



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Tuesday morning, June 15, 2021

Day 115

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

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Carson, Jonathon, Edmonton-West Henday (NDP)
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Dang, Thomas, Edmonton-South (NDP),
Official Opposition Deputy House Leader
Deol, Jasvir, Edmonton-Meadows (NDP)
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Kenney, Hon. Jason, PC, Calgary-Lougheed (UC),
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Loewen, Todd, Central Peace-Notley (Ind)
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Lovely, Jacqueline, Camrose (UC)
Loyola, Rod, Edmonton-Ellerslie (NDP)
Luan, Hon. Jason, Calgary-Foothills (UC)
Madu, Hon. Kaycee, QC, Edmonton-South West (UC),
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McIver, Hon. Ric, Calgary-Hays (UC),
Deputy Government House Leader

Nally, Hon. Dale, Morinville-St. Albert (UC),
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Deputy Government House Leader
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Schmidt, Marlin, Edmonton-Gold Bar (NDP)
Schow, Joseph R., Cardston-Siksika (UC),
Deputy Government Whip
Schulz, Hon. Rebecca, Calgary-Shaw (UC)
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Deputy Government House Leader
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Sigurdson, R.J., Highwood (UC)
Singh, Peter, Calgary-East (UC)
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Stephan, Jason, Red Deer-South (UC)
Sweet, Heather, Edmonton-Manning (NDP)
Toews, Hon. Travis, Grande Prairie-Wapiti (UC)
Toor, Devinder, Calgary-Falconridge (UC)
Turton, Searle, Spruce Grove-Stony Plain (UC)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)
Walker, Jordan, Sherwood Park (UC)
Williams, Dan D.A., Peace River (UC)
Wilson, Hon. Rick D., Maskwacis-Wetaskiwin (UC)
Yao, Tany, Fort McMurray-Wood Buffalo (UC)
Yaseen, Muhammad, Calgary-North (UC)

Party standings:

United Conservative: 60

New Democrat: 24

Independent: 3

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Philip Massolin, Clerk Assistant and
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Devin Dreesen	Minister of Agriculture and Forestry
Nate Glubish	Minister of Service Alberta
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Adriana LaGrange	Minister of Education
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Ric McIver	Minister of Transportation, Minister of Municipal Affairs
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Prasad Panda	Minister of Infrastructure
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Sonya Savage	Minister of Energy
Rajan Sawhney	Minister of Community and Social Services
Rebecca Schulz	Minister of Children's Services
Doug Schweitzer	Minister of Jobs, Economy and Innovation
Tyler Shandro	Minister of Health
Travis Toews	President of Treasury Board and Minister of Finance
Rick Wilson	Minister of Indigenous Relations

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Laila Goodridge	Parliamentary Secretary Responsible for Alberta's Francophonie
Martin Long	Parliamentary Secretary for Small Business and Tourism
Muhammad Yaseen	Parliamentary Secretary of Immigration

STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Orr
Deputy Chair: Mr. Rowswell

Eggen
Gray
Issik
Jones
Phillips
Singh
Yaseen

Standing Committee on Alberta's Economic Future

Chair: Mr. Neudorf
Deputy Chair: Ms Goehring

Armstrong-Homeniuk
Barnes
Bilous
Irwin
Reid
Rosin
Rowswell
Sweet
van Dijken
Walker

Select Special Child and Youth Advocate Search Committee

Chair: Mr. Schow
Deputy Chair: Mr. Jones

Fir
Goehring
Lovely
Nixon, Jeremy
Pancholi
Sabir
Smith

Standing Committee on Families and Communities

Chair: Ms Goodridge
Deputy Chair: Ms Sigurdson

Amery
Carson
Glasgo
Gotfried
Lovely
Neudorf
Pancholi
Rutherford
Sabir
Smith

Standing Committee on Legislative Offices

Chair: Mr. Schow
Deputy Chair: Mr. Sigurdson

Ceci
Lovely
Loyola
Rosin
Rutherford
Shepherd
Smith
Sweet
Yaseen

Special Standing Committee on Members' Services

Chair: Mr. Cooper
Deputy Chair: Mr. Ellis

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

Standing Committee on Private Bills and Private Members' Public Bills

Chair: Mr. Ellis
Deputy Chair: Mr. Schow

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

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Mr. Smith
Deputy Chair: Mr. Reid

