



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Select Special
Public Health Act
Review Committee

Friday, September 18, 2020
1 p.m.

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Select Special Public Health Act Review Committee

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1 p.m. Friday, September 18, 2020

[Mr. Milliken in the chair]

The Chair: Hello, everyone. I'd like to call this meeting to order. Welcome to members and staff in attendance for this meeting of the Select Special Public Health Act Review Committee.

My name is Nicholas Milliken. I'm the MLA for Calgary-Currie and chair of this committee. I'm going to ask that members and those joining the committee at the table introduce themselves for the record, and then after we've gone around the table, we will go to those on telephone or video conference. I will start on my right.

Ms Rosin: Thank you. Miranda Rosin, MLA for Banff-Kananaskis and deputy chair of the committee.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright.

Mr. Schow: Joseph Schow, MLA, Cardston-Siksika, subbing in for Nathan Neudorf, MLA for Lethbridge-East.

Mr. Turton: Searle Turton, MLA for Spruce Grove-Stony Plain.

Ms Lovely: Jackie Lovely, constituency of Camrose.

Ms Hoffman: Sarah Hoffman, Edmonton-Glenora.

Ms Govindarajan: Vani Govindarajan from the office of Parliamentary Counsel.

Ms Robert: Good afternoon. Nancy Robert, research officer.

Dr. Massolin: Good afternoon. Philip Massolin, clerk of committees and research services.

Ms Rempel: Good afternoon. Jody Rempel, committee clerk.

The Chair: And going to telephone and video conference, I believe that MLA Shepherd is there.

Mr. Shepherd: Indeed. David Shepherd, MLA, Edmonton-City Centre.

The Chair: And MLA Ganley?

Ms Ganley: Yes. Kathleen Ganley, MLA, Calgary-Mountain View.

The Chair: And MLA Reid?

Mr. Reid: Yes. MLA Roger Reid, Livingstone-Macleod.

The Chair: I believe MLA Toor is on the phone, subbing in for MLA Long. Is that correct?

Mr. Toor: Yes. Devinder Toor, MLA, Calgary-Falconridge, substituting for MLA Long.

The Chair: Thank you. I believe that's all the introductions.

Pursuant to the August 24, 2020, memo from the hon. Speaker Cooper, I would remind everyone that, outside of those who have an exemption, those observing the proceedings of the Assembly or its committees are required to wear face coverings. Based on the recommendations from the chief medical officer of health regarding physical distancing, attendees at today's meeting are reminded to leave the appropriate distance between themselves and other meeting participants.

Please note that the microphones are operated by *Hansard*, so there is no need to manually turn them on or off. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Please, of course, set your cellphones to mute – I will make sure mine is as well – and any other devices that could make similar sounds for the duration of this meeting.

Moving to number 2 on the agenda, approval of the agenda. Our first item of business is approval of the agenda, of course. Does anyone have any changes to make? If not, would a member please move a motion to approve the agenda? I see MLA Turton.

Mr. Turton: Yes. I'll put forward the agenda as presented.

Ms Hoffman: Can I have an amendment?

The Chair: Okay. Before we hear the amendment, can we hear what the motion is? As far as I understand it, it's moved by Mr. Turton that the agenda for the September 18, 2020, meeting of the Select Special Public Health Act Review Committee be adopted as distributed at this point. However, I believe that there is a potential amendment being put forth.

Member Hoffman.

Ms Hoffman: Thank you very much, Mr. Chair. Yeah, I would like to move that

we add item 4(c)(iii) to the agenda and that we call it committee work plan.

Do you want me to give some rationale?

The Chair: Yeah. Sure.

Ms Hoffman: Oh, sure. Great. Thanks. I know that members of our caucus submitted some items that we'd like to see discussed as a committee work plan. I think the chair also has some ideas of what would be an effective work plan. I just thought having it as an actual agenda item would be helpful to us to navigate that conversation because we could consider the motions in that context. Yeah. I am proposing this slight modification to the agenda just to help flow the work plan because I think we've already said that we want to work on these things. I just thought this would be an appropriate place to put it on the agenda.

The Chair: Yeah. I think members may have some information on this with regard to proposed work plans. I'm not going to, obviously, join debate. I was assuming that it would be brought in under other business. Are there any other members who would like to speak to this issue? I see Member Schow.

Mr. Schow: Thank you, Mr. Chair, for recognizing me. I can understand adding a part 4(c)(iii) on to this, but just wondering if the intent, then, is to move motions in part 4(c)(iii), if there are already motions that you have put forward in advance.

Ms Hoffman: I think that would be an appropriate time to discuss draft motions if any of them end up coming forward. I'm just trying to think of where to do it most efficiently on the agenda.

The Chair: All right. Any other members looking to discuss this matter? On the amendment as proposed by – oh, is there somebody on the . . . [An electronic device sounded] I think somebody perhaps on the phone or teleconference needs to mute if they're not intending to join debate.

Mr. Turton: Mr. Chair, I'm willing to accept that as a friendly amendment to the agenda if needed, or else we can vote on it as well.

The Chair: If I could just ask all members who are on teleconference or on the phone to please mute if they are not currently engaging in debate.

Okay. Seeing no other members who are looking to speak to the amendment, on the amendment as proposed by the hon. Member Hoffman, all those in favour, please say aye. Any opposed, please say no.

That amendment is carried.

Moving back to the original motion as proposed or moved by Member Turton, that the agenda for the September 18, 2020, meeting of the Select Special Public Health Act Review Committee be adopted as revised, all those in favour, please say aye. Any opposed, please say no. That is carried.

Moving on to approval of minutes from the previous meeting. That's what we have next up. Draft minutes were posted for the consideration of committee members. Are there any errors or omissions to note? If not, would a member please move a motion to approve the minutes. I see Member Lovely is looking to move, and I believe we have a draft of that motion. For the record moved by Member Lovely that the minutes of the August 27, 2020, meeting of the Select Special Public Health Act Review Committee be approved as distributed. All those in favour, please say aye. All those opposed, please say no. That is carried.

All right. Moving on to number 4. However, before we move on to the next item of business, I would like to note for the record that the Ministry of Health has provided us with six new fact sheets in response to questions raised at our last meeting. We also have received a written follow-up response from the Justice Centre for Constitutional Freedoms. All those documents, of course, are available to committee members on the internal website.

With that, we will move on to 4(a), research services update. First up, we have a crossjurisdictional comparison. Ms Govindarajan, would you mind please giving us a review of this document before I open the floor up to questions from committee members.

Ms Govindarajan: Thank you, Mr. Chair. As you said, I'm just going to give the committee a brief overview of the crossjurisdictional report, which is now posted on the internal committee website. The topics that are concentrated on in this report relate to senior medical officers of health, communicable diseases, and declared public health emergencies. Just keep in mind that this report does not provide a legal analysis or consider how provisions are applied, nor does it provide a comprehensive comparison of every jurisdiction with respect to each of the topics mentioned. Rather, it aims to highlight some of the similarities and differences of each jurisdiction's Public Health Act with Alberta's. Each section of the report will set out which jurisdictions were focused on in that part.

The first area covered relates to senior medical officers. In Alberta it's the chief medical officer of health. Every jurisdiction similarly has a senior medical officer, though with varying titles and roles. The report considers for comparison provisions with respect to their appointment, qualifications as well as their duties and powers. With respect to duties and powers, some points of comparison that are highlighted relate to reporting requirements to the minister or the public, their roles in managing or directing other officers as well as power specific to senior medical officers to respond to public health threats and emergencies. Given that there was a separate motion requesting a summary of powers and duties of all senior medical officers in every jurisdiction, that summary is provided in appendix B of the report.

1:10

The next major section of the report looks at communicable diseases, provisions respecting communicable diseases, and

highlights some of the similarities and requirements with respect to reporting information to different actors about the existence of communicable diseases or suspected existence and powers given to various actors with respect to threats and epidemics and emergencies.

The final major area considered relates to declared states of public health emergency. In some jurisdictions public health emergencies can be declared under their public health legislation; in others it's only covered under emergency management legislation. In those provinces where states of emergency can be declared in emergency management legislation only, those acts were considered for a comparison for the purposes of this report even though most jurisdictions will have both types of legislation. Just very briefly in terms of the points of comparison with respect to those declarations or orders, the report looks at differences in definitions, requirements for orders, publication requirements, powers under those orders as well as, potentially, duties that exist after the state of emergency ends such as reporting.

