That's okay. I rise tonight as the first speaker to Bill 5, the Justice Statutes Amendment Act, 2022. While others may have been so keen to want to speak to it, I look forward to hearing what they have to say now that we are on that bill. It has been brought forward by the Member for Calgary-Acadia, who is currently the Minister of Justice.

Of course, it does have implications in other areas, namely agriculture, as it relates to amending the legislation of the Sale of Goods Act. That, of course, is a follow-through in response to federal legislation changes that were made around being able to identify and record the vehicle and registration of grain being delivered to an elevator and changing a "track buyer" to "grain dealer." I think that that certainly is a good move, and I'm glad that the current government hasn't decided that they are as opposed to that as they are to some other things to date. Definitely, this is around ensuring that we have a consistently strong reputation when it comes to the sale and distribution of our world-class grain products.

When we still had the Canadian Wheat Board a number of years ago now, probably about a decade ago, maybe even slightly longer, I had the opportunity to visit and to learn about some of the ways that we were using that process to be able to market our products internationally, and one of the things that they did is that they had a test kitchen. They had a test kitchen as well as a test brewery as well as a test distillery, and they used that to be able to say: if you're using barley that's grown in the prairies, here are some excellent recipes that you can use. A lot of buyers were purchasing those products to be able to make the recipes as they'd been tested in that kitchen and then later sold in, for example, distilleries in parts of the valley in California that focuses on other types of alcoholic products. They were using Canadian products to help build and grow their market share in that area. I found it incredibly interesting, and I think that the collaboration that was in place around the sale and distribution of Canadian products certainly has strong merit.

8:30

I think that part of the reason why the federal government has brought this piece in is around ensuring that if there are any issues with a product, it can be traced back to its place of origin to make sure that we don't have to destroy any products unnecessarily. I think that making sure that we have the record of the vehicle and the registration and that we can track the buyer to the final dealer is an important piece to make sure that we don't impede our ability to sell our products locally, nationally, or internationally when it comes to our world-class agricultural products. I wanted to begin by saying that piece.

Definitely, there are a few other pieces in this bill that give me a bit of a pause for consideration. I appreciate that we were able to get a bit of an interjurisdictional comparison through briefings that we've had from officials. One of the big pieces that seems to be an outlier in terms of the interjurisdictional piece is the fact that the current cap around civil court rulings is \$50,000 here in Alberta. The bill proposes to raise that cap to \$200,000. That's a significant increase, quadrupling the cap, and \$50,000 is closer in line with what the interjurisdictional comparisons are. I believe it averages at \$85,000. That is a significant increase over what it used to be. I guess one of the questions that it begs for me is why we think it's important to raise it by such a significant amount. Don't we anticipate that that will drive more traffic towards the civil courts as opposed to where they lie today?

And with that additional traffic to the civil courts – we know that we've seen many budgets brought forward by the current governing party that have not kept up with the current demands, let alone the

increased demands that we will likely see should this part be passed. I don't think it's a reason to not support the bill. I think there are a number of pieces in this legislation that I'm generally supportive of, but that definitely is a piece that's cause for some concern. I think it's important for us to be able to ensure that if we are making decisions in this place that will drive up traffic to different types of court, including the civil court, there should be resources put in place so that people can have access to justice or some sort of remedy in a timely fashion.

I know that the government has been more focused on renaming courts than actually staffing courts, thinking that it's going to magically make things better if you change the title. It definitely hasn't, and we know that a lot of people have waited far too long, especially over the last three and a half years under the current government, to receive some sort of clarification of remedy and decision as it comes to a number of their cases that they've brought forward. So we will probably have at least one recommendation, one potential amendment, but of course in second we won't be in a position to bring that forward – it will be something that probably comes at the next stage of the legislation – and that's definitely something that we will speak to in greater detail at that time.

But when members do speak from the governing side, if they can speak to that cap piece. I hope that that's something that current members of the government caucus have asked questions of. We know that the process that they have in place – they definitely talk about the fact that they have bill briefings behind closed doors in caucus, and I hope that they've asked the question around the cap for the civil court rulings being increased from \$50,000 to \$200,000 and would appreciate some clarity being offered to this House either by the front bench or any member of the government caucus.

Just to summarize, this bill does amend six different pieces of legislation. I've touched on a couple so far. There is another piece that we haven't talked about yet at this stage or as it relates to the Referendum Act. There is an amendment to ensure that all referendums require a motion of the Assembly. I guess one of the questions I have with that is why it is that the cabinet believes that limiting it to having to come to this place before something can go to the people of Alberta would be a move that they think is in the best interests of all Albertans, limiting those who can actually bring forward referendum questions. I know that there was talk under previous members of the House: the former Premier, who's no longer a member of this Assembly, Jason Kenney; the former Justice minister who, again, is no longer a member of this Assembly, Doug Schweitzer.

I also have to say that this has given me a moment to reflect on the fact that we've had three resignations in this place in short order. The Premier acted very quickly, as did her cabinet, to call a by-election for one of those seats but left the seat of the former former Justice minister vacant in Calgary-Elbow, unrepresented, as it says currently on their website. They have no MLA. There is not a current party that represents those folks. Then, of course, the day that Bill 1, the job-killing sovereignty act, was introduced, Jason Kenney decided to resign as well.

It definitely, I think, gives some pause for concern about what this government, the current government, has chosen to make priorities for themselves and if it is fair to trust that the current government, which, of course, holds presently the majority of the seats in the province of Alberta, is indeed in the best position to decide what warrants a referendum question or not. It seems like there could be more power held in the hands of many, an opportunity to – if this is really about bringing the power of the people to the forefront and making sure they have a chance to weigh in on matters of significance to them, whether it be provincial, local, municipal, school-related, or federal issues that the government

wants to call a referendum on, why is it that the provincial government is the only one to determine who is in a position to be able to make that call and ask for that clarity from the people of Alberta?

It feels like it's an attempt to use political influence yet again, as we've seen, political interference as it relates to ensuring that every Albertan has an opportunity to elect and have an elected member representing them in the Legislative Assembly of Alberta. Again, we don't have that for Calgary-Lougheed. We don't have that for Calgary-Elbow. Why is the current government so scared to let the people of Calgary actually have a by-election and have their voice heard in this place? That relates directly to this section around referendums in that the government wants to decide what referendum questions they'll have. The government wants to decide where they'll have by-elections. It seems incredibly antidemocratic, and we've seen this be a bit of a theme so far under the leadership of the current Premier.

It definitely brings some significant pause for consideration. Do we as Members of the Legislative Assembly want to delegate that power again just to ourselves, or do we want to truly channel representative democracy and ensure that all members of the population have an opportunity to, through some form of fair lobbying, be able to bring forward referendums for the people of Alberta as opposed to just Members of the Legislative Assembly bringing forward a motion and getting majority support? [interjection] I'm happy to welcome an intervention from my colleague the Member for Edmonton-Highlands-Norwood.

Member Irwin: Thank you to the Member for Edmonton-Glenora. I wasn't going to intervene, but I guess I'm passionate about justice statutes. You know, one of the things that I think is an interesting connection here is that you talked about referendums, and you kind of alluded to the fact that this is a government that's not really been listening to the people of Alberta. We saw that most recently with the sovereignty act, Bill 1, pushing that through, and hearing even more about that today, that not only were First Nations across this province not consulted, nor were even some of the key cabinet ministers. I guess my question for the Member, soon to be minister, for Edmonton-Glenora – sorry; knock on wood – is: is she concerned about the fact that there are these pieces around, let's say, referenda in this piece of legislation when we've seen a government quite recently, in fact, really not heeding the wishes of Albertans?

Ms Hoffman: Thank you very much to the member for the intervention and interjection and the opportunity to reflect on that, because when I woke this morning and began reading the media that had broke over the evening and saw that there was at least one – I think it was two referenced – employee of the government of Alberta within Indigenous Relations directly speaking to media about their grave concerns and the fact that they know that their minister has been raising concerns around Bill 1 and its lack of consultation, its lack of engagement with the folks that are supposed to be partners, that work being led by the Minister of Indigenous Relations and the department that supports that minister, it caused significant concern for myself and, I'm sure, for many others, to see people feel brave enough to come forward, when they work in this building, to speak about the concerns that they have around their inability to do their job when the Premier's office shuts down any feedback and doesn't allow for that type of voice to be raised and significant concerns to be heard and, in turn, acted upon.

8:40

We've seen it under the current government in other areas of deep public concern as well, as it relates to people wanting to whistle-

blow as it relates to their own safety and well-being within this building, for example. So for the government to say that we can have the public weigh in on items that only we, the majority government, deem them to be able to vote on a referendum question is – it should be concerning to all of us, I think, that the government wants to continue to consolidate power around a few friends and insiders to the Premier.

I know many people, probably, in this place will say, like: well, you know, it's a new Premier; let's try to give her a chance. But I would say that the record so far on these first six bills that we've had an opportunity to debate in this place doesn't bode well for the voice of private members, for the impact of improved processes, or for the public at large. We've seen an incredible attempt to rein in power and control around a few specific people that the Premier chooses to surround herself with, and I think that that is not beneficial to the public at large or to the roles and responsibilities that each of us carries as members of this Assembly.

Let's go to some of the stuff in this bill that is probably a step in the right direction. I am going to speak specifically around the Interjurisdictional Support Orders Act – that's, again, a Justice bill – specifically the piece around child and spousal support orders from other provinces and how we will have an expedited enforcement process. Some of the pieces right now that are definitely slowing that ability of spouses and children to receive fair compensation relate to the fact that the orders can't currently be provided over the telephone or electronically, that they have to have original documents transmitted, for example, and received. I think having electronic or telephone transmission will be an improvement. It will help expedite the process.

I think the other piece, around removing the need for sworn documents, is also beneficial. I think there are other ways that we can ensure their authenticity, including notary and ensuring true copy. So I think that this will be a potential improvement to the legislation. I think it will put us more in line with other jurisdictions, and it has the potential to ensure that partners, spouses who are entitled to compensation and children who also are entitled to compensation, compensation which they need, usually, to pay the rent and keep the lights on and keep food on the table – I think removing some of the red tape in this bill could be a benefit.