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

Standing Committee on Public Accounts

Chair: Ms Phillips
Deputy Chair: Mr. Guthrie

Armstrong-Homeniuk
Lovely
Neudorf
Pancholi
Renaud
Rowswell
Schmidt
Singh
Turton
Walker

Select Special Committee on Real Property Rights

Chair: Mr. Sigurdson
Deputy Chair: Mr. Rutherford

Ganley
Glasgo
Goodridge
Hanson
Milliken
Nielsen
Orr
Rowswell
Schmidt
Sweet

Standing Committee on Resource Stewardship

Chair: Mr. Hanson
Deputy Chair: Member Ceci

Dach
Feehan
Ganley
Getson
Guthrie
Issik
Loewen
Singh
Turton
Yaseen

Legislative Assembly of Alberta

10 a.m.

Tuesday, June 15, 2021

[Mr. Milliken in the chair]

The Acting Speaker: Thank you, hon. members.

Prayers

The Acting Speaker: Lord, the God of righteousness and truth, grant to our Queen and her government, to Members of the Legislative Assembly, and to all in positions of responsibility the guidance of Your spirit. May they never lead the province wrongly through love of power, desire to please, or unworthy ideals but, laying aside all private interests and prejudices, keep in mind their responsibility to seek to improve the condition of all. Amen.

Orders of the Day

Government Motions

Committee Referral for Lobbyists Act

86. Mr. McIver moved on behalf of Mr. Jason Nixon:

Be it resolved that:

1. The Lobbyists Act be referred to the Standing Committee on Alberta's Economic Future and the committee shall be deemed to be the special committee of the Assembly for the purpose of conducting a comprehensive review pursuant to section 21 of that act;
2. The committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned or prorogued;
3. In accordance with section 21 of the Lobbyists Act the committee must submit its report to the Assembly within one year after beginning its review, and that report is to include any amendments recommended by the committee.

The Acting Speaker: Thank you, hon. minister.

Are there any members wishing to join debate on 86?

Seeing none, I am prepared to ask the question.

Should the hon. minister so choose to close debate? Waived.

[Government Motion 86 carried]

Select Special Child and Youth Advocate Search Committee

87. Mr. McIver moved on behalf of Mr. Jason Nixon:

Be it resolved that:

1. A Select Special Child and Youth Advocate Search Committee of the Legislative Assembly be appointed, consisting of the following members, namely: Mr. Schow, chair; Mr. Jones, deputy chair; Ms Fir; Ms Goehring; Ms Lovely; Mr. Jeremy Nixon; Ms Pancholi; Mr. Sabir; and Mr. Smith, for the purpose of inviting applications for the position of the Child and Youth Advocate and to recommend to the Assembly the applicant it considers most suitable to this position.
2. Reasonable disbursements by the committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the

effective conduct of its responsibilities shall be paid subject to the approval of the chair.

3. In carrying out its responsibilities, the committee may, with the concurrence of the head of the department, utilize the services of members of the public service employed in that department and of the staff employed by the Assembly.
4. The committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned or prorogued.
5. When its work has been completed, the committee shall report to the Assembly if it is sitting; during a period when the Assembly is adjourned or prorogued, the committee may release its report by depositing a copy with the Clerk and forwarding a copy to each member of the Assembly.

The Acting Speaker: Thank you, hon. minister.

Are there any members wishing to join debate?

Seeing none, I am prepared to ask the question.

Should the Deputy Government House Leader wish to close debate?

Mr. McIver: Waived.

[Government Motion 87 carried]

The Acting Speaker: I see the hon. Premier has risen.