I think, Mr. Chair, I'll stop there. If there are any other questions that the members have, I can answer them.

The Chair: Sure. As we all know, the document is available for all to see on the internal website. I'm sure we've all reviewed it. I'm not seeing any questions.

Then we'll move on to the submission summary. Moving on to the next document, as committee members are aware, we ended up receiving well over 600 written submissions regarding our review of the Public Health Act. Ms Robert has reviewed all of the submissions and prepared a summary document for our use. Ms Robert, could you please take us through that document?

Ms Robert: Thank you, Mr. Chair. I would be happy to, yes. The summary of written submissions was posted on the internal website a little over a week ago, I believe, for all members of the committee. I'm just going to give you a fairly high-level summary of what is contained in the document. As the chair has noted, there were well over 600 submissions that were received. The actual number has ended up being 636. I noted 633 in my submissions summary, but I will just bring to the committee's attention three additional submissions that had been received in time and had been assigned numbers that just slipped through the cracks and didn't end up on the website. They have now been put on the website. For the most part the thoughts expressed in those submissions are already echoed in the submission summary from other people who made submissions. But there is one item that I think is a little bit new, so I will undertake to revise the submissions summary and repost it on the website for committee members, okay?

Now, of those more than 600 submissions, 34 were not related to the Public Health Act at all, but they were related to health care services in general. So because of that, I included a very high-level summary with respect to those submissions near the end of the document.

Now, with respect to recommendations and comments that were made on the act, there were a few recommendations made with respect to expanding the parameters of the act to make it more holistic to include health prevention, to include the social determinants of health as components of the Public Health Act. Beyond that, I would say and I would note – and I think this is an important note – that the common theme in pretty much every other submission was that the authority in the Public Health Act, particularly with respect to emergency powers and the government's response to the COVID-19 pandemic, represents a severe and unwarranted overreach by the government that infringes on the individual rights and freedoms that Canadians are guaranteed in the Charter. That was a very overwhelming theme that I read in pretty

much the vast majority of the submissions. Just for your information, that's the type of information that was coming in. With that in mind, there were several recommendations made with respect to specific provisions of the act, and they are outlined in sections 1.3.1 to 1.3.14 of the document.

Then, moving on, I would say that more than half, so about 392, of the submissions expressed opposition to the bills that were passed amending the Public Health Act during the spring and summer sitting, commonly known as bills 10 and 24, so a lot of feedback about those. Now, a lot of those were form letters, and I've tried to provide examples and give you links to examples of those form letters in the document.

There were also 102 submissions with respect to the government's response to the COVID-19 pandemic, and then, finally, there were about 95 submissions with respect to the mandatory mask orders that exist municipally and provincially with respect to schoolchildren in schools. Other than that, there were a couple of submissions that related to the committee review process and how people thought that should work.

That's pretty much all I will say at the moment. If anybody has any questions, though, I'd be happy to try to answer them.

Thank you.

The Chair: Thank you.

Do I have any questions? Seeing none on the floor, are there any questions on the telephone? I'm not seeing anyone. All right. Thank you very much.

That, of course, moves us on nicely to our next topic. As committee members are aware – and we just noted in Ms Robert's presentation that we did receive well over 600 written submissions as part of our review of the Public Health Act – copies of these submissions have been made available in their entirety to all members of the committee.

As we move to consider whether or not we wish to make these submissions available to the public, i.e. posting of written submissions, I would note that our website and any related advertising about the review all indicated that submissions and the names of submitters may be made public. In fact, for those who sent in their submissions using the online form itself, which is the majority of the participants who submitted, they were required to check a box acknowledging this statement before their message could be sent. I'm seeing confirmation as well, too. None of this is to say that the submissions should be released publicly; this is a decision, of course, for the committee to make.

Now that we have had an opportunity to review the content of the submissions, does anybody have any thoughts with regard to this? I see Member Hoffman.

Ms Hoffman: Thank you very much, Mr. Chair. One other thing that I noted, another theme that I noticed through the summary, was around public health care and the provisions protecting public health care. I think that that might be something that's timely, particularly given the recent decision in British Columbia, for us to have reflected in the summary. I also think I want to thank Member Rosin for recommending that we post these. I think it makes sense, and I think it speaks to transparency and to one of the other themes that we might want to engage in in this committee.

The Chair: All right. On that motion, then, from Member Rosin, who moves that

the Select Special Public Health Act Review Committee make the submissions received as part of the review of the Public Health Act available to the public with the exception of portions which contain personal contact information other than the name

and location of the submitter or personal information about an identifiable minor child or third party, all those in favour of the motion, please say aye. Any opposed, please say no.

That is carried.

Now, moving on to next steps . . .

Mr. Schow: Mr. Chair . . .

The Chair: Mr. Schow, let me just finish off explaining what this section is actually doing, and then we'll move on to individuals who may have motions as prepared.

As we move on to determine the next steps in the review process, I think it is appropriate to remind committee members that we now have just over one month before we are required to report our recommendations to the Assembly.

1:20

Additional presentations at this time in this process, so this next step on the agenda, which is all part of what you had raised your hand on: at this point in the process we have received a technical briefing on the Public Health Act; we've received four presentations from identified stakeholders that were agreed upon by the committee and, as noted, over 600 written submissions. Having reviewed the information received to date, this committee should now consider whether or not it wishes to invite any additional presentations before moving on to the deliberations stage of the review.

I will open this up to the floor for discussion; however, I did see Mr. Schow.

Mr. Schow: Thank you, Mr. Chair. I appreciate you recognizing me, and I do apologize for interrupting you while you were speaking earlier on.

I watched with great interest in the last committee, particularly near the end, when a motion was moved about bringing in a stakeholder. I think this committee has a mandate that it needs to execute, and the future of this committee and how it proceeds need to be determined. It's very important. I would actually like to move a motion myself if I may.

The Chair: Is this one of the motions that was presented 48 hours before?

Mr. Schow: Mr. Chair, it is not.

The Chair: Okay. Then that would require, obviously, agreement from the committee to hear the motion. Pursuant to similar processes that we've done in the past, what I would do is that I would allow the hon. member to read the content of the motion. The committee must then agree or disagree to put aside the notice requirement, so we would have a question on that aspect. If they were to allow the motion to be considered, we would then consider the motion.

If you could please read the motion that you are looking to present into the record for all those listening and watching today.

Mr. Schow: With pleasure, Mr. Chair. The motion reads as follows. I move that

- the Select Special Public Health Act Review Committee
- (a) rescind the committee's approval of the motion agreed upon August 27, 2020, to invite Dr. Hinshaw, chief medical officer of health, to reappear before the committee for one and a half hours at the call of the committee to provide additional testimony and insights as the committee considers amendments to the Public Health Act; and

- (b) commence at its next meeting the deliberative stage of its review of the Public Health Act, with any presentations to the committee at that stage limited to persons providing technical or research support.

Now, I suspect that the motion, being a large one, would need a moment for the staff here to put that up, so I'll take a moment and allow you to put that up there so that both members here and on the phone can read that. Then, if I may, Chair, I'll expand upon my reasoning for the motion.

The Chair: If you could, please, yes, go ahead and expand.

Mr. Schow: Certainly. Thank you.

Ms Hoffman: Sorry, Mr. Chair. Don't we have to grant waiver first before somebody can debate the motion?

Mr. Schow: She is correct.

The Chair: I was going to actually offer up the opportunity for him to finish his comments, because that's how I viewed it – and I know that Mr. Shepherd is also waiting in tow to speak.

Ms Hoffman: He said that he wanted to argue the motion and that that's what he was going to do once the wording was correct on the screen, and I don't think we'd determined whether or not we're . . .

The Chair: Did you use the exact word "arguing"?

Mr. Schow: I believe I probably misspoke on that. I do believe the process is for us to actually deliberate whether or not we'll allow the motion. If it is allowed, by the will of the committee, then I can explain the rationale.