The Deputy Speaker: Are there others to join the debate? The hon. Member for Calgary-Hays.

Mr. McIver: Thank you, Madam Speaker. I appreciate that. Happy to rise on this bill. Now, changes in this bill include amendments to the Provincial Court of Alberta and Court of King's Bench – there: King's, not Queen's. Good. I got that. I had to think about that for a second. Still have the reflex to say Queen's, but it is indeed the Court of King's Bench. The Alberta government will be enhancing the court's ability to fulfill its duties to provide fair, accessible, and timely resolutions for Alberta. It will be achieved by allowing more claims to be dealt with through the Provincial Court, which uses a simplified and more cost-effective process than the Court of King's Bench.

Now, I heard the member opposite talk about access to justice. I certainly would agree that that's an important issue, and I guess the change from \$50,000 to \$200,000 for Provincial Court claims, instead of going through the Provincial Court bench, should actually, I believe, provide more access. Now, it is arguable: what is the right number? I suppose that's something that's the perfect argument, Madam Speaker, because we could argue about that for six days and not agree: is the right number \$1 or \$10 million? Well, it's highly likely to be somewhere in between, and we've chosen

something in between, and what was here before is something in between. I think that's a fair thing to comment on.

Nonetheless, it's been a number of years, and I sincerely hope that most if not all members of the House would think it might be time to increase that number. If the members on the other side want to quibble about whether the number is the right number or not, again, I suppose we could fight about that all day, but at least, I hope, we can agree that it is indeed high time and perhaps then some to increase that number to provide what the member opposite suggested was concerned about, which is access to justice.

Provincial courts, of course, are located across 72 communities and will provide Albertans with easier access to legal proceedings and quicker resolutions while, we hope, maintaining the same fair and high-quality rulings that Albertans depend upon.

Now, the last time civil court claims were increased was indeed 2014. Again, I'm hopeful that this change will be seen by most Albertans as a positive thing. Indeed, once you get past that limit, generally speaking, you need to hire a lawyer. I appreciate that you can represent yourself, but there's a saying about a client that represents themselves. Somebody probably wiser than me made that claim, and I won't pass judgment on the claim; I'll just say that there is a point where one is probably wise to get professional judgment when they're dealing with some matters.

The bill will also support our hard-working farmers by eliminating some bureaucratic record-keeping requirements for buyers, sellers, and distributors of grain. Our farmers work tirelessly to feed the people of our province; indeed, Alberta farmers work hard to feed people all across this planet, and they should not be burdened with excess and redundant paperwork and regulation. I hope we can consider that a good piece of legislation.

Work will be done to support single parents in their ability to collect child and spousal support payments from ex-partners who live outside of the province. Under the Interjurisdictional Support Orders Act, Alberta would work with other jurisdictions to allow for the electronic exchange of certified documents in order to facilitate the enforcement of these orders. Let's face it, Madam Speaker. If there is a parent living in another province that is legally obligated to provide funding to the parent with custody and their children, I sincerely hope we can all agree that having some teeth in the legislation to require those payments to be made to provide for the basic needs for the parent in custody and, mostly importantly, for those children – I sincerely hope that members of the House consider that to be a positive change.

Of course, we're not really leading the pack on this. On one hand, you could say that maybe we are; on the other hand, when you're leading the pack, you take some risk of making the first mistakes. In this particular case similar steps have been taken in British Columbia, Saskatchewan, Manitoba, and Nova Scotia, so I think, based on the experience we have and learning from those other provinces, we can have reasonable hope that this particular change will be a positive one and one that's been proven in other places. Isn't it nice that we can bring those learnings here to benefit Alberta families and, particularly, Alberta children? It would allow Alberta to join these provinces in enhancing single parents' ability to collect critical child and spousal support. I'm feeling very positive about that.

The bill introduced also includes the Trustee Act. This proposed amendment would allow and provide Albertans with certainty that trusts will not fail when left temporarily without a trustee; furthermore, the act would remove the transfer of trust property to the courts, thus making it easier for such property to move directly to a new trustee once one is appointed. I think that's also important. Certainly, the courts would always, always do the best job that they could. Certainly, our government is not doubting that; I hope

nobody in this House is doubting that. Nonetheless, a trustee that may have better personal knowledge of the family, the children, the parents: I think that we can agree that there's a better chance of a good job being done when that familiarity takes place.

Additional changes to the Referendum Act. This act demonstrates the government's commitment to strengthening democracy in the province by ensuring that Albertans have a direct say on important matters. The proposed adjustment would clarify the requirement to bring legislation to the Legislature, and this only applies to constitutional matters. I think the member aside certainly seemed to me to suggest that all of those resolutions would have to go to here. I'm pointing out that this is just for constitutional matters, so indeed not all of those would have to come to the House.

8:50

Now, here's what I think is really important. One of the most pertinent changes included in Bill 5 is allowing the Legislative Assembly security to carry firearms. This change was proposed by the Speaker and the Sergeant-at-Arms in order to better ensure the health and safety of elected officials, staff, and visitors to the Legislative Assembly. The Sergeant-at-Arms is responsible for directing, controlling, and managing security personnel while the Speaker's office is responsible for the overall security of the Legislative Assembly, its committees, and members.

Now, Madam Speaker, following the 2014 shooting on Parliament Hill – and I just have to say that this is part of the reason why this piece is so important to me. I actually was there. Some members of the House may remember that, and some may not. I can tell you it was not a pleasant experience, not because I did anything right, wrong, or indifferent. By sheer happenstance I was leaving the grounds of the Parliament building. At the time when the shooter was coming through the front gates, I was trying to get out of the front gates. You know, one of the few claims to fame I may have in this world is that the next day every newspaper in Canada had a picture of the shooter coming through the gates and an old, fat, bald guy about three steps ahead of him heading the other direction.

But here's what's important. That's kind of fun for me to tell, but what's actually more important is that at that time our national Parliament allowed very few firearms in the Parliament. In fact, the Sergeant-at-Arms, if I have my facts straight – I think I do here, and if I get corrected, I'll live with that. I believe the Sergeant-at-Arms is the only one allowed to have a firearm. It was the Sergeant-at-Arms that stopped the perpetrator of the crime by shooting the perpetrator. I don't think anybody would argue that wasn't a legitimate action to take, but what if there were zero guns? Wow. I'm just a little bit afraid of how much more damage there would have been.

It actually leads us to the question that we're answering here today with this piece of legislation: should there be a measured and well-thought-out number of people with firearms in a Legislative Assembly or a Parliament in Canada? After what I saw in 2014, I certainly feel that the answer is yes. This legislation actually answers that question for the people of Alberta. If there's ever an issue that all members of the Legislature, no matter what party we belong to and what else we believe – I think that something we should all have in common is that we want each other to go home safe every day. Even if we think the folks on the other side are wrong about everything, even if they think we're wrong about everything, I sincerely hope that we all want each other to get home safe at the end of not one or two but every single day that we come into this important place, because that actually serves Albertans the best.

This piece of legislation deals with that and, I think, in a responsible way. The review that was done concluded the Legislative Assembly

security service should be allowed to carry firearms in the Legislature Building and the surrounding precinct. Of course, training of the Legislative Assembly security personnel as peace officers will take place, ensuring that they have the most up-to-date training to keep Alberta's legislative buildings and grounds safe for elected officials and indeed the public that are here, because we work for them and they are indeed the most important people although all human life is important and all needs to be protected. This change would bring us in line with other Canadian jurisdictions such as Ontario, Manitoba, and now Parliament Hill in Ottawa.

In closing, Madam Speaker, the bill covers a fairly wide breadth of territory, yet it is a positive change for the people of Alberta. I believe it increases access to justice, improves the efficiency of collection of child support, reduces needless paperwork for grain dealers, and it is indeed in line with what this government is always focused on: making life better for Albertans. On those grounds, I intend to support this bill, and I recommend the same, that all members of this Assembly support this bill.

The Deputy Speaker: Are there others to speak to the bill? The hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Madam Speaker. I appreciate the chance to rise. Of course, I would certainly agree with the Member for Calgary-Hays. I believe everybody in this entire building needs to go home safe every night, especially when you're wrong because I want you back here the next day so that I can continue to tell you how wrong you are. I want that opportunity over and over again.

Probably most of my comments here this evening are just going to be around a couple of different subjects. On the whole, around Bill 5, the Justice Statutes Amendment Act, 2022 (No. 2), I'm in support. I guess it's more around questions, and we'll get the opportunity to delve deeper into some of those questions when we get the opportunity in Committee of the Whole.

[Mrs. Aheer in the chair]

I want to, of course, always layer the sandwich here a little bit. I know the Member for Calgary-Hays was talking about when it comes to maintenance enforcement and paying those – and as a father of two stepchildren certainly I saw challenges with respect to getting those payments. You know, when we can make changes that expedite that type of thing, that is not a bad thing, to say the least. I certainly would have loved the chance to have benefited from that, but unfortunately back in those days there was a challenge around that. So definitely supportive of that change in Bill 5.

Again, I'd probably be remiss – as has been mentioned, there are multiple changes across this, which kind of makes Bill 5 a little bit of an omnibus bill. And I'd be remiss if I didn't remind that members that served in the 29th Legislature, you know, very effectively in opposition very much disagreed with omnibus legislation. So I can't help but ask: what's changed? I don't want anybody to think that I've forgotten about that, Madam Speaker, so I will continue to remind them about that, and that maybe ties back into the whole wrong part that I originally brought my comments to in the beginning.

One of the changes that we do see here is around the referendums. I think my friend from Edmonton-Glenora had mentioned this, around why there seems, I guess, a desire to not have the Assembly involved in this process. The reason I'm asking this is that I think back to the recent referendums that were held here in the province of Alberta, specifically around equalization. I bring this up because what I found when I was talking to people about that question around equalization: there wasn't a very clear understanding of

what that was. I very quickly lost track of the number of folks that thought that it meant changing what was currently there, and that actually wasn't the question. The question was: do you want to remove equalization, period? So when you kind of start to talk people through that, it was: oh, that's what it meant; I didn't quite understand that.