Vacant Senate Seats

85. Mr. Kenney moved on behalf of Mr. Jason Nixon:

Be it resolved that the Legislative Assembly urge the Prime Minister to respect the democratic voices of Albertans and refrain from filling Alberta's two vacant Senate seats until Albertans have an opportunity to elect nominees for appointment to the Senate on October 18, 2021, and further urge the Prime Minister to commit to filling the two vacant Senate seats with those individuals who received the highest number of votes in that Senate election.

Mr. Kenney: Thank you, Mr. Speaker. The motion before us is self-explanatory, but it's based on the decision taken by this Legislature earlier this year to renew the Senate Election Act, a statute first brought into effect back in 1989, during the time of the Getty government, and which has been used on four occasions to conduct Senate elections in Alberta.

Unfortunately, under the previous NDP government, because of their antidemocratic tendencies – as we know, they are opposed to a referendum, they are opposed to an initiative, they've historically been opposed to recall, and they've also been opposed to Senate elections, making very ironic the word “democratic” in their title – they allowed the 1989 Alberta Senate Election Act to lapse so that it was no longer in force.

That's why the United Conservative Party in the 2019 election committed in its platform, at page 92, to “renew the Senatorial Selection Act and hold elections for Senatorial nominees in 2021.” Those elections will proceed, Mr. Speaker, this October 18, concurrent with the upcoming municipal elections. Promise made, promise kept. We committed as well to this in our last throne speech.

Now, over the course of the past six months, Mr. Speaker, we first of all had the unfortunate death of the late Hon. Senator Elaine McCoy. Let me once again express condolences to her family and friends on her passing and express our collective appreciation for her decades of public service. She was a former member of this place, a former minister of Executive Council in Alberta, and let me

tell you that she was a tenacious fighter for Alberta's interests, especially our energy workers. In the red Chamber, in the upper chamber of the Canadian Parliament, I found her to be a remarkably strong ally as we were fighting the Trudeau government's no-more-pipelines law, Bill C-69, the tanker ban, Bill C-48, even when she was very ill. She was in very poor health, yet she continued to help lead the charge.

We also saw in the last six months the resignation of former Senator Hon. Grant Mitchell. He, too, was a former member of this place, a former Leader of the Opposition, and, I'd like to say, a friend of mine. We have our political differences, but he is a good Albertan, a good person. I would like as well to thank him for his public service.

Now, as a result, Mr. Speaker, two of the six Alberta-designated seats in the Canadian Senate are vacant. One-third of our delegation in the Canadian Senate is empty, and that has been the case for over 160 days. That is almost without precedent. Alberta has been one-third short in our Senate representation for nearly half a year, and that's on top of the fact that we are already, I would argue, underrepresented in the Senate.

I have always been a supporter of the concept of a triple-E Senate: equal, elected, and effective. That is how virtually every other democratic federation in the world operates, balancing representation by population in their lower Houses with representation by region in their upper Houses so that there can never be a kind of discrimination in politics or policy against underpopulated regions and so that regional concerns are properly represented in national decision-making. That is, of course, the case in the United States Congress, with the Senate with equal representation; in the German Bundestag, with a Senate with equal representation from the Länder; in the Australian Parliament, with equal representation in the Australian Senate; and in many other bicameral federations.

Regrettably, at the time of Confederation, Mr. Speaker, that was not the system adopted. Of course, when Alberta was born as a result of the Alberta Act on September 1, 1905, as just one portion of the then North-West Territories, our tiny population was seen as not justifying equal representation. One could argue that this was part of the historical treatment of Alberta as a *de facto* colony, Alberta and Saskatchewan, at the beginning of the last century.

10:10

I believe that we are already underrepresented in terms of our constitutional allotment of Senate seats, but – but – as a result of the vision of Premier Getty's government, we have spoken with a louder voice through our representatives, many of our representatives, in the Canadian Senate over the past 30 years because of the modern Alberta tradition of Senate elections, which is well entrenched. As I said, this October will be the fifth Alberta Senate election. We've had elections in 1989, 1998, 2004, and 2014. Now, Mr. Speaker, I can predict that critics will say that this is all just symbolic politics. No, it's not. This is real. It is real. We have had five members of the Canadian Senate who were selected by voters in a popular election, all of them Albertans, all of them representing Alberta.