The Chair: Then that means that I am going to call on Mr. Shepherd at the debate stage of it, should this committee even decide to entertain debate on the motion. Okay? Are you comfortable with that? Is Mr. Shepherd comfortable with that? I want to make sure he's okay.

Mr. Shepherd: Thank you, Mr. Chair. I had actually indicated that I wish to speak to the larger issue of inviting more members. That was prior to Mr. Schow's motion. So I will at this point say that I am not in support of this motion. I do have some other stakeholders I believe we should invite, so I will explain that later, when I have the opportunity.

The Chair: Perfect.

Well, then, what we'll do right now is that we will call the question on whether or not to entertain this motion regardless of the fact that it was presented on the floor. All those in favour of entertaining this motion, please say aye. Any opposed, please say no.

That motion, I believe, is carried.

Moving on, then, to debate . . .

Ms Hoffman: Sorry. To clarify the process, it requires unanimous consent to put something on the agenda, doesn't it?

The Chair: No. It only requires a majority. That's exactly, actually, how we did the first two that have previously come to the floor. I believe one was brought perhaps even by I want to say Member Nielsen. I think that even in that case somebody on the phone didn't provide unanimous consent on that one, but it still moved forward. I think we're just following the same process that we have previously.

Ms Hoffman: Just to clarify, as long as government members vote consistently and have the majority, they can add things to the agenda at any time, and opposition members cannot unless they convince government members to add things to the agenda.

The Chair: Just to clarify, too, the makeup of the committee itself is pretty much made up similarly to the House, so it's very similar to the way things move in the larger Legislature itself as well. That might clarify your point.

Mr. Schow: I believe that the Member for Edmonton-Glenora was presupposing the outcome of this vote in suggesting that because the government members have a majority on this committee, all motions brought from the floor and not submitted 48 hours in advance would pass. The member is well aware that precedents have been set in this committee to allow these motions given that two have been moved by the members opposite, and they were accepted by members in this committee on both sides. Now, members on this side of this table, you know, on the government side, could at their will have shot down those motions. I believe the Member for Edmonton-Glenora is looking for some way to suggest that there is some lack of fairness in this process, but the process has already proven to be fair in that this committee has in fact adopted two of the opposition members' motions brought from the floor. Whether we adopt or not adopt has nothing to do with the composition of the committee but, rather, the will of the committee.

The Chair: It's my understanding that I think we're getting a little bit off topic in reviewing the Public Health Act itself. I think that would be perhaps part of a broader discussion that would not be part of the mandate of this committee. I believe that at this stage the committee has decided to entertain this motion. At this stage what I will do is that I will allow Member Schow to complete his remarks and then move along the list.

Ms Ganley: Sorry, Mr. Chair. I just have a procedural question. I apologize for jumping in. I've been trying to message the committee clerk because I thought that's how a person got to speak to an issue if they were on the video conferencing. I'm just wondering how it is that we go about being recognized because I had hoped to speak to the issue of whether we ought to entertain the motion at all.

The Chair: Okay. It was actually Member Hoffman who said that we wouldn't be speaking to it, on that aspect. So we asked the question, because in order to discuss it – right? – all we're doing at that stage is that we're just following the black-and-white procedure. We followed the black-and-white procedure, which has now presented us with the opportunity to debate the motion, which I'm sure or I would hope would be within the realm of what you are hoping to discuss.

At this stage we've recognized Member Schow. If you would like to make sure that you're on the list, then, yes, I think that the process – and correct me if I'm wrong – is to reach out to the clerk. She will be watching. Unfortunately, though, if for whatever reason she may be predisposed on other aspects of her job, then I would ask that in that case you just verbally make yourself known. Then I'll make sure that you get on the list at the appropriate stage of the debate.

If Member Schow could please continue.

Mr. Schow: Thank you, Mr. Chair. I appreciate the opportunity, again, to speak about this motion. I think everyone at this table, both elected members and staff, would understand that the Public Health Act is a complex document. The mandate of this committee is to review it and make recommendations to modernize it to ensure that it meets the current needs of Albertans, meets their health needs.

Given how complex, though, public health is, if this committee had its – you know, at the will of this committee we could meet for the remainder of this session and into 2023. But, unfortunately, we do have time constraints, and within those time constraints we have to make decisions based on the stakeholders that we have heard or we could hear. So time is of the essence here. That's why I believe that, you know, we have had the opportunity – and I know this because I have watched with great interest, as I'd said before, the committee's work. I commend all members of this committee for their diligent effort in ensuring they're representing their constituents and Albertans to get this Public Health Act modernized.

1:30

But, with all that said, I think it's important that we do move along the process, move towards deliberations to ensure that we can meet that timeline and can make recommendations to the Chamber. In past Legislatures they have seen where committees did not meet those timelines and the committees' work was in fact cut off, and with that, a lot of questions were left unanswered. It would be a great disservice to Albertans if the committee was not able to in fact fulfill its entire mandate.

The purpose of this motion is to move to deliberation given that I believe that we have heard sufficiently from stakeholders, and I also believe that we've heard sufficiently from Dr. Hinshaw and that we have the information we need to guide our deliberations and move forward to the next stages.

So I encourage and ask members of this committee, if you would, to please support this motion so that we can do exactly what Albertans asked us to do, which is to look at the health act, make those recommendations, listen to Albertans. We just heard from research that there are over 600 letters of interest. I myself have a petition out about parts of the health act.

I'm grateful for this opportunity to move this motion. I encourage all members of this committee to support it, and I look forward to what I believe will be robust debate on this issue.

The Chair: Thank you.
Member Shepherd.

Mr. Shepherd: Thank you. I appreciate the opportunity to speak to this motion. As I noted, I am not in favour of this motion. Now, Mr. Schow spoke about time being of the essence on this. Indeed, I agree that there is work that needs to be done. We indeed have a deadline. Myself and my colleagues in the Official Opposition have been quite clear about our willingness to work on this. Indeed, we have written to yourself, Mr. Chair. We have raised this at the committee multiple times, asking for more opportunities. We've made it clear that we wish to move faster and meet more often, take the opportunity to get this work done for Albertans. The fact that we have a deadline should not preclude us doing this work in detail.

Mr. Schow noted that this, the Public Health Act, indeed is a complex document. Indeed, it is an incredibly sizable piece of legislation. It is a piece of legislation which offers sweeping emergency powers to government. Indeed, there is much to be considered in it. We have had a single day of listening to stakeholders. One day. We had the orientation. Then we had the presentations on a single day on this complex document, on which this committee decided unanimously, by all members, that we would be considering the entirety of the act. Frankly, Mr. Chair, I would say that in many respects we have barely scraped the surface of the work that there is to consider around this act. At this point to say that there is no one further that we would need to hear from, that there are no further elements that are worthy of consideration:

I think that is an abrogation of our work to truly, properly examine this.

Indeed, I would note that Member Reid, back on July 17 – and I would quote from the *Hansard* transcript – stated:

A reminder that the four groups [being called] are not exhaustive. It's not [just] these four. This is simply a starting point for us, and I fully believe that there's even a potential for when these [four presenters] come forward to present to us that that may lead us to call other people to present to the group. I am open to that.

I find it unfortunate that Mr. Schow is taking this opportunity to visit the committee today to stop in and present a motion that would indeed, I think, short-circuit some of the serious work this committee has yet to do. The fact that the committee or that we have not had the opportunity to meet as often as we certainly could have over the preceding weeks and that the committee has not had the opportunity to take advantage of the fullness of that time does not mean that we need to try to speed to a conclusion now. We still have a number of weeks. I'm willing to do the work, my colleagues are willing to do the work, and I would hope that Mr. Schow and his colleagues would be willing to do the work properly as well.

Thank you, Mr. Chair.

The Chair: Thank you, Member Shepherd.

I note that Member Ganley is technically next on the list. However, historically what we've done, when it's been indicated – and it's worked both ways, and I'm seeing some agreement from all sides on this, on what I'm about to say, which is, wherever possible, to do a back and forth in order to engage in the most rigorous debate in order to make sure that we stay within the topic of the debate at hand.

I believe that Member Schow would like to discuss on this exact point.

Mr. Schow: Thank you, Mr. Chair. I certainly recognize that Member Ganley raised her hand prior to me raising my hand, but I would like to respond to Mr. Shepherd. Also, I do believe it is convention to go back and forth. I appreciate the opportunity to speak, and I look forward to what Ms Ganley has to say next.