So I think it's incumbent a little bit upon the Assembly that when we are potentially posing referendum questions, Albertans can very clearly understand what they mean, and that wasn't the case with the question around equalization. I think there still is a role that the Assembly could be playing with regard to trying to clarify those things. Again, happy once we get into Committee of the Whole what some of the reasoning is around that, what they heard, then, of why it seems so straightforward that maybe we should, you know, back off, hands off a little bit.

The other part that I want to talk about, which, again, the previous speaker had also brought up, was moving us in line, moving that cap with regard to some court rulings from \$50,000 up to \$200,000. I certainly agree: \$50,000 might've been fine way back when that was first established; it's not fine anymore. Again, you know, I could make the exact same argument. What's that proper number? Is it \$200,000? I don't know. But it would be interesting to know what kind of information the government has managed to bring together to inform that decision a little bit.

9:00

I guess, more importantly, with that information, when will they actually plan to make that actual change to that level? That, then, of course, now starts to ask the question: will we see an increase in court filings and, obviously, then in court cases that will be coming forward? I know that in the past the province has struggled with regard to capacity around efficiently getting through court cases that are coming through for various reasons, not even including how we've gotten through the pandemic over the past couple of years.

Going forward, I'm wondering if the government has managed to come up with maybe some predictive models or something like that in terms of: what kind of increases do they think will result in increasing that cap? Maybe at different levels, you know, if we increased it to \$100,000, we would see this many more court filings, at \$150,000, and so on and so forth. With those increases, is the government prepared to be able to help the court system in terms of any other additional resources, especially staff?

As we all know, we can come up with all the great technology in the world, but if we don't have the amazing people that work in that system running it, we're going to start to run into problems. We've got to make sure that we have all of that backup there for them. I'm wondering: what kind of plan is in place? As I said, I'm not expecting any kind of finite details. I mean, that starts to get into the realm of the whole polishing of the crystal ball, at which point why don't we start asking about the lottery numbers at the same time for that? But it would be helpful to know where that might be going.

I guess one other thing I did want to touch on around the Sale of Goods Act. As somebody who had come from working in the food industry, you know, my 26 years at Lucerne Foods, at the ice cream plant, I know that tracking the transportation of goods was important, especially if there was some kind of a problem, whether it be contamination of an ingredient or a recall of some kind of a product or, as maybe was suggested, just simply outdated information or a practice that no longer happens and has morphed into some other procedure, which happens as you find more efficient ways to do things or you've simply gotten away from a certain practice because you no longer produce that, whatever the case may be. I'd be interested to hear some of the feedback on that so that we can

understand why the proposed changes around the Sale of Goods Act will be beneficial.

Again, I'm not necessarily against removing some of the paperwork. You know, as the red tape critic I've always said that we don't need to do 15 copies when only 10 will do. But, at the same time, we don't want to put the system in any kind of jeopardy, especially when we are talking about food. With the increase in allergies, cross-contamination, things like that, we want to be able to ensure that our food system is secure, that it is safe for everyone to eat here.

Like I said, as I'm not necessarily, you know, opposed to any of the changes, I would certainly like to see some more clarification around some of the questions that I've been having. Again, it's about ensuring that Albertans can be confident in what's going on with proposed legislation. It's one thing to tell them that decisions are being made elsewhere, but we certainly don't want people to think that the Assembly might be, I guess, being circumvented here, a little bit in reference back to referendums.

Again, I know that members of the 29th Legislature did have significant issues around any more extra powers and whatnot being afforded to ministers to make decisions or, of course, around the claim: well, it's all coming in regulations. I know that members served very well trying to remind the government at the time: well, perhaps you should put it in legislation, not in regulation. So part of that layered sandwich there, again reminding folks what changed from that position back then, when you wanted to see a lot of things in legislation, and now, when you're seeing more of a desire to put things in regulation.

You know, we don't want Albertans to think that we're circumventing the responsibilities of this House. Unfortunately, we have now seen a couple of attempts by the government to do that. We saw that during the one health bill, where they were trying to provide the opportunity to modify legislation, bring in new legislation, delete legislation without the consent or oversight of the Assembly. We saw that again with the recent sovereignty act, which caused great, great concern and still is, quite honestly. We don't want that, of course, happening here with Bill 5, because I think we've got some changes within here that are very, very good, that I've talked to already.

I do look forward to more debate going forward here, especially Committee of the Whole. Hopefully, I'll get a few answers to some of my comments as we move forward. I know that some of my other colleagues have some other things to say about this, but I guess that at this time I will take my seat and see what else in the debate comes up. I'll be taking notes vigorously.

[The Deputy Speaker in the chair]

The Deputy Speaker: Are there other members wishing to join the debate in second reading on Bill 5? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Speaker. I'm pleased to rise and speak to Bill 5, which is the Justice Statutes Amendment Act, 2022 (No. 2). There's a bunch of stuff in here. I'm going to start with the interjurisdictional support orders. Once again, I'm starting with something that I think is good about the bill. I think that anything we can do to support the ability to do these interjurisdictional support orders, especially these sorts of things, which are, like, allowing electronic means and telephone and that sort of thing, is really, really good.

The interesting history on this is that once, long ago, it used to be next to impossible because maintenance enforcement is a provincial agency in each individual province. Essentially, what could happen

was that the parent who didn't have the child, who didn't have primary custody, could move to another jurisdiction and just stop paying the child support. That's obviously not a very good situation, and that left a lot of children in poverty, and children in poverty is a very bad thing. Over time provinces have developed the ability to sort of enforce each other's support orders through various mechanisms, and this takes that one step further, and I think that can only possibly be a good thing. To all those people out there who think that we never agree on anything in this place: we agree on this. So there we go. That's two things – three things – tonight. [interjection] Yeah, I think that's a pretty good thing, so I'm glad to see that that is changing. I think, again, it's a big step in the right direction.

Now, of course, I couldn't just leave it at that, could I? One thing I do have to point out when we're talking about this is that maintenance enforcement, or the orders, I guess, for child support, has usually originally gone through the courts. Now, there's a table that kind of sets out, based on the payor's income, what the child support will be, so there isn't much of an argument. There's not a big argument over how much you're going to pay unless the person isn't sort of – sometimes it's unclear what the income is, or people try to write things off. Like, there can be a little bit of an argument, but for the most part the support is based on what the income of the payor is.

9:10

What that's designed to do is to bring both households up to a similar level, essentially to say, you know, that if you're a wealthy individual, you can't leave your children in relative poverty. You're required to support them to the level that they otherwise would have been supported at, and I think that's a fairly reasonable rule. I think that's a fairly reasonable rule.

Often enough times one of the things that legal aid does that a lot of people don't think of – a lot of people, when they hear "legal aid," think of criminal matters, but actually legal aid does a lot of family matters, and those family matters are actually often more difficult to retain counsel for. Legal aid often had close to a six-month wait to get a family lawyer who would take the legal aid rate and the legal aid retainer to handle a client. That's really, really challenging. It leaves a lot of people in a lot of trouble, and what it means is that not only do you wind up with a lot of unrepresented people in court, but you also wind up with a lot of situations where the person who has more money is able to advance the better argument.

While we're talking about this piece and the importance of sort of greasing those wheels and making sure that children get the supports that they need, I think that I just can't let it go past without commenting on the fact that this government is woefully in violation of its obligations under contract to fund legal aid. That is incredibly problematic. They're also in violation of a conversation they're supposed to have around the legal aid tariff.

Again, this isn't an issue that always bubbles up in the public that high, but one of the reasons it's next to impossible to get a family law lawyer to take on legal aid cases – and I don't want to say "next to impossible," but there are far more people needing representation and wanting to go through legal aid, even people who are getting approved, than there are lawyers to take that case. Admittedly, it can be challenging to get a family law lawyer at all right now in this province. Certainly, the tariff, which was set at \$92 an hour, sounds like a reasonable amount of money, but you have to bear in mind that that's not what the lawyer is paid. [interjection] Oh, sorry. An intervention.

Mr. Dach: Thank you, Member, for allowing a quick question. As I was listening to you speak so eloquently about the matters of

family law and the impact that Bill 5, the Justice Statutes Amendment Act, 2022 (No. 2), might have on it, it occurred to me that there may be some impacts on child support payments that are adversely affected by this legislation in that it may not empower the individual who is not getting support to have the means to actually get legal representation to go after that support. Is this bill going to help the situation any more, or does it address it at all?

Ms Ganley: Thank you very much to the member for the question. I mean, I think that's one of the challenges, that this bill addresses the enforcement of interjurisdictional support orders. Once you have the order against the other party, if they move to another province, this makes it easier to get the money, but it doesn't do anything about getting the original order. It doesn't help those individuals who are seeking support or where there's a dispute about support, because there are still some things that can come into dispute like who has custody, that sort of thing. This doesn't help with that, and I think that that is problematic.

Another thing – oh, that was what I was saying. What I was saying was that the government went to review the tariff rate. The reason that's important is because that actually pays for, you know, the rental of the office. It pays for the support staff, that sort of staff in a lawyer's office, for access to legal databases, which is actually extremely expensive. I knew, when I was in practice, a couple of my colleagues from my class had gone into criminal defence work, and they basically practised legal aid criminal defence work full-time. Most of them practised out of the backs of their cars because they couldn't afford to have an office on what the current tariff rate is.

It definitely is a problem, both the overall funding to legal aid and therefore the people that can seek legal aid. And the refusal of the government to engage in this tariff review process particularly is a problem for people in the area of family law. That tends to be worsened when there are children involved. I would be remiss if I didn't mention that that is another thing that the government could do to make this better, but this thing is still good – just another thing.

The other thing this does is that it allows sort of an increase to \$200,000 of – well, it allows cabinet to potentially increase Provincial Court's jurisdiction. This is an interesting proposal. I would love to hear more from the government about it, about why they're doing it and who they're doing it for and what the intended consequences are. The reason I say that is – essentially, what it means is that currently you can go to what many people will call small claims court, which is just Provincial Court civil division, for anything up to \$50,000.