I am proud that this province has led the country in efforts to democratize the Canadian Parliament and the Senate in particular. We did so in selecting back in 1989 the late hon. Lieutenant General (Retired) Stan Waters, who was a Second World War hero, a former commander of the Canadian Army, and a truly great Canadian. I was honoured to meet him as a young man. Sadly, he passed away only two years following his election and appointment by then Prime Minister Mulroney because he became ill with cancer shortly thereafter.

We also saw the appointment of Senators Bert Brown and Betty Unger, who had been chosen as top vote-getters in I believe the 2004 Senate elections, and then, more recently, Senators Scott Tannas and Doug Black, who were the top vote-getters in the 2014 Senate elections. They were appointed by former Prime Minister the Rt. Hon. Stephen Harper. Senators Tannas and Black continue to serve Alberta and, much like Senator McCoy, are tenacious in their defence of Alberta's vital interests. So, Mr. Speaker, this is a well-established precedent.

Now, let's be clear. I think we all know that under the Constitution Act, the British North America Act of 1867, Senators are summoned to the upper Chamber by the Queen on the advice of the Prime Minister. Now, the Prime Minister is free to choose who he likes as long as they are over the age of 35 and have some property. I believe the notional value is \$2,000 of property in the province which they are assigned to represent, which, of course, is a legacy from 1867. Those are the two criteria. Essentially, anybody 35 years of age or older from a province can be appointed, and as has been amply demonstrated, there is no barrier to a Prime Minister appointing people who have been proposed as the result of a democratic process. Indeed, we would hope and expect that in any event a Prime Minister would consult with the government of a province on proposed Senate nominees. That's exactly how this process has worked in the past. Prime Minister Mulroney consulted with the government of Alberta, that said: here are our candidates for Senate, our proposals; these are people who have won hundreds of thousands of votes.

Now, I know that members may raise the decision of the Supreme Court of Canada in the Senate reference, a series of questions put to the Supreme Court of Canada during Prime Minister Harper's tenure, which deals with whether certain reforms to the Senate can be made by ordinary statute or whether they need to be made by constitutional amendment. Mr. Speaker, I submit that the judgment of the Supreme Court of Canada in the Senate reference case is immaterial to the motion before us, Motion 85, because this is not seeking to bind the Prime Minister. It is not seeking to bind the Senate in how it operates. It is simply seeking to express the democratic wishes of Albertans and ask the Prime Minister to exercise his constitutional prerogative to appoint someone who Albertans have given a mandate to, as they will this October.

The bottom line is this. Right now we have two Senate vacancies. We've been vacant for nearly half a year. There will be an election in just over three months' time, four months' time. We are simply asking the government of Canada, the Rt. Hon. the Prime Minister to maintain those two vacancies. He's already waited for six months, so, I guess, what's the rush? There's widespread speculation that he may be calling a federal election this fall. That aside – but if that's the case, the federal government is going to be in the caretaker period anyway and dealing with electoral politics of its own. So I would submit that the case is very compelling that they should maintain these two vacancies until Albertans have been given an opportunity to choose their preferred candidates.

That's all we're asking. All we're asking for, Mr. Speaker, is a basic bit of respect for democracy and respect for what is – you know, the Constitution is not just made up of words on paper. In our Westminster-British system the Constitution is also made up of what are called constitutional conventions – that is to say, customs or traditions – and we have a modern constitutional convention, tradition, custom, which is that Albertans choose their preferred Senators, and the Prime Minister respects that choice and appoints those individuals. We are simply asking for that convention to be maintained, to be respected.

How insulting would it be to this province if the Prime Minister, on the eve of a Senate election, were to by fiat impose Senators on

this province that never bothered to put their name on a ballot? By the way, the kinds of people the Prime Minister, I think, is most likely to appoint are the kinds of people who could not win an Alberta Senate election.

Mr. Speaker, that is why we are giving this Assembly an opportunity, through this motion, on behalf of Albertans to urge the Prime Minister to commit to filling the two vacant Senate seats with the individuals who receive the highest number of votes in this October's Senate election. I