I'd like to address a couple of the things that Mr. Shepherd had said, particularly at the end of his comments, with regard to willingness to do the work. I do find it highly offensive that the member might try to label members on this side of the table as unwilling to do the work. What I'm simply saying is that I recognize that the health act is a complex document. It is large. We could continue on these discussions, meeting daily for hours, for years, frankly, and certainly not come to a unanimous consensus here in this room. I do find that quite frustrating.

Also, Mr. Reid, to that point, had said, as well brought up by Mr. Shepherd, that this is by no means an exhaustive stakeholder list. I don't speak for Mr. Reid; he speaks for himself. He's a very intelligent, successful man in his own personal life, and I'm honoured to share the Chamber with him. He is correct that it's not exhaustive, but I believe it would be impossible for this committee, given the scope, to reach a fully exhaustive stakeholder list within the confines of our time limits.

Thirdly, I also take umbrage with the member's comments suggesting that this motion believes that no further elements are worthy of consideration. This is the Public Health Act, Mr. Chair. All elements of this act are worthy of consideration, but given our timelines not all elements of this act will be given consideration. We don't have the ability to look over every page of this because of the time.

Members are suggesting they're willing to do the work. I am willing to do the work. I've come up from God's country today to be part of this committee in person. For those of you who don't

know God's country, you should visit: it's Cardston and the surrounding area. I will say that it's so important to be here to talk about this in person because I know that, though we won't get to all pieces of this legislation, we need to get through as much as we can. I believe that to this point we have heard sufficiently from stakeholders to move forward to deliberations.

The Chair: Okay. I believe Member Ganley has the floor.

Ms Ganley: Yes, absolutely. I think Member Shepherd has made some excellent points with respect to this, but I think it's worth noting that we're talking about the Public Health Act and that we're talking about the official who is responsible for the Public Health Act. I mean, it's one thing to say, "Oh, we've wandered off topic, and we don't have time for this," but it's quite another to say that speaking for more than an hour and a half to Dr. Deena Hinshaw, who is ultimately in charge of this, is somehow wandering off topic. I think that asking for a second hour-and-a-half block is not unreasonable. Dr. Hinshaw made it clear she was ready, willing, and able to appear for a second block of deliberations. I think it's important for us as committee members to recognize that we may be legislators but that that doesn't make us experts in everything, so it is important to hear from experts on a number of these issues. I think certainly a number of us still had additional questions for consideration, so I think that all of that is incredibly important.

I also think that if we're talking about, "Oh, we don't have time for this" or "We don't have time for that," my understanding was that the process set up by the committee to have motions come forward in advance – I find that that can in instances be cumbersome, but it has the benefit of allowing everyone to be prepared ahead of time – and then not requiring unanimous consent, so basically allowing government to use their majority to spring motions, results in these sorts of lengthy debates on collateral issues. I think it's incredibly important for Dr. Hinshaw to come forward and present again. I think the reason that was given at the time for only allowing very limited presentations was, in fact, that additional presentations would be allowed, so it's a bit disingenuous to now say, "Oh, well, we would have considered it if we had had time," especially in light of the fact that it is at the discretion of the chair to call the committee.

1:40

We have been asking for a work plan, we have been asking for some sort of understanding of how this committee would go forward, and we have been asking for meetings to be moved up such that the committee could proceed with their work, and none of that happened. So I think that to create a shortage of time and then use that to argue that as a result of the shortage of time we can't hear from the experts is – well, I don't think it's helpful. I don't think it's helpful for us in our work as a committee, and I don't think that it's the most considered and rational way to move forward.

The Chair: Thank you, Member Ganley.

Are you comfortable with that? Do we have any takers on this side in response?

Mr. Schow: Not at the moment, maybe later.

The Chair: Not at the moment? Okay.

Member Hoffman, you have the floor.

Ms Hoffman: Thank you, Mr. Chair. I'd just reiterate that we absolutely only had a four-month mandate. That's why very early on we tried to move a number of different proposals for folks to come and provide expert witness and testimony and evidence for us

to be able to consider in our work. To date I believe only four have been welcomed.

Originally I thought we would have 90 minutes of question and answer with the chief medical officer of health, but there ended being a presentation that ate into a considerable amount of that time. I was quite grateful to my colleagues when the chief medical officer said that she would make herself available again. Of course, this was one of the most important things that we were considering, and even though she's obviously in the midst of responding to a pandemic and giving advice to government, she acknowledged how the work of this committee is foundational to the work of public health – it's the Public Health Act, just to underscore that – and that she was certainly willing to return.

Then we all, unanimously, supported a motion to have her return. So for the deputy whip to come in and try to rescind that, I feel it is disrespectful to the work of this committee that we've undertaken to date. I know that, at the end of the day, it's our decision how we vote on this motion, but I think that we have been able to in the last meeting show that we can work quite collaboratively to get good information brought forward so that we can all work to the benefit of all Albertans in making decisions about this legislation, that will probably be in place longer than any of us will be, definitely, on this committee but maybe even in this Assembly. Legislation doesn't often get overhauled regularly, and this is an important piece of legislation.

At the end of July, at the adjournment of that meeting, a number of us made it very clear that we didn't want to wait a whole month before reconvening because we only had a four-month mandate, but there was a decision to not call a meeting of the committee for that whole month by those who were in a position to be able to call the committee. So we're back now, and we are here to do our work, and I would really like us to roll up our sleeves and work our tails off for the next month and present something that we can all be proud of when it comes forward to the Assembly. I worry that this motion is already undermining that desire.

The Chair: Thank you, hon. member.

I would just say, for the benefit of all those present, about the motion that was referred to as passed unanimously in the last meeting: as can sometimes happen when things are done on the fly, the wording of it was actually a little bit complicated in the sense that the way to interpret it was potentially that the committee would do a motion to do a motion. So the idea that there was unanimous consent at the last meeting to bring Dr. Hinshaw back is not necessarily clear. I think, actually – I'm not trying to muddy the waters here, because I think everybody is in agreement with that given that there was also another motion later on, I believe, scheduled from the 48-hour notice portion, provided by Member Shepherd, to do just that, to call Dr. Hinshaw back. Just a moment of clarity there for that aspect.

I believe that Member Rosin is next.

Ms Rosin: Yes. I'll just provide a couple more comments from my perspective, and I will rebut a couple of the claims once more just for the record. The first one is the notion that this side of the House or this side of the committee is not willing to do the work. For the record it was this side of the House that struck this committee, so if we were the ones not willing to do the work, it would be quite silly to strike a committee in the first place. I do just want to reiterate that we are here to do the work, and that's why we realize we have tight deadlines and there's a lot of work to do.

I also just want to rebut one more, final time this notion that we might be somehow using our majority as a government or as members of this committee to sway or swing the outcomes of this

committee. I do just want to remind the members, I think, for the third time or fourth time now, that there were motions brought forward from the floor from their side of the House which we (a) not only entertained and allowed to be presented to the floor despite standing order – I’m not sure the number – but that we also actually passed the motions. The idea that we would be using our majority on this committee or as government to sway or rig the outcome of the committee is asinine, to be completely honest. We’ve been very clear, I think, and very open to working together and passing some of the motions that have been brought forward from the floor that we did not see coming. I do want to put that out there to preface my thoughts.

But I guess my thought on this motion – actually, I fully realize that this is a motion from the floor that I wasn’t necessarily expecting today given the motion we passed last committee and the motion that I can see we have coming up later in the agenda. The chair is correct that the motion passed last committee. I believe the wording was something along the lines that we could call Dr. Deena Hinshaw back at the will of the committee, which would imply that when we wanted to do so or if we wanted to do so, we would need to pass a second motion to either do so or to not do so. The initial motion passed did give unanimous consent but, again, essentially just to pass another motion, not to guarantee that she would come back at a fixed date.

We are now in the final stretch. There is just under a month or over a month, maybe a month and a couple of days, left until the work of this committee is finished, and we have a tremendous amount of work to do. I say that. I know I’ve had conversations with my colleagues, and the truth is that I think a lot of us have different viewpoints on the direction we’d like to take things. I think a lot of us bring different aspects to the table, different perspectives. I assume that that’s going to be the same with members opposite, that they are going to have very different perspectives and viewpoints that they would like to bring to the table and debate and discuss as well.