There – I don't want to say there are because there may have been an increase in the complement since this government came in, and I'm not sure. In 2019 there were nine Provincial Court judges in the civil division. Nine; that's not very many, obviously. I mean, if you were to increase the remit from \$50,000 to \$200,000, you're potentially looking at sort of four times higher, so four times more cases. Perhaps more than that – right? – because the amount that people are claiming is not going to be, like, perfectly distributed in that way, but let's say even four times.

What that means is appointing a bunch more judges, which is fine if the government is going to do it, and might I add that if they are going to do it, those judges require support staff. They require court clerks and judicial assistants and sheriffs and a bunch of folks to make that work. If the government wants to do that, that is fine. I will point out that what that does do is that justices at the King's Bench level are remunerated through the federal government. The federal government pays the judges when they're at the King's

Bench level. Judges in the Provincial Court are paid by the provincial government.

That's, you know, several hundred thousand dollars a year per body that the province is agreeing to take on rather than having the federal government take it on, which is, again, their choice if they think that there are good reasons for doing it, but I would like to hear a little more about what those reasons are. There are definitely some reasons in favour of this, but, again, it's important to hear what those reasons are. Now, the government will cite access to justice, and in some ways, yes, it is easier to file your claim in Provincial Court. The forms are less complex. The system is maybe more easily comprehensible to someone who is representing themselves.

Arguably it gives more people that ability, but it cuts both ways. Giving more people the ability to sue means that more people get sued. Yes, we have a problem with people who would like to sue who have valid claims and cannot get their suits into court. That is a problem that we have and that the government should be concerned with.

9:20

We also have a problem with people getting sued – so people who are the recipients of a lawsuit, they're on the receiving end of a lawsuit – and the claim is not a valid claim. This is a thing that happens also, because anyone can sue you. Anyone can sue anyone over anything at any moment. So, yes, allowing more people to sue arguably gives more people access to justice, but it also puts more people – because you're not just going to increase the number of valid claims; you're going to increase the number of invalid claims also, which means that there are people who are going to get sued and who are going to have to go through the time, trouble, and expense and just general personal life stress that is involved in getting sued who have done nothing wrong, who have done nothing to warrant it. Yeah. Increasing access in that way kind of cuts both ways.

I would love to hear from – because the government, I'm sure, keeps statistics on this, so I would love to hear from people about, like, how they're measuring what the legal needs are and how this better meets the legal needs. Because there is out there in the province – and I suspect other places, but I'm most familiar with Alberta – a problem of unmet legal needs. It's a big problem, and it's growing every day. A lot of it is in family law. Some of it is in civil law. It's all over the place, and the problem doesn't just arise in terms of those who are least able to afford it. Like, probably people up to the median income and above can't afford to pay for their legal needs currently, so it is a big problem. It is something that the minister and the courts and the entire legal system should greatly concern themselves with.

But what I would like to know is: what sort of analysis was done on what the unmet legal needs are and why this is the best solution as opposed to any other solution? I would raise, once again, legal aid. If the province is going to take on the increased cost – because this, allowing claims up to \$200,000 in Provincial Court, is not a thing that's going to help anyone access justice unless it comes with the resources to process those claims. So unless the government is willing to pay for additional judges and additional support staff to deal with those claims, it doesn't help. [interjection] Oh. Sorry.

Thank you.

Mr. Dach: Thank you, Madam Speaker, and thank you to the member for allowing me to quickly intervene on the topic of legal aid. I have spoken in this House about the, I think, unprecedented public protest by acting members and legal aid profession lawyers

on the streets in this province, begging, demanding, protesting the government's inaction to addressing their acute needs to keep their system functioning. I know that I worked in that system as a volunteer, and it's been an ongoing lack for decades and has finally come to a head with this crowd in the streets of lawyers actually protesting. I've never seen that before, and I don't think the public has. So what indeed needs to be done to address that acute critical need, as you mention legal aid in particular?

Ms Ganley: Yeah. Thank you very much for that question, because you're right. The problem extends beyond just those who qualify for legal aid, but it definitely covers those who would otherwise qualify for legal aid, and it is incredibly problematic. The reason you're seeing criminal lawyers and now family lawyers as well sort of come together to try to take the government to task on this issue is because it is a critical problem.

It's also another violation of another agreement. I think that's one of the most frustrating things, that there was a lot of time and energy put in not just on the part of the government but on the part of legal aid itself and the Law Society of Alberta, who obviously are an important partner in this as well, to come to an agreement in terms of how to go forward with legal aid, in terms of what funding was necessary to meet those most core, most basic needs. Like, this isn't a luxurious system. This isn't a system that's going to fix all the problems. It was a system that was designed to, like, at least – at least – hit those minimums, those basics. A lot of time and effort went into setting up an agreement to go forward, and everyone signed it, and this government just tossed it out, much like they tossed out the contract with doctors and threatened to lay off nurses after the pandemic. I mean, it's another step. It's another step. Yes, legal aid is in a critical shortage, and certainly we ought to see more funding going there. Yes.

That being said, you know, compared to putting this money, say, into legal aid, why is this the government's solution? That's the question I have, because I think that when the government talks about access to justice, what they should be doing is looking at what the needs are and how those needs are best met. I'm not saying that this doesn't do it; I'm just saying that no evidence has been provided that it does do it. At the same time that this costs more money, we have legal aid still continuing to be underfunded. At the same time, incidentally, Madam Speaker, the government is continuing to raid the victims of crime fund to fund its other programs.

So this is – yeah. It's problematic, and I would like to know a little more about it. It might not be problematic, but I would like to know a little more about this specific thing: what it's intended to achieve, why the government thinks that this is the best throw they have on access to justice, and what they're going to do about things like legal aid, what they're going to do about the other side of the coin; i.e., more people get access to the court system, but more people wind up on the receiving end of lawsuits that are potentially unmerited. And those people can't even go to Legal Aid and seek legal aid because the funding just isn't there.

Yeah. I mean, this has the potential to be a good thing. It has the potential to be an extremely problematic thing. Overall, I would say, I mean, that we're generally supportive of the bill. I do have questions. I would say, again, that it's one of those "yes; and" things.

Thank you.

The Deputy Speaker: Hon. members, are there others wishing to speak to second reading of Bill 5?

Seeing none, I will call the question.

[Motion carried; Bill 5 read a second time]

Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

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

Bill 4

Alberta Health Care Insurance Amendment Act, 2022

The Chair: I seek a speaker for Bill 4. The hon. Member for Spruce Grove-Stony Plain.

Mr. Turton: Yes. Thank you very much, Madam Chair. I'm honoured to rise today to speak to Bill 4, the Alberta Health Care Insurance Amendment Act, 2022. Across this province our front-line health care workers have dedicated their lives to ensuring that we receive the best care possible. Even during unprecedented times with unimaginable pressures our front-line workers acted with unwavering dedication to serve all Albertans. Whether it be the lingering effects of the COVID-19 pandemic, the current wave of seasonal flu or respiratory viruses, or simple everyday health care needs, our physicians continue to show up for Albertans.

Across this country, however, front-line health care workers are not being given the support that they need. As a father I need to be assured that when my family needs care, it will be there when they need it. For that to happen, we need to have the right supports in place, supports that acknowledge and address the challenges our physicians are facing in delivering essential health care services. That being said, I'm proud to be able to support this government in upholding our commitment to giving our world-class front-line health workers the support that they need.

9:30

This bill allows us to not only uphold that commitment, Madam Chair, but to strengthen it as well. By ratifying a new agreement between the government of Alberta and the Alberta Medical Association, we can rebuild our relationship with physicians and ensure that Albertan families receive the best care possible. A new agreement will stabilize the health care system, target areas of concern, and effectively support Albertans' health care needs. With its significant investments the new agreement will also provide a path forward to address the challenges that the health system is currently facing.

Madam Chair, this bill contains the solutions we need, concrete solutions, with financial resources behind them to address these challenges. Under this bill Alberta's physicians will continue to be among the highest compensated in Canada with an average increase of 4 per cent over the four-year term. Not only is this in line with other recent public-sector agreements, but there will be larger average increases for specialties facing greater pressures as well. Under this bill we will see \$252 million in new spending over four years on target initiatives, \$59 million in annual funding, and \$16 million in one-time investments targeted at communities and specialties facing recruitment and retention issues.

Now, this funding will address pressures, including recruitment and retention programs, so more Albertans can access family doctors along with more support for practice viability. The list goes on, Madam Chair. Lump-sum increases for primary care networks, PCNs, of \$20 million in each of the 2022 to 2023 and 2023-24 will provide additional support for primary while the modernizing Alberta's primary health care system work takes place. In comparison to Budget 2022, we expect physician services budget spending to be

an additional \$450 million in the 2022-2023 fiscal year, \$573 million the next year, and \$770 million in 2024 to 2025.

Madam Chair, under the leadership of the Minister of Health our government has been sincere over the past year in showing a willingness to listen, to acknowledge the challenges in the health care system, and to do something about it. That's why outlined in this agreement is our commitment to remove section 40.2 of the Alberta Health Care Insurance Act, or Bill 21 as some people call it, to take away any government's ability to terminate this agreement in the future. As a government this agreement allows us to provide stability during historically volatile times. It will allow us to work together with physicians or partners and to provide innovative solutions regarding things like payment models that work best for family physicians to keep their practices viable.

Madam Chair, the agreement also sends a very positive message to physicians and the AMA that the government values the relationship and is working collaboratively to strengthen our health care system. We hope the stronger relationship may also strengthen attraction and retention efforts, especially in rural and remote communities. For physicians, this agreement gives them the voice that they are entitled to, and it recognizes physicians as leaders in the health care system and will allow them to have an expanded role at the table.

The fact of the matter is that we have just experienced a historic global pandemic, one that inevitably has highlighted some of the cracks in our country's health care system. I would hope that the members opposite agree that this agreement sets the right tone and will help us put our best foot forward over the next four years as we start to repair the cracks and move the system forward so Albertans can access the care they need when they need it. Madam Chair, that's why I'm supporting Bill 4, so that we can continue doing our job and tackling the challenges that are before us in the health care system to the betterment of all of our families.