Given how extensive and thorough this act is and given that there’s a high chance – I would never want to presuppose the work of our government in the future or any other future government that may come into power. There’s a chance that this act may not be revised for years to come after this. Because of that, we have so much work to do and potentially so many motions to bring forward, potentially so many amendments to bring forward or pass or shoot down, and, frankly, a lot of debate to be had amongst all of us. Given the nature that we are tight on deadlines and that the end date of this committee is quickly approaching and there is just so much work to do and so much really extensive conversation to be had amongst both sides of the House internally and together, I actually am going to be voting in favour of this motion because I think it’s important we move forward with deliberations and start actually taking a look at this act and what we want to do with it.

The Chair: Thank you, Member Rosin.

I have, I believe, Member Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity to speak once more to this motion, which, again, to be clear, I will not be supporting. Now, we’ve had much discussion about this particular motion, that’s being rescinded by this motion by Mr. Schow today. I would note again that that motion, however anyone wants to interpret it, passed unanimously. Not a single government member spoke against that motion at the time. Not a single government member raised any concerns about the wording of that motion at that time. Clearly, if there were any concerns, they could have raised them and explained how they did not understand the

motion and why at that point, then, they would be choosing to vote for it or why they would choose to remain silent rather than speaking out against it. Instead, what we have today is a motion that’s been presented that was not given notice. Even though the opportunity existed to provide advance notice to prepare for the discussion, the choice was not to.

Now, to be clear, the main question that’s in front of us right now seems to be that members of government want to bring forward their concerns that we do not have enough time, that because of this lack of time we must cut short, must move on. Only the testimony, the expert testimony we’ve heard from four presenters: that is sufficient. That is enough because simply they do not have time to consult with more.

I would remind the committee that, of course, I wrote to you, Mr. Chair, on July 8 as a member of the subcommittee. I noted in that letter, which was, I believe, sent to all members of the committee – they were all included when I forwarded this to you – that at that time, on July 8, the next meeting being called for August 28, that would mean over half of the committee’s allocated time to complete the review will have elapsed before the first actual substantive meeting of this committee would be held. I stated, “Given the importance of our work, and the faith Albertans have put in us, our real work must begin without further delay.” In that letter I urged you to reconsider that approach, urged you to reconsider that late a date. Not a single member of the government side spoke out in regard to the letter. Not a single one responded. Not a single one raised any concern that we would be sitting from that time for well over a month before the committee would actually take substantive action.

1:50

So if this was such a significant concern, members of government certainly could have raised, at that time or at any time before this when we were sitting idle during the summer months, that we could have moved faster as a committee to ensure that this work would get done on behalf of Albertans if that is truly their concern here. Not a single one did. Not a single one has raised that concern until now, until such time as they had seen the motions that myself and my colleagues had brought forward around the significant work that we felt needed to be done.

For that reason, Mr. Chair, I cannot take this motion as being in good faith. Members of government may protest, and they may feel that I am misrepresenting their position. Fair enough. But given the circumstances and the many opportunities that they have had to raise these concerns at an earlier date or to push for quicker motion of this committee or to advocate for this work to happen in a more timely manner, they have chosen not to do so. I will let that stand on the record and be clear that I will not be voting in favour of this motion.

Thank you, Mr. Chair.

The Chair: Thank you, Member Shepherd.

Are there any other members? I see Member Schow.

Mr. Schow: Thank you, Mr. Chair. I think we’ve all beautifully articulated our points here, but I do see us spinning our tires, echoing each other on both sides of this. I would ask that maybe we call the vote on this.

The Chair: Okay. I don’t have anyone else on the list.

On the motion as proposed by the hon. Member Schow, all those in favour of the motion, please say aye. Any opposed, please say no. That motion is carried.

Ms Hoffman: Was that a point of order?

The Chair: Sorry?

An Hon. Member: No.

The Chair: No. I think it was just a late no. Yeah. It could have been somebody not on mute.

Ms Hoffman: Just for clarity, may I request a recorded vote on this?

The Chair: Yeah, of course. No problem.

On the motion as proposed by the hon. Member Schow, all those in favour, please raise your hand. If you are on audio, please make your vote known should you be in favour of this.

Mr. Shepherd: No.

The Chair: We're still at the yeses.

What I will do is that I will get everybody to do an individual audio yes if you're in favour, moving down the line.

Ms Rosin: Yes.

Dr. Massolin: State your name.

Ms Rosin: Okay. Miranda Rosin, yes.

Mr. Rowswell: Garth Rowswell, yes.

Mr. Schow: Joseph Schow, Cardston-Siksika, yes.

Mr. Turton: Searle Turton, yes.

Ms Lovely: Jackie Lovely, yes.

Mr. Reid: Roger Reid, yes.

Mr. Toor: Devinder Toor, yes.

The Chair: All right. Any others?

Hearing none, all those opposed to the motion, please say aye.

Ms Hoffman: Aye.

The Chair: And your name.

Ms Hoffman: Sarah Hoffman.

Mr. Shepherd: David Shepherd, no to the motion.

Ms Ganley: Kathleen Ganley, also no.

The Chair: All right. The count?

Ms Rempel: That was carried with a count of seven to three.

The Chair:

That motion is carried seven to three.

All right. That takes us through to what seems to be deliberations. It's at this stage we'll move on to 4(c)(ii), which is research support. As part of our review we have received written follow-up information from various presenters as well as multiple briefing documents from research services. At this point the committee should also consider what additional research support it requires at this time. I would like to take this opportunity to turn the floor over to Dr. Phil Massolin to make some comments on the kind of research his team may be able to provide the committee at this point of the review. Please, Dr. Massolin.

Dr. Massolin: Thank you very much, Mr. Chair. Just following on your comments, the committee is about to embark upon the deliberations phase of its review, meaning, as you've pointed out to the committee, that the committee has received the information from stakeholders, from members of the public as well as from research and technical experts.

What has happened with past committees of this nature that review statutes: in most cases if not all, the committee has requested, has directed research services to put together what is called an issues and recommendations document. What that is is a multicolumn – I'm hesitant to call it a three-column; I think it's got four – document that includes the issues that the committee has heard from those aforementioned individuals and organizations, listing those out, the issues out, citing, if pertinent, relevant sections of the act and also indicating some notes on those issues, recommendations – in other words, some background information on that – some cross-referencing information; for instance, other jurisdictions do it this way or that way, referencing the crossjurisdictional report that was reported on earlier at this meeting. It basically summarizes all that information for the committee's use.

The purpose of this document is to help act as a guide, so if the committee chooses to direct us to do this, prepare this document, this document could be used by the committee as a guide at its next meeting to navigate all the issues and recommendations that have come forward. I just wanted to point out as well, Mr. Chair, that this is, again, just a guide. The committee, of course, doesn't have to follow the document. They can use it as they see fit.

I think that's about it. If there are any questions, I or Ms Robert could answer.

The Chair: Are there any members with questions for Dr. Massolin?

Seeing none, I believe that Member Reid has moved a motion on this. Member Reid moves that

the Select Special Public Health Act Review Committee direct committee research services to prepare a written summary of the primary issues with the Public Health Act that have been identified through public submissions and stakeholder presentations to the committee.

I believe that Member Hoffman is looking to speak to the motion. Are there any members looking to speak to the motion?

Seeing none – I'm not moving it. I believe that you are looking to potentially put together an amendment. Is that correct?

Ms Hoffman: I have a proposed amendment. If the mover wants – I don't know what . . .

The Chair: I believe that we can . . .

Ms Hoffman: Does the mover of a motion usually go before the amendments, though?

The Chair: I just do want to double-check with Member Reid that the motion as I read it into the record is what you intended to move. Correct?

Mr. Reid: Yes, it's correct.

The Chair: Sometimes there's a little bit of an issue with people being on teleconference and things of that nature.

Knowing that that is the motion, then I believe that there is a proposal for an amendment. Member Hoffman, if you could please continue.

Ms Hoffman: Thanks, and thank you to Member Reid for the motion. I'm just simply hoping for some clarification around what we're hoping to get back. This is my proposed amendment, which was submitted more than 48 hours prior, so hopefully all members already have it, but I'll read it into the record because the public doesn't have it. I move that

the motion be amended by adding the following after "public submissions and stakeholder presentations to the committee."

What I'm hoping to add after that is:

And that the committee research services include with its summary a four-column document containing the following information in respect of each primary issue identified if applicable. The first column would be primary issue; the second, an analysis of the current legislative provision or provisions in Alberta; the third, comparison to legislation and practices in other jurisdictions; and the fourth, recommendations of the public or stakeholders received by the committee.

If I can give a little rationale, Mr. Chair.

The Chair: Sure.

Ms Hoffman: I simply am hoping that it's a way for us to break down the issue with: what feedback was received? How does this compare interjurisdictionally? I think a lot of this could probably be lifted from the document we just received and put into a four-column document. It's just to help us break this down sort of issue by issue with the interjurisdictional comparison, the feedback from the public, the current legislation so that we can sort of see it as it relates to each issue rather than to always have to pull on different 45-page research documents to figure out where the specific piece is, just a way to organize the information that Mr. Reid has asked for while including the other information that we are either in the process of receiving or have already received, just to help us collectively work through the issues that we're going to be dealing with. I think this format is one that is used by many organizations, including the GOA often, so I am hopeful that it's something that we can find useful here.

2:00

The Chair: Thank you, Member Hoffman.

Are there any members wishing to speak on this further? I would just have a couple of questions just for my own clarity in case I was to ever leave the chair and enter into some of the deliberations. It sounds to me from Ms Robert that the primary issue is what is given in the research – and I'm seeing a nod there. With regard to comparisons for legislation and practices in other jurisdictions, that's the crossjurisdictional document. With regard to recommendations, so (d) recommendations of the public, that's been summarized as well. Then I guess my only question: I guess I don't know quite an analysis – forgive me for this – of the current legislative provision or provisions in Alberta. I'm not sure what that – truthfully, I'm just not a hundred per cent sure what that means. If you could clarify.

Ms Hoffman: What I'm picturing is a reference to the section that is currently in the legislation, the legislation we're reviewing, aligned with what the primary issue is with it as well as the interjurisdictional comparisons and the recommendations from others, so basically for us to have in this summary document one place where everything is clear and concise together about – we do know what the interjurisdictional says, but how do we align that with the individual pieces within our own legislation? Having that in a very clean four-column document I think makes our decision-making as it relates to proposed amendments to the legislation, which is what ultimately, I think, we're doing here – having that

aligned with what the current legislation is so that we can put forward our proposals I think will make it easier for us to make decisions collaboratively.

The Chair: Okay. I believe I have Member Ganley on the line.

Ms Ganley: Yeah. I just wanted to speak very briefly in support of this motion. I think it's just about organizing the document. Mr. Chair, you yourself may be familiar with this. When the government is drafting legislation, they draft these sorts of four-column documents for members of the Legislative Review Committee to be informed on what the current provision says versus sort of what you're considering and what the impacts of that are. I think, yes, we do have the crossjurisdictional, but knowing specifically what the crossjurisdictional is, not on everything but on each specific provision, will help us to focus our discussion with respect to each issue. As has been noted multiple times, we have a great deal of work to get through in a limited amount of time, so I think just having this information more readily accessible to committee members would be helpful.

The Chair: Are there any other members wishing to speak on this amendment? I'll give the opportunity to Dr. Massolin for some clarification.

Dr. Massolin: Yeah. Thank you, Mr. Chair. I really appreciate it. Sorry. Not to interfere with any of the committee's decision-making process, but I just want to maybe clarify a little bit about what maybe Mr. Reid is proposing in his motion versus the amendment, because I think we're all talking the same language here. I've got an example. I know you're not supposed to use props, but I think in this case it's all good. This is an example of a four-column document that was used for a previous statute review on the Missing Persons Act. I think it essentially achieves the goals that are being set out here in Ms Hoffman's proposed amendment. In terms of setting out the things that she discusses, I wasn't sure about provision (b) there, the analysis, but I think that now hearing what was intended, it's in there.

The only thing that might be different: I think Ms Hoffman and others have said to put all the crossjurisdictional informational in there. I would submit to the committee that, from a practical standpoint, you wouldn't get where you want to go if you put everything in there crossjurisdictionally. This document would become massive, right? It already is massive. I'm looking at a summary from that act, which is a lot smaller than the act that the committee is currently looking at. This is 18 pages. So if you put everything from the crossjurisdictional in here where relevant, I think it would just make it a very unwieldy document.

Instead, what has happened in the past is to simply summarize the most pertinent aspects and then cross-reference it saying: look at page, you know, 12 of the crossjurisdictional for additional information. But this document also cross-references transcripts – you know, see page FC-791 for more detail – and summarizes some of the information that was received on the record from stakeholders. It cross-references the submissions summary. Yeah, admittedly, you're going to have to deal with a few other documents.

Anyway, I'll leave it at that.

The Chair: It sounds like the information is there.

However, we are on the amendment. Any other takers on speaking to the amendment?

Seeing none, on the amendment as proposed by the hon. Member Hoffman, all those in favour of the amendment, please say aye. Any opposed, please say no.

That is defeated.

Moving back to the original motion as proposed by hon. Member Reid, that

the Select Special Public Health Act Review Committee direct committee research services to prepare a written summary of the primary issues with the Public Health Act that have been identified through public submissions and stakeholder presentations to the committee,

I see Member Hoffman would like to speak to this motion.

Ms Hoffman: Thanks, Mr. Chair. We worked hard to make sure that we could meet the 48-hour deadline so that we could come here without any surprises and show everyone what we were proposing. Something just got voted down, where I have no idea why the members would vote it down, saying: this is how we would like the information organized. I find it frustrating that we submitted many recommendations that got shut down through an impromptu motion on the floor and now this one. I have no idea what the issue is. I'm not trying to redebate it; I'm just trying to understand how . . .

The Chair: Yeah. I feel that we're getting into a realm of potentially redebating . . .

Ms Hoffman: I'm not trying to.

The Chair: I know you're not trying to, but it sounds like you are.

Ms Hoffman: Moving forward, I would like to express my desire for us to work collaboratively, which it has been at all steps, and to have some clarity from my colleagues around this table. I don't see us as two sides of the House. I see us as all private members sitting around this table trying to bring something forward to the House that we are proud of, and I feel like that is not the goal of all members of this committee. If at least I understood why people were voting the way they were, it would maybe be easier to accept that everyone is here trying to contribute.

The Chair: It sounds like we're getting into perhaps imputing some . . .

Ms Hoffman: I'm not trying to impute any motives.

The Chair: Okay. No worries.

Then we are still on the motion. Are there any takers to discuss the motion?

Seeing none, all those in favour of the motion as proposed by Member Reid, please say aye. Any opposed, please say no.

That is carried.

All right. Okay. Moving on to 4(c)(iii), committee work plan, we are starting to enter into a little bit of an issue in the sense that a motion that has been accepted by the committee is to move the committee to the deliberation stage without further presenters. The motion as proposed, which I believe would fall under this – I'm looking at Member Hoffman or perhaps Member Shepherd for confirmation that there were a couple of motions put forward with regard to a work plan. However, these motions, I'm inclined to think, are out of order now given what the previous motion adopted as to presentations. That's my assessment at this time. I would offer up the opportunity for discussion on this.

2:10

Ms Hoffman: I guess we can amend our motions on the fly and ask for unanimous consent given that . . .

The Chair: It wouldn't even have to be unanimous consent; it would just have to be accepted by the majority.

Ms Hoffman: Majority consent. That's true. Okay.

The Chair: Yeah.

Ms Hoffman: Yeah. It sort of undermines the intention, I think, of what you set us up for at the beginning, but perhaps, then, we could have a 15-minute recess to do the work that is required to respond to the motion that was passed.

The Chair: You know what? We've been going on now for a while, so perhaps a 15-minute recess – we are actually looking at potentially only another half-hour after that, so what I would say is perhaps let's just take 10. Is that okay?

Ms Hoffman: I'll take what I get. Thank you.

The Chair: Sounds good. We will be back in 10.

[The committee adjourned from 2:11 p.m. to 2:21 p.m.]