Thank you, Madam Chair.

The Chair: Are there others to join the debate? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Chair. I am pleased to rise to speak to Bill 4. It's interesting. As I listen to the Member for Spruce Grove-Stony Plain and his comments talking about how indeed the bill which rescinds the government – he's suggested it's going to be any future government's right to tear up a contract that the government had made with an organization. In this case it was doctors. To suggest that would be forever done with: I'm thinking that in doctors' minds that is the farthest thing from what they believe to be the truth because, indeed, if it happened once, they probably feel quite certain that it can be made to happen again. This is not a permanent peace accord. It perhaps is a period of truce, but it certainly is not something that will be forgotten or forgiven.

I remember the final words in one of the movies that I've seen a long time ago, *The Killing Fields*, about the war I believe it's in Cambodia where lots of – lots of – people were taken hostage and murdered by the Khmer Rouge. One of the individuals who was incarcerated was a journalist who was Asian, and he was associated with an American. He ended up spending lots of time in an internment camp and finally was able to escape. The American journalist went overseas to see him, and he sought forgiveness, and the individual who had been suffering in incarceration said: nothing is forgiven.

I think that's the same thing that holds true for the doctors in this province who suffered the ignominy of having their contract torn up under the terms of Bill 21, now being rescinded, that power being rescinded under the terms of Bill 4. The government members

are looking for a pat on the back. They're looking for forgiveness. I won't deign to speak for the doctors, but I can't imagine that forgiveness is the first thing on their mind when they see Bill 4, because indeed the hatchet, the guillotine still hangs above their head. The memory of that Bill 21, which eviscerated their contract, will never ever be forgotten and will forever be a stain and a blight upon the relationship between government and our doctors and indeed the whole health care system in this province.

While Bill 4 does repeal the government's right to extinguish or tear up or rescind or kill or eviscerate or cremate, however you want to describe it, the right to doctors' contracts, the government has continued to find other ways, other means to diminish the role of the medical professionals in this province while boasting about Bill 4, which retracts the switchblade the government used to carve out this signature from the contract with doctors.

The new Premier adds insult to injury by refusing to stand in this House and simply, very clearly encourage people to get vaccinated against the flu. Why? They seek a pat on the back, Madam Chair. They seek a pat on the back and congratulations, yet they won't do the very basic things that will actually gain them some reward from the medical community in this province, and that is by advocating from the highest office of this province, from the Premier's mouth, that people actually get their children and themselves vaccinated against the flu, which is causing our emergency rooms to be overloaded. For one small utterance the price that we're paying – or for lack of that utterance, the price that we're paying is an unforgivable one. It's petty that we can't hear the Premier say those words: get yourself vaccinated. We hear it in government advertising. We hear the Health minister say it. But for the Premier to deign to say that is somehow beneath her. Somehow it's a slight to her right-wing rump, which is actually dictating to the government its own policy.

That's an embarrassment, Madam Chair, that Albertans are scratching their head at. I find that on the doors repeatedly I hear about the things that the government has done, and one of the top-of-mind things that is remembered by people in this province is how doctors' contracts were torn up. People still have a very great respect for the medical profession in this province, and they do not put the blame at the foot of doctors and nurses and LPNs for the failures of this government to manage the pandemic and manage the now respiratory disease outbreak that we have this province going through. They put it squarely at the foot of the government, and it's plain to see why when the Premier won't even come out and say to Albertans: I encourage you to go out and get vaccinated against the flu. It's a safety measure. It's a health measure to protect each other. It is mind boggling that one sees this type of behaviour from the Premier. It's really mind boggling to Albertans. I've witnessed it time and time again on a doorstep.

9:40

It's embarrassing, frankly, to see the sin of omission by a Premier who knows full well – knows full well – even though she doesn't want to admit it publicly, that vaccines work and they work against flu transmission. It will help from having our hospital system overwhelmed in the next little while if it already isn't overwhelmed.

I've spoken with doctors at the Misericordia hospital who, in response to my question about "What would it take to be the final straw that breaks the camel's back?" both looked at me and said, "It's already broken." It's already broken. We've gone beyond the point of it being the straw that broke the camel's back. We're seeing outcomes that are much, much worse than they otherwise would have been had other measures been taken. We're seeing premature deaths happen as well, Madam Chair, and that's a disgrace to this province and disgraceful behaviour by this government, that indeed

we're having those things happen in their hospitals, and it just simply requires a more forthright acceptance of real facts and real science by particularly the leader of the government, the new Premier of this province. So congratulations? No. That's not what doctors and not what nurses are going to be extolling upon the government. They want to hear from the Premier: get vaccinated; wear a mask indoors.

I mean, my grandfather – I've told this House before – over a hundred years ago, while harvesting away from home for a few months, returned near the end of the fall harvest, got a ride close to home on a farmer's wagon. That farmer picked him up and proceeded further down the road, close to their homestead, a short while closer to the homestead picked up another young man, and they continued on. Both got off at the same homestead, my grandfather's homestead. To his dismay my grandfather realized that the young man who got on was his own brother. He didn't recognize him, Madam Chair, because he was wearing a mask to protect themselves against the Spanish flu in 1918.

A hundred years ago, over a hundred years ago, people knew well enough 60 miles north of this city of Edmonton, this Legislature, to protect themselves from the Spanish flu, a pandemic then, yet here in this day and age, in 2022, we have a Premier who won't utter the words: please go get yourself vaccinated; I encourage Albertans to protect each other; come together as a province and protect each other. That's the type of leadership we're seeing in this province, and for that this government hopes to be congratulated? For rescinding something as onerous as the ability to tear up a government contract with doctors? Unforgivable, Madam Chair. Unforgivable.

Other ways that the government is finding to create a poor relationship with the doctors, nurses, and other health care providers in this province continue to astound me. I hear, on one side of the coin, the government members saying: my goodness, they're doing wonderful jobs; they're doing excellent things. And then they, on the other side of the coin, felt justified in tearing up the doctors' contract. What changed then and now? Why was it so justifiable to tear up a bona fide, legitimate contract . . .

Ms Hoffman: Because an election is coming.

Mr. Dach: Well, probably because a lawsuit was coming. That might have been one reason, sure.

But now they're apologetic for it? I haven't really heard apologies, but I've heard the request for congratulations for doing so. Nothing so despicable can I think of has ever happened in terms of relationship between doctors and the government of Alberta.

It's emblematic, Madam Chair, of the type of dictatorial powers that this government likes to exercise and then apologize for later. They tried to get away with something in Bill 1 that we railed against and all Albertans railed against, legal scholars railed against, giving themselves the power to change legislation and create legislation within cabinet behind closed doors. Now, that little element of it, which was a significant departure from normal legislative practice in the Westminster parliament, was taken out of the bill, but there are still many, many parts to that piece of legislation, Bill 1, which will affect us forever if indeed it's allowed to stand. You can bet that we won't allow it to stand should we hold office in May of 2023. Bill 4 is yet another example of the draconian tactics that this government will use and then apologize for later, expecting thanks and forgiveness to be granted by the province of Alberta, by the population of Alberta, and that's not going to be forthcoming. This is one of many Achilles heels that this government has created for itself in hopes of serving its right-wing flank, which has taken over the party, which is now sitting on the front benches of the party.

The government is not recognized by the people in this province. There is maybe a small percentage, maybe 15, 20 per cent. I'm not sure of the percentage, but I'll tell you what, Madam Chair. I uttered the other day that Mr. Diefenbaker and other major Conservatives historically in this country would be rolling in their graves to see what this purported Conservative party has become. I know that my own mother, who is a former Conservative supporter, would wish her limited capacity right now even turn the TV off when she hears the current Premier coming to speak. That's saying something, because I thought that she was not capable of that type of analysis still. But, believe me, the Premier has elicited things from my mother's capacity that I didn't think still existed. I was pleasantly surprised about that but very disturbed that it took that length and that depth of a problematic, dictatorial capacity exercised by our Premier to show that that capacity still existed in my mother's critical analysis ability.

Nothing could be further from the truth, Madam Chair, that the doctors and the health care professionals in this province are coming to congratulate the government for rescinding the onerous measure in Bill 21 by enacting Bill 4, the Alberta Health Care Insurance Amendment Act. There's a very large fear that will always remain within that profession that they can do it again. They did it without shame the first time, and, believe me, that maxim rings true from the last line of the movie *The Killing Fields* with respect to doctors and the relationship between doctors and the government of Alberta: nothing is forgiven.

Thank you.

The Chair: The hon. Minister of Health.

Mr. Copping: Well, thank you, Madam Chair, for the opportunity to rise and speak once again to Bill 4. I want to extend my thanks to the members of the Assembly for their comments during second reading and during Committee of the Whole, in particular to my colleague that I'm looking across the way at, Spruce Grove-Stony Plain, for his comments. I also want to thank all members here for their support for this bill. It is truly greatly appreciated.

As I said during second reading, Madam Chair, we acknowledge that the health system is under pressure and is facing significant challenges. Physicians and health care professionals are facing strain. It is a difficult time, and their dedication to caring for Albertans is truly valued. Once again I say thank you to all of them.

Now, these challenges, contrary to the assertions made during second reading, are not unique to Alberta and are not the result of government policy but, rather, are the result of a particularly challenging respiratory virus season and the impacts of COVID. They are happening in jurisdictions across the country and indeed the entire world, Madam Chair.

Alberta's government is taking concrete action to address these challenges facing the system. Examples include a new official administrator for AHS and a concrete AHS reform plan. That plan tackles EMS response times, decreasing ER wait times, reductions in surgery wait times, and longer term reforms through consultations with front-line workers to be able to push down decision-making and enable and support front-line workers in providing care to Albertans that they greatly need and so greatly deserve.

Of course, the new agreement with the Alberta Medical Association is another example of concrete action. We are confident the agreement will help stabilize the health system, target areas of concern, and support Albertans' health care needs. The agreement has significant investments to address the current challenges and issues brought forward by physicians during our conversations, Madam Chair. It is an agreement that focuses on

partnership, working closely with the AMA, and on stability by adding an estimated \$750 million to the budget to stabilize the health care system, including \$260 million in targeted funding to address various pressures.

Finally, it is an agreement about innovation. This is about working jointly with doctors to promote different pay models. There were comments made during second reading about physicians leaving Alberta. To be perfectly clear, Madam Chair, physician retention and recruitment is one of our top priorities. We know there are barriers to care for those looking for support and treatment close to home and family, and we are committed to providing access to health care professionals, including physicians, no matter where Albertans live.

9:50

The latest data from the Canadian Institute for Health Information shows that in the last four years Alberta's physician supply grew by almost 4 per cent and that the number of specialists grew by just under 10 per cent. According to the College of Physicians & Surgeons of Alberta there was an increase of 176 physicians in Alberta at the end of September 2022 compared to the same period in 2021. Alberta performs more physician practice readiness assessments than any other jurisdiction in Canada, and the majority are for family medicine placements in rural Alberta.

According to the latest data from the Canadian Institute for Health Information Alberta had the second-highest proportion of foreign trained physicians in the country in 2021, at just over 34 per cent. [some applause] Thank you. But we know there is more work to do, particularly to have the right number of doctors in the right places throughout our province, so we will continue to work to address these issues.

Madam Chair, I also want to take a moment to address comments that members made during the second reading debate regarding the issue of trust. Since becoming Health minister, one of my top priorities has been the relationship with physicians. I've listened to them, acknowledged the difficulties they're facing as well as the challenges that we are facing collectively in our health care system, and I've committed to taking action to address these challenges. I was personally at the bargaining table. I respect Alberta's physicians, full stop. We'll be working with the AMA as very close partners in the weeks and months ahead, and we will continue working together to implement the agreement to address other key issues related to physician compensation.

Madam Chair, the bill before us is about following through on our promise to the AMA and to physicians, and it is a further step toward continuing an environment of partnership. It repeals section 40.2 of the Alberta Health Care Insurance Act. This section of the act allows the government to terminate compensation-related agreements, and if the bill is passed, the government's mechanism for terminating the new AMA agreement will be removed, as we committed to do in the agreement. The legislation is no longer required. There is now a defined term for the agreement and a process and timelines in place for negotiating and amending a successor agreement. Bill 4 also proposes a housekeeping amendment to update language in the Alberta Health Care Insurance Act to reflect the updated title of the Minister of Justice. It was previously the Minister of Justice and Solicitor General.

To conclude, Madam Chair, I want to thank Alberta's physicians and all health care providers for their tireless work and selfless commitment over the past few challenging years. Our government appreciates the tremendous contributions physicians make on the front lines in the health care system each and every single day. Alberta's government is deeply appreciative of their critical role.

Once again, I thank all members of this House for their support of Bill 4.

Madam Chair, thank you for the opportunity to speak once again.

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

Ms Ganley: Thank you very much, Madam Chair. I am pleased to have the opportunity to speak to this bill because what it does is reverse a decision that I think was one of the worst and most egregious things that this government has done, and that list is a very long list. This government is patting itself on the back, talking about upholding their commitment and ratifying a new agreement, but what about "Sorry"? What about "We made a mistake"? What about "We apologize"? None of those words seem to be coming from the folks over there.

Madam Chair, they ought to apologize because not only is this reversing a bad decision that they made, but they cannot reverse the damage the decision caused. Physicians take a long time to train. Four years of undergrad, four years of medical school, internship, residency: they take a long time to train. You're looking at at least a decade. So those physicians that this bad decision on behalf of the government has forced out of our province will take a very long time to replace.

Albertans are suffering. Albertans are suffering right now. There are tens of thousands of people in the city of Lethbridge alone without a family physician. Part of the problem with why our ERs and our paramedics are presently overwhelmed is because many people have no access to primary care. When people have no access to primary care – and let us be clear. The government's original decision to tear up that agreement was aimed at family physicians; it was aimed at primary care. There is no question. It was clear in their messaging. It was clear in their actions. That decision has had huge impacts.

What happens when people don't have access to primary care, Madam Chair, is that they get sicker, and it costs more to treat them. It is worse for the individuals, it is worse for the system as a whole, and it is worse for the budget and the bottom line. It's worse in every conceivable way, and this government just stomped in and made those decisions without considering the ramifications of their actions. They had no regard to duty, to the rule of law, to contracts, to promises, to any of that.

You know, this was an egregiously bad decision. No one is saying that there aren't challenges in other jurisdictions. No one is saying that everyone isn't struggling with respiratory illnesses and health care systems, but this government chose to make a bad situation worse. They chose to stomp in and rip up the contract with doctors. They chose to publicly attack family physicians and drive them out of the province at the worst possible time. They chose to drive the health care system to the red line over and over and over again, exhausting health care professionals throughout the province. They chose to threaten nurses with laying them off as soon as the pandemic was over. They chose to try to roll back the salaries of respiratory therapists and many other health care professionals in the midst of a pandemic, when it was the worst possible decision.

No one is saying that there aren't challenges in other places, Madam Chair, but what we are saying is that this government was handed the best health care system in the country, possibly in the world, and they have done everything they can to drive it to the brink of disaster, with no word of thank you to the health care professionals who have given up time with their families, who have suffered from enormous stress during this pandemic, who have worked around the clock to try and clean up the mess that this

government made. To have the minister stand in his place and say, “You know, since I’ve become minister, our relationship with doctors is top priority”: well, that’s not good enough. It doesn’t fix the damage that was done.

Sure, the government has repealed its ability to tear up the contract with doctors, but, I mean, they didn’t have the ability when they came in, and they went ahead and passed legislation to grant themselves that ability. So what gives us any assurance that they won’t do it again? They’ve demonstrated a total disrespect for laws, for contracts, for promises, for what people are owed, for duty, for the health care system, for the public. I don’t know. You know, they’ve repealed it for now because they say that it’s no longer necessary. Well, Madam Chair, it was never necessary in the first place. When was attacking doctors necessary? What made that necessary? I don’t think anything.

Yes, this is a good bill. It fixes a very big mistake that the government made. But normally when you make a big mistake and you try your best to undo it, even though, again, you can’t undo the consequences, you can’t undo the damage to the trust – there was a contract in place. There was a promise – a contract is a promise – to these physicians, and this government went back on that promise. They broke that trust, and it doesn’t just reappear. That’s not how trust works. Once violated, it is very difficult to get back, and it doesn’t undo the damage that tearing up the contract did. It doesn’t undo the damage that this government had done. Worse still, you know, the government is undoing this one thing. Meanwhile the fact that they pushed the system to the verge of collapse: no apology for that. No apology for this action.

10:00

We have a Premier now who won’t even tell people to get their flu shot in one of the worst flu seasons in recent memory. We have a Premier who won’t tell people to get their flu shots. We have a health care system that is overwhelmed and a government unwilling to do the least that they possibly can. So, sure, this is a good step. Congratulations to the government for reversing an atrociously bad decision. Congratulations. That’s a little thing we call damning with faint praise.

Madam Chair, I am appalled that the government would not apologize for this decision. I am appalled that the government would refuse to apologize, would expect to be congratulated. You know, this should be a moment in which the government is willing to stand before the people of Alberta and admit that they made a mistake, that they were wrong, and apologize for it. At least they’re reversing the decision, but the first step to rebuilding trust with the people of Alberta would be an apology. I think that that is the least that this government could offer. I think that physicians are owed that apology. I think that the damage that this government has done to our system will last for decades, and I think that that is extremely problematic, and for that, they owe an apology to every person in this province for the damage that they have caused.

I think, Madam Chair, that I have made that point fairly clearly at this point. I could go on at length, but I will leave it there. With that, I will adjourn debate.

[Motion to adjourn debate carried]

Bill 3

Property Rights Statutes Amendment Act, 2022

The Chair: Are there members wishing to join the debate? The hon. Member for Edmonton-City Centre.

Mr. Shepherd: Thank you, Madam Chair. I appreciate the opportunity to rise and speak to Bill 3, the property rights amendment

act. I know that all the members of this House had been waiting with bated breath to hear from the member representing Edmonton’s downtown on the question of property rights. I recognize that this is not something that generally is an issue within Edmonton’s downtown. I will say that this is something that I have heard from constituents about. Now, admittedly, not many, but it has been brought to my attention. For example, just recently I was out at an event and I met a gentleman. We were talking, and he said: hey, by the way, my dad is your constituent, and I’d like to get him in touch with you because he has an issue on his property with an abandoned oil and gas well.

Now, I recognize that that’s not specifically about the sorts of things we’re talking about here in terms of adverse possession, but it is connected with the question of property rights. Indeed, I was able to help his father. He was having some trouble accessing the documents online to be able to file his application to be able to make a claim about the neglect of the particular company that’s responsible for the oil and gas well that’s degrading on his property. His father is living here in my constituency now but, of course, still owning the property out in the rural area of the province.

I am also aware of the impacts that these sorts of situations can have just through, of course, situations between landlords and tenants. I know that this is something that has been exacerbated lately, particularly with challenges around housing prices. I remember recently reading a story online of a woman in Ontario who had used all of her savings to buy a property, a condominium that she was going to move into, a townhouse, and, in buying it, discovered that there was a tenant living there, that she had not known about, who was refusing to leave the property. This woman found herself in a situation where she’s essentially living in her car while somebody illegally occupies her property while she waits to get through in Ontario, where their landlord-tenant dispute system is so badly backlogged. So I recognize the challenges that there can be when you run into these situations where you have somebody that is illegally occupying a property.

I know this has been quite a process. This is a question that’s been debated for some time. Indeed, the current Premier, the first time she was here in this House as Leader of the Official Opposition and then a member of the government party after she crossed the floor – but before that part she indeed was speaking quite a bit as the leader then of the Wildrose Party about the issue of property rights in the province of Alberta. So this is something that has been going around for some time, and there’s been a lot of consideration, and we’ve seen quite a process that has gone through to get us to having this bill in front of the House today.