The Chair: All right. I believe we will call this meeting back to order.

We are currently at agenda item 4(c)(iii), committee work plan. There's been some discussion, I believe, with regard to aspects of a motion that was previously proposed. Is there a motion that is being proposed? Mr. Shepherd, I believe, has a motion. In this case I'll allow because I think I know where we might be going on this.

Mr. Shepherd: Thank you, Mr. Chair. Indeed, I would like to move a motion that was submitted previously, as required under the standing orders, that being motion 32, that the Select Special Public Health Act Review Committee adopt the procedure of posting the draft agenda for each committee meeting at least 48 hours before the deadline, established by the chair under Standing Order 52.041, by which proposed motions . . .

The Chair: I hesitate to interrupt the hon. member. We still haven't moved on to the portion of business that would take into account that aspect of the agenda. Your motion is noted; it is upcoming. However, I'm still offering the floor to the consideration of the committee work plan that was placed by the committee onto the agenda. If there's nothing on that, I'll consider that aspect closed.

Mr. Shepherd: Mr. Chair, it's your view that this motion is not appropriate here and should be conducted under other business?

The Chair: Yes, and I'm definitely going to call you on that, for sure.

Mr. Shepherd: Thank you, Mr. Chair.

The Chair: Yeah. Absolutely.

Looking at that, then, and seeing the room and seeing that nobody is . . .

Ms Ganley: Oh. I'm sorry, Mr. Chair. I do have a motion, I believe, in that area, which – well, with your permission I would like to propose the motion and then propose an amendment to render it now in order. It is the motion referred to as 33. I'm moving it on behalf of Mr. Shepherd. Would you like me to read the full thing into the record first and then tell you what I propose to amend?

The Chair: I think we all have it.

Ms Ganley: Okay.

The Chair: Just in the interest of time what I'd say is: why don't you propose the motion that you are looking for with the subtractions already taken into account.

Ms Ganley: With the subtractions. Okay. The subtractions I'm looking to make are to get rid of, under (a)(iii), which would then – obviously, everything would sort of move up accordingly, so there would only be three subparts. I would move on behalf of Mr. Shepherd that

the Select Special Public Health Act Review Committee direct the committee clerk, in consultation with the chair, to prepare for the committee's review at its next meeting a detailed work plan for the remainder of the committee's review of the Public Health Act that includes the following:

- (a) an outline of the remaining phases of the review to be completed, including . . .

The revised one would be:

. . . consideration of and deliberation on proposed changes to each part of the act . . .

The new (ii) would be:

- (ii) drafting and review of a report; and
- (iii) allotting sufficient time to draft a minority report if required
- (b) a schedule of meeting dates and times that align with each of the phases outlined in (a).

Sorry. I can't see the screen from here. Did you want me to wait for that to get up on the screen?

The Chair: I believe that it's on the screen. I just would make a quick note that because of the fact that the original motion was brought forward within the spirit of the 48 hours, et cetera, and all we're doing is making some subtractions to it, I will allow this onto the floor. If there are others who wish to discuss it – however, I do note that Member Ganley did mention that she had a few other comments to make.

Member Ganley, if you could please continue.

Ms Ganley: Yeah. My comments were just that, as I think members all around the committee table have noted, we are kind of running out of time as a committee, so this motion isn't designed to force any specific meeting times but to lay out, you know, the things that I think we need to do and hopefully get a bit of an advance notice on the agenda. I think that would make the working easier for all of us. It gives the authority to set out the agenda and a work plan to the chair, working with the committee clerk, but it is critical – it makes sure that all of the members can see that work plan, and I think that would certainly be very helpful to me. Certainly, we on our side spent an enormous amount of time preparing motions for this committee that have subsequently been ruled out of order. It would have been useful to have an agenda for the meeting and what the proposed work plan was ahead of time so that everybody could be on the same page.

I would like to thank the LAO for helping us draft this motion and bring it forward in the spirit of collaboration. I think it will be useful for members on both sides to understand what work they do and in what time. Having spent an enormous amount of time reviewing legislation in my previous role, it can get very long and very expensive very quickly, so I'm hoping that all committee members will support this.

Thank you very much.

The Chair: Thank you.

Are there any other members looking to speak on this?

On the motion as proposed by Member Ganley on behalf of Member Shepherd and as revised, all those in favour, please say aye. Any opposed, please say no.

That motion is defeated.

Are there any other motions?

I am now, then, considering closed the portion of the agenda a committee work plan, and we are moving on to other business. At this time I will call on Member Shepherd.

I apologize again for interrupting you previously, but I think that it was good for the committee to wrap up that other aspect of the agenda. Member Shepherd, please continue with your motion that you had previously started.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate that. As I noted earlier, I would like to move one of the motions that we did submit within the window required under Standing Order 52.041, that being motion 32, that

the Select Special Public Health Act Review Committee adopt the procedure of posting the draft agenda for each committee meeting at least 48 hours before the deadline, established by the chair under Standing Order 52.041, by which proposed motions must be submitted for that meeting.

Now, Mr. Chair, my colleague Ms Ganley just gave some of the reasons for this. But I think, recognizing that the intent of that standing order, I believe, was to make the work of the committee more efficient, to allow members to have better focus and allow the committee itself to do its work in a more focused manner, unfortunately what we have seen is that indeed it is having somewhat of the opposite effect. So this motion is intended to perhaps try to bring us back to what the original intent of those changes was and to remove, perhaps, some red tape and allow the committee to move more efficiently in a more focused manner, because I think, as my colleague Ms Ganley noted, that considerable effort is expended in this work.

To be clear, the work of this committee does not only take place here at these meetings, where we are present and on the record. Considerable work, at least amongst myself and my colleagues, has been expended outside of these rooms by ourselves and our staff endeavouring to do the work of this committee in order to prepare under these standing orders, which were passed by a majority of government members in the House.

Now, the requirement that we provide our motions in advance and that in order for them to be on without the majority support of the committee – that indeed then requires [inaudible] to reduce the amount of extraneous things that may be brought in, again, to allow the committee to work in a more focused manner. However . . .

2:30

The Chair: I apologize for interrupting you, Member Shepherd. However, we did lose you for a little while there, probably just the last 15 seconds, so if you could just . . .

Mr. Shepherd: Thank you, Mr. Chair. I appreciate that advisement.

What I was saying was that I think the intent of the standing order was to allow the committee to move more efficiently by reducing the amount of extraneous work that needs to be done in the room. However, what happens when we do not have an agenda in place before we have to submit motions for that particular meeting means, then, that we have to try to anticipate what is going to be on that agenda. We have to try to guess what work may be coming forward, which means, then, we have to do a substantial amount of work behind the scenes to put a number of items forward and indeed flood yourself and the LAO staff with a number of motions that may not, then, be appropriate or may not be necessary. That's creating a lot of inefficiency. That's creating a lot of extra work.

I think this is a simple step that we can take to show that we all on this committee in good faith want to accomplish our work in a focused and efficient manner and that indeed we want to enable and empower all members of this committee to do that work in good

faith and in a focused way. I recognize that members of the government have not agreed with us on several other things that we have brought forward today – and there may be varying reasons for that – but I think that on this one point there is nothing unreasonable about this request, simply noting that it makes sense that 48 hours before the deadline before which any members must submit their motions for debate at the next meeting, we would have a clear agenda for what aspects that meeting will in fact entail.

Given that at least government members chose to vote down a simple motion, simply asking that we have a clear outline of what those next steps are going to be, so, again, that we can plan in advance and be more prepared to do the work that we need to do, that they have been very clear in stating is incredibly important we do and accomplish before the deadline, which is pressing on us – I think that if we are not even going to have that work plan, we can at least take the reasonable step of asking that an agenda be provided 48 hours before any motions that we have to put forward in order to be part of that agenda and part of that meeting's discussion, that that draft agenda be provided 48 hours in advance.

I look forward to hearing from other colleagues on the committee, their thoughts on this matter. Thank you, Mr. Chair.

The Chair: Thank you, Member Shepherd.

I believe Member Rosin has the call.

Ms Rosin: Thank you, Chair. I'll actually agree with Member Shepherd that there is nothing unreasonable about this motion. I'll be completely honest that had this motion come forward in meetings prior, I probably would have voted in favour of it as it is in line with a standing order already passed, but at this point in the committee's work I actually genuinely don't think that this will be logistically possible. The only reason I say that is because we already have three meetings scheduled back to back for I believe the 28th, 29th, and October 1 . . .

The Chair: The 29th, 30th, and . . .

Ms Rosin: The 29th, 30th, 31st. Sorry; I stand corrected.

The Chair: The 1st.

Ms Rosin: The 1st. Sorry.

Those are the dates, and they're scheduled back to back for 18 hours total, six hours each. We've already passed a motion today saying that we'll be heading straight into deliberations in those meetings. The only reason I just don't know if this will be logistically feasible right now is because I am guessing – and I wouldn't want to presuppose, but once deliberations start, I imagine things will be quite fluid and debate may just continue throughout days, multiple days, across days. I'm not sure. Had this motion come forward at meetings prior, I think it would have been logistically fair and workable, but given that we're heading into 18 hours straight, effectively, of meetings over a three-day span with fluid deliberations, which I'm guessing is how things will go, I just don't know if this motion will be logistically possible. For that reason, at this point I'll be voting no, but I assume that we will do our best to have an agenda and have things in order. It's not broken; we don't think we need to fix it. We'll do our best to work with you. That is my opinion.

The Chair: Thank you, Member Rosin.

I see Member Hoffman.

Ms Hoffman: Thank you very much, Mr. Chair. I think it is a little bit not working. I don't want to say that it's broken, but I think that

for us to be able to submit recommendations with 48 hours' notice for things that we'd like to consider without knowing actually what's on the agenda makes it very difficult for individual members to be able to do our jobs. We obviously did our best. We submitted over a dozen motions where, on a turn of a dime, you know, 10 of them were deemed out of order. We're trying to do our best to be proactive and put forward things that will support the work of the committee.

What I would request is that we try to make this actionable. I think, on the point that was made around the meetings on the 29th, 30th, and 1st, it is even more important that we get that information ahead of time because we'll be in virtually 18 hours of meetings, so to not get the information in advance to be able to prepare before that three-day chunk of meetings would mean that we weren't coming here to do our best. I think it is incredibly important that we do get information with 48 hours' notice, especially given the standing order around the 48 hours' notice for motions to be considered.

I will be supporting this, and I think it is feasible. If there are things that we wished that we could have added onto those three days, we can absolutely bring a motion forward at the meeting to be able to do that and, with a majority, add things to meetings. We've proven that here yet again today, so I don't think it actually impedes the ability of the committee to do its work, but to each their own. I just feel like if we want to work collaboratively, we need to give each other notice.

The Chair: Okay. Looking at the room, I believe Member Shepherd has the call.

Mr. Shepherd: Thank you, Mr. Chair, and I'd just like to replay to Ms Rosin's comments. I certainly appreciate her providing some of the views from her perspective and her side of the table.

I would say that these agendas don't have to be complex, so I don't think anything about putting out an agenda stating that "on this date we will be having deliberations on the Public Health Act," if that is indeed all that the agenda says. If the agenda simply says, "Deliberations," then that's fine. Then we're clear that that is indeed what we will be doing that day. We can tailor any, I guess, motions that we might have accordingly under that heading Deliberations.

However, if the committee was also going to within those three days – and, of course, at this point we do not know because we have not received an agenda or any clear indication of what will take place during those three days other than a general comment around that it will contain some deliberation. If during those three days, then, we are also going to begin to make motions regarding what we feel should be in that report, what we feel should be reflected by the committee, or other such substantial decisions, again that requires motions to come forward.

Now, if we have the agenda ahead of time which clearly states that on those three days we will only undertake deliberations, then that's fine. That makes it quite clear, and we can prepare accordingly, but if we do not have that information and then we get to, say, within a couple of days of those meetings and then receive an agenda indicating that, in fact, we are going to make those sorts of decisions, then that has I think a severe impact on our ability as members of this committee to in fact do that substantial work.

Now, of course, I recognize that Ms Rosin has said that she would in good faith, along with her colleagues, be willing to support the work of the committee as it needs to be done, so I suppose that even if that change were made at the last minute, we would have the opportunity, I guess, to bring motions on the fly on the floor and hope that, you know, all members at the table, including government members, would be willing to support those motions at

that time. Certainly, I would like to take Ms Rosin and all members at their word in good faith that that would in fact be the case, but I think that for myself as an independent member and as a representative of my constituency, the Official Opposition critic for Health and, by that, a representative on behalf of all Albertans on this significant issue, it would be imprudent of me not to look for these things to be codified . . . [inaudible] Indeed, as I said, it's not unreasonable.

I think I have answered the questions and concerns that she has had in this particular instance.

The Chair: Member Shepherd, just so you know, we did lose you just for a quick couple of seconds there. If you would just – yeah.

Mr. Shepherd: Okay. Indeed.

Again, as I was saying, Ms Rosin herself acknowledged that this is not an unreasonable motion, that indeed she feels it might have been helpful throughout this process had it come forward earlier. I do not believe it imposes any significant barriers in our ability to move forward. I think I've outlined quite clearly how this can work and function. I think that giving some surety to these proceedings can only help us to do our work well and to do this work in the quicker time frame which members around this table have all acknowledged needs to be done for us to meet our deadline. It would be my hope that all members would support this minor change to provide all members at this table with clear information about the agenda to allow us to do our work.

Thank you, Mr. Chair.

2:40

The Chair: Thank you, Member Shepherd.

Are there any other members wishing to speak to this motion?

Seeing none, on the motion as proposed by the hon. Member Shepherd, all those in favour of the motion, please say aye. Any opposed, please say no. That is defeated.

Pardon me?

Ms Hoffman: May we record it, please?

The Chair: A recorded vote?

Ms Hoffman: Yes, please.

The Chair: Sure.

Ms Hoffman: Thank you.

The Chair: All those members in favour of the motion as proposed by the hon. Member Shepherd, please say aye. While you do, we'll go essentially roll call. Just list your name.

Ms Hoffman: Sarah Hoffman.

The Chair: Sarah Hoffman.
Are there any others?

Ms Ganley: Kathleen Ganley.

Mr. Shepherd: David Shepherd. In favour.

The Chair: Okay. Any others?

All those opposed, please say aye and list your name. We'll start to my right if there are any.

Ms Rosin: Miranda Rosin.

Mr. Rowsell: Garth Rowsell.

Mr. Schow: Joseph Schow. No.

Mr. Turton: Searle Turton. Against.

Ms Lovely: Jackie Lovely. No.

The Chair: Any others?

Mr. Reid: Roger Reid. No.

The Chair: I believe that was Mr. Reid.

Mr. Toor: Devinder Toor. No. Hello? Did you hear my name?

The Chair: Yes. We heard you, Devinder.

Mr. Toor: Thank you.

The Chair: Okay.

The motion is defeated seven to three.

All right. I believe that concludes other business.

Seeing none, then, we will move on to the date of the next meeting. I will just take a quick moment. In my role as chair – and I think that this has already been alluded to twice by Member Hoffman, that there were a few other motions that, along with advice from the table, were deemed out of order. When she referenced that there were a couple or a few other motions that were deemed out of order – I think that it has been established that that was the case, given the motions that were passed, and I'm seeing a nod there, too, as well. I just wanted to clarify that.

Ms Hoffman: I think it was over a dozen, just for clarity.

The Chair: Okay. Sure.

Ms Hoffman: Yeah.

The Chair: Yeah, the ones – they were all fairly similar to each other.

Moving on to the date of the next meeting, as I think we all know, there have been, as noted by Member Rosin, already three other meetings scheduled, I believe, beginning on the 29th and then the 30th and the 1st. I look forward to entering into the deliberation phase at that time.

With that, I would look for a motion to adjourn. I see Member Lovely has moved that the September 18, 2020, meeting of the Select Special Public Health Act Review Committee be adjourned. All those in favour, please say aye. Any opposed, please say no. That is carried.

I would like to just take a quick moment to ensure that everybody remembers, if you brought stuff with you – water, cups, things of that nature, any Kleenex or things like that – to please take them with you.

With that, we are adjourned.

[The committee adjourned at 2:43 p.m.]