Indeed, I was taking the opportunity to review some of the history, and I was reading a blog post from Stella Varvis, who is with the Alberta Law Reform Institute, about some of their review that they did as part of the consultation. I believe this was around 2020. The blog post was published in August of last year, in 2021. She talked about some of that review that they did. Indeed, they went out and talked with Albertans, and approximately 87 per cent of the folks that they surveyed agreed that adverse possession should be abolished in Alberta, so strong support. The respondents offered comments like: well, whoever holds title to the land should be entitled to keep it, that no one should be able to take land from the person who paid for it, that adverse possession is indeed theft, and the law should not be something that rewards bad behaviour.

Now, it was interesting. There were a few folks that were not in favour of abolishing. Some interesting arguments such as suggesting that adverse possession promotes responsible land ownership and stewardship or suggesting that it’s a good way to adjust property boundaries. I can’t say that I find much sympathy with that, Madam Chair, the idea that a property owner should have

to regularly go out and inspect to make sure that nobody is squatting on their property, that nobody happens to have built a shack or taken over some other space or moved a fence while they weren't looking and therefore they should be punished by losing that portion of their property. That does not make sense to me.

[Mr. Gotfried in the chair]

Certainly, I'm happy, I think, to support this bill. This is a reasonable step to ensure that a property owner is not unduly punished or taken advantage of by a disingenuous actor. There are a few thoughts as we sort of take a look at this legislation and consider what some of the potential impacts might be, again, agreeing with the overall principle of the bill and the concept and moving in the direction but certainly some questions about the impacts it might have.

Now, certainly, I think, as some other members on our side of the House have noted, there are some questions about wanting to be sure that there is absolute clarity that this legislation will not impact Indigenous and treaty rights, to ensure that they're respected within the context of this legislation, including for First Nation, Métis, and Inuit rights holders.

Now, of course, as others have noted in debate today, Mr. Chair, just this morning we all awoke to find an article from staff from the government of Alberta, folks that worked in the Ministry of Indigenous Relations, who spoke out very clearly about an utter failure, in fact, a refusal on the part of the government to consult with First Nations on their signature piece of legislation, Bill 1, the sovereignty act. It's an egregious oversight, an intentional choice to abrogate and ignore the duty to consult that this government knew it had. The condescension that we have seen coming from this Premier as she tries to suggest, "Well, it's not really a big deal; we'll talk to them after the fact; it's not really what's important to them; there are lots of other things" flies directly in the face of reconciliation.

10:10

I'll be honest. I feel badly for the Indigenous Relations minister for the position that he's been put in by his own government and his own cabinet colleagues and the utter disrespect that's been shown to First Nation leaders in the province of Alberta. I don't care, Mr. Chair, how much this government talks about how they're going to – well, we'll make sure we'll give you more opportunity with oil and gas, and we'll work on other things. The fact is that it is a fundamental step of disrespect coming from a government that is, in that act, declaring their own sovereignty and talking about their own rights and how they have to stand up to the overreach of Ottawa to then turn around and do exactly the same thing to First Nations leaders and First Nations in the province of Alberta.

It's an insult, Mr. Chair, which is why we want to ensure that with this bill the government has indeed done due and proper consultation with First Nations, Métis, and Inuit rights holders and certainly looking for them to make clear on the record their intent with respect to Indigenous rights holders with respect to exercising their treaty rights and their traditional activities on the land.

It was interesting, actually. I listen to a podcast called *Canadaland*. They cover a wide range of topics, and this morning they were talking about the creation of Wood Buffalo national park and the process by which that land was – there's no other way to put it – stolen from the First Nations here in the province of Alberta. There is, unfortunately, a long history of this kind of action by government and not all in the past, as, again, we see with the sovereignty act that same sort of arrogance, entitlement, and disrespect still exists in government today.

Certainly, I think it's important that when we are bringing forward a piece of legislation like this, which indeed is doing a good

thing – again, to be clear, I support the principle of the legislation and the removal of adverse possession, but we need to be absolutely sure that as we do that, there has been the proper consultation and that nothing in this act will in fact impact those treaty rights. We certainly do have the question, and I apologize if perhaps during the debate when I have not been present in the House, a member of government has stood or perhaps the Minister of Indigenous Relations or the Minister of Justice has stood and explained what consultation took place with First Nations, but certainly I think that would be important to put on the record in this House.

Now, the second piece, Mr. Chair, is, as noted by the Alberta Law Reform Institute in the blog that I mentioned from Ms Stella Varvis – they proposed that there be a tribunal, an ombudsperson, or an alternative dispute resolution to be considered along with a legislative amendment so it does not create additional capacity issues in the courts. We know that we have faced real challenges in the court system. We saw that happen during COVID-19. We saw the issues that that generated and indeed, as I noted, for example, the situation of the woman that bought the property in Ontario who has been forced to live in her car because she cannot get into the system that exists because the capacity is overreached.

Certainly, if we are going to implement this and it's something that is going to require an individual to go to the Court of King's Bench in order to get remedy, if there is no access there due to a lack of capacity or indeed due to a lack of funding – and indeed we've had much discussion about the current challenges with funding for legal aid for individuals that may not be able to afford a lawyer or are, say, in certain situations. If we do not have an opportunity for them to seek some other resolution, then, in effect, the change that's being made in law is ineffective for them. It is not accessible to them because they do not have the means to be able to actually access the justice that they are entitled to.

Now, certainly, this is something we have discussed as well when it comes to issues with condominium boards, and indeed that is something I still hear from my constituents about, Mr. Chair, because, again, that is an incredible challenge, an incredible burden for individuals who are facing a situation with their condominium board and something that may in fact be unjust. But being forced to have to go through the court system and having no other option, facing a board that has much deeper pockets than they themselves do, ironically pockets that are funded by some of their own condo fees: it presents an incredible challenge and makes it very difficult for them to in fact obtain justice. It's unfortunate that this government chose to put the brakes on that process and took that option off the table and have kind of left those folks hanging after a lot of promises and time invested to try to get there.

[Mrs. Pitt in the chair]

So I think it's important that as we consider this property rights amendment act, we consider whether or not the courts are going to be able to handle the additional capacity for individuals who may need to bring a case forward regarding adverse possession or are trying to regain control of their property or evict someone that should not be there.

Certainly, again, we saw the foot-dragging, the resistance from the Minister of Justice as defence lawyers have fought to get changes on funding, to get the amounts that are due to them under legal aid that were committed and that this government has failed to live up to. Indeed, if we were going to add a lot of extra burden onto the court system at a time when we know we are still challenged for capacity, the question is: what is this government going to do? Is there going to be additional funding? Are there going to be additional steps? How is it going to move forward to

ensure that this additional caseload – and, again, it is right that individuals be able to pursue this justice and have that opportunity, but we need to have the capacity in the system for them to be able to do so.

Lastly, Madam Chair, as I said, as in the case of the constituent who came to me for assistance in obtaining the paperwork to be able to move forward with a claim regarding the oil and gas infrastructure that is degrading on their property, it's my understanding that the committee that was undertaking the review that has led to this legislation indeed heard from many landowners on the context of surface rights, specifically like this situation from my constituent, where an oil or gas well has been orphaned or abandoned or where companies have tax arrears and money that's owed to the property owners. So it would be helpful to get a bit more clarity on how or if this legislation will actually help these individuals as they are seeking remediation of their property or seeking to be compensated for the arrears that they are owed.

If, in fact, this bill is not going to help them to get there, the question is, then: what steps is this government intending to take? What help are they planning to provide to help individuals be able to seek that? Of course, we know that has been happening in a larger context, and we have seen some small steps from government towards helping municipalities who are in a similar position of trying to recoup taxes that are owed from oil and gas companies but not nearly the amount that was needed. Certainly, we hear from municipalities quite regularly that they need more assistance from the government, particularly given that this government has downloaded so many of its costs onto municipalities while at the same time cutting key funding in areas like MSI.

All that said, as I've noted, the steps that are being taken in this legislation are indeed appropriate. We should be moving forward to eliminate the existence of adverse possession in the province of Alberta, so I'll be happy to join my colleagues in supporting Bill 3.

Thank you, Madam Chair.

The Chair: The hon. Member for Calgary-Fish Creek.

Mr. Gotfried: Thank you, Madam Chair. Thank you for the opportunity to speak to Bill 3. I'll start with a couple of words: it's time. I'll probably end with the same words.

Madam Chair, I first became aware of adverse possession in about 2016, when one of my constituents was facing a claim of adverse possession. Oddly, we always think of adverse possession, squatter's rights, in a rural context, but this was in an urban context, in my constituency. Sadly, the good-neighbour policy is not something to be presumed. In this case a fence had been in the wrong place for about 10 years. I was just reading up on the Law Reform Institute's citing of this, *Moore versus McIndoe*. Jim McIndoe is my constituent, as was Mr. Moore as well.

That fence had been in place – they knew it was in the wrong place – for the 10 years plus a day. It was a little bit longer than that. The person who claimed the adverse possession was not an easy neighbour. Hence, they knew the fence was in the wrong place, but they left it in place, but when the fence was starting to become a little bit decrepit, they contacted the neighbour and said that it was time to move that fence, to rebuild it, which they would pay half the cost of, and to put it in the appropriate place.

10:20

Shortly thereafter they received a claim of adverse possession against about 800 square feet of his land, which then resulted in my getting involved with that. That was 2016. The result for my poor constituent, because the other one gained, was to lose about 800 square feet of his lot. Now, it happens to be a lot that's on a lake,

fairly expensive property. Loss of that 800 square feet, which included about eight feet of lake frontage, between that and his legal fees, was over \$150,000. For someone to claim his land with no compensation, in fact the opposite at about \$150,000 loss of land and cost to him – that got me involved. That got me pretty upset about the whole thing, again proving that the good-neighbour policy is not one to be presumed.

Madam Chair, if you look back a little bit, as early as 1989 the Alberta Law Reform Institute took a look at this. In fact, Sandra Petersson did a full report in 1992. Guess what that report was basically coined as? Something for Nothing. That's exactly what my constituent's neighbour got, something for nothing. In fact, that neighbour had been cited previously for encroaching on some community lands, which was a lake access, before and had been sued and had to move his fence. This was not only somebody who was not a great neighbour, but they were a serial not-great neighbour. Very sad for the situation at that time. So the Alberta Law Reform Institute took a look at that in 1989, 1992, and 2003, where, in fact, one of the quotes in their report was that the recognition of the proposition of adverse possession was absurd.

In 2012 MLA Ken Allred, who I interacted with significantly on this – he happens to be a land surveyor by profession as well – had Motion 507, which was passed but was never taken forward. Sorry; that was in 2011-2012. He managed to get a draw of Bill 204, and that passed second reading and, unfortunately, was ended through a proroguing of the Legislature at that time. We also know that, interestingly enough, Bill 204 seems to be a magic number, because Pat Stier brought that forward in 2017, and then I actually had the Bill 204 draw in 2018, which was pushed back to the Alberta Law Reform Institute by the then Minister of Justice and was again delayed. So I'll use those words that I started with: it's time.

Since that time, in watching it very closely, there's been, obviously, research done by the Alberta Law Reform Institute and many other bodies. In July 2019 there was an interim report; in April 2020 we had a full report. Again, the number one recommendation was the abolition of adverse possession with some conditions on some of the other legislation that needed to be changed with it. We've had, you know, repeated recommendations for the abolition of adverse possession from the Alberta Property Rights Advocate, from the Resource Stewardship Committee based on many, in most cases, reports from the Alberta Property Rights Advocate.

Interestingly enough, there was another article around that time, done by Miller Thomson law firm. The title of their report for the public's consumption was *What's Yours Is Mine*, and that is what adverse possession has been in this province, sadly. It is outdated, and it's time to move it on, Madam Chair. When we look at some of the quotes around some of the issues there in *What's Yours Is Mine*, it says: "The reader is then transported back in time to medieval England to bear witness as historical forces forged the law into twin principles of extinction and acquisition. From the regal court of Henry II . . ." So here we reach back into history and see where this came into play: typically squatter's rights, maybe centuries of possession of land and use of land.

But, Madam Chair, we're now in a time where it is time to move forward with this. I thank the Minister of Justice for bringing this forward after repeated and repeated and repeated attempts, a couple of those during a previous government, who punted it off to review, to committee, back to the ALRI when it was very clear to us that there was a risk. My constituent Jim McIndoe continually called me and said: Richard, when are you going to stop this happening to one of my neighbours, one of your constituents?

Many of you may know I was in the home-building business. When we start thinking of this in urban context – just think about it. You've got an infill lot that's 25 feet wide. The fence on one side goes a little bit short, six inches back into the wrong side, and the one on the other side goes for 10 years. You get adverse possession claims on both sides. Now the people have a 24-foot lot. They don't meet setbacks anymore, so legally the city could come and say: your lot doesn't reach setbacks any more; tear the house down.

This is a time bomb waiting to hit us in the urban environment. We think of it in a rural environment, but if it hits somewhere and people don't lay – you know, the fence goes in. Where do fences usually go? You pull the old posts out, and you put the new ones back in the same hole because it's the easiest thing to do. It goes decade after decade after decade in communities. How often do they call a surveyor and say: could you make sure we're right on the centre of the line? It doesn't happen. But it can be, as we found out in this situation, that a neighbour who is maybe not exercising the good-neighbour policy says, "Ah, thanks; it's mine; I'll take it," with zero compensation. Then they have to go to the city, and they actually have to have a subdivision appeal, which shouldn't be allowed. He said to me: well, if they can take, like, eight feet of my land and a foot and a half of the front off, maybe I should just split my land into two, sell them for \$2 million a lot, and we'll build a couple of nice condos on this spot on the lake. It gets from the ridiculous to the absurd, Madam Chair.

It is past time. I'm really appreciative of the work done by the Minister of Justice to finally take this and put it to paper. I know that MLA Ken Allred is there cheering us on to get this done once and for all. He and I have been talking almost consistently since 2016, when I first became aware of this. All the fits and starts of trying to get this passed, and we're finally there.

This was also a commitment, because we approached the 2019 election, and this was still a festering part of what we needed to get done to protect Albertans and their property rights. That is on the 2019 UCP platform. Guess what? We're going to get this done before the next election. We're going to keep checking off the check boxes on that platform and deliver to Albertans what we said we would deliver, and that's going to be property rights for Albertans and their protection in one of the best land registration systems on this planet. We have that to back this up, to protect your property, to protect my property, to protect my constituents' and all of our constituents' property.

Madam Chair, now is the time. It's time for us to get this done, for us to quit delaying, for us to quit punting it down the road, and to pass this legislation. I'll be voting for it. I hope everybody else in this Chamber will do so as well.

Thank you.

The Chair: Are there others? The hon. Member for Edmonton-Meadows.

Mr. Deol: Thank you, Madam Chair. It's my pleasure to rise in the House to speak to Bill 3, Property Rights Statutes Amendment Act, 2022.

Absentee landlords and adverse possessions: I was searching before to be speaking to this bill. I was searching the information and looking at the context, like, why these bills were in place. It goes back two centuries, as my friend the member from across the aisle actually tried to give some examples of from Britain and other European countries. In the U.S. the Homestead Act, absentee landlords, and adverse possession have a history. It was brought forward initially by the American Senate members or the members in 1860, and interestingly it was vetoed by the then Democratic President, if I'm not forgetting the name, James Buchanan. The next

President of America, Abraham Lincoln, actually in 1865 reintroduced the homestead laws.

It has so much significance to understand why this law was in place. There was a public demand. There was lobbying, union activism, intellectuals' calls. That bill has done a lot to provide the rights to purchase land by landless labourers working on the properties for generations without having the right to own the land. Not only that, but that also provided for the very first time the opportunity for African-Americans and slaves to purchase land before it went to the auction. Looking at this, it has significance in history, and when we look at it in the current context, things are changed big time.

10:30

This bill, Bill 3, you know, is a correction to Bill 206, that the UCP brought in in 2020 and that failed to address the many issues that were supposed to fix our property rights, that there was a call for in Alberta. I just wanted to say for the record that we do support this legislation to bring property rights remedies in line with legislation in other provinces and countries. But also, while I'm supporting this bill, I just wanted to say how the government missed the approach, the same approach and understandings, when they brought forward Bill 1, the importance of clear rules across jurisdictions that can help create economic certainty and good relationships between neighbours and support businesses. This bill, the property rights amendment act, is a clear example of a bill drafted after consultation. The importance of the consultation: that's what we asked a number of times in this House, and the government failed to recognize that while debating Bill 1.

In this bill we see the government's approach, that they clearly believe in the rule of law, that they're working to set clear guidelines around. They failed to do this in the sovereignty act, Bill 1, even from all walks of people: the majority of Albertans, experts, legal advisers, journalists, and economists. As I said, we support the mandate of this bill, that will fix the problems and provide remedies in property rights for adverse possession. But, similarly, there are concerns in looking into the historical contributions of this bill and also what the UCP has done in debating and passing Bill 1, the sovereignty act, the impact of this bill on the Indigenous communities.

So we have a concern that we would like to know about. This Assembly needs to make sure that Indigenous and treaty rights are to be respected within the context of this proposed legislation, including First Nations, Métis, Inuit right holders. The government needs to make it clear on the record in this House its intent with respect to Indigenous rights holders; for example, with respect to exercising treaty rights in traditional activities.

We know that this bill is the result of the Alberta Law Reform Institute's report recommendations. We also see, you know, in this report that the consultation was mostly feedback coming from – I'm just trying to see – mostly landowners in the context of surface rights. So the people, basically, who participated specifically were related to oil and gas wells, wells that had been orphaned or abandoned. Also, there are companies that have tax arrears, money owed to property owners.

So these are my very important questions. At the next, you know, opportunity to debate this bill, I would be happy to see the minister or any government member answering these concerns on whether the Indigenous nations were consulted on this bill or not and whether their treaty rights are respected in this. These are very important concerns. I think that the government members, the next time we have the opportunity to debate this bill, should answer some of those questions I have raised in this House.

Thank you, Madam Chair.

The Chair: Are there others to join the debate on Bill 3?

Some Hon. Members: Question.

The Chair: I will decide when the question is called.
I will call the question.

[The clauses of Bill 3 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Any opposed? That is carried.
The hon. Government House Leader.

Mr. Schow: Thank you, Madam Chair. I move that the committee rise and report progress on Bill 4 and report Bill 3.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Spruce Grove-Stony Plain.

Mr. Turton: Thank you, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 3. The committee reports progress on the following bill: Bill 4.

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

Hon. Members: Aye.

The Deputy Speaker: Any opposed, please say no. That is carried.
The hon. Government House Leader.

Mr. Schow: Thank you, Madam Speaker. I rise to ask for unanimous consent to waive Standing Order 39 in order to allow Bill 7, Miscellaneous Statutes Amendment Act, 2022 (No. 2), to be introduced.

[Unanimous consent granted]

The Deputy Speaker: The hon. Government House Leader.

Mr. Schow: Thank you, Madam Speaker. I also rise to ask for unanimous consent to waive Standing Order 7(1) in order to revert to Introduction of Bills to allow Bill 7, Miscellaneous Statutes Amendment Act, 2022 (No. 2), to be introduced.

[Unanimous consent granted]

Introduction of Bills

The Deputy Speaker: The hon. Government House Leader.

Bill 7

Miscellaneous Statutes Amendment Act, 2022 (No. 2)

Mr. Schow: Thank you, Madam Speaker. I request leave to introduce Bill 7, the Miscellaneous Statutes Amendment Act, 2022 (No. 2).

As this is my first bill, I'm honoured to rise and move this piece of legislation that will make minor amendments to a number of statutes in order to reflect recent changes in government reorganization. What a time to be alive.

[Motion carried; Bill 7 read a first time]

The Deputy Speaker: The hon. Government House Leader.

Mr. Schow: Thank you, Madam Speaker. I move that the Assembly be adjourned until 1:30 p.m. tomorrow, Tuesday, December 13, 2022.

[Motion carried; the Assembly adjourned at 10:40 p.m.]

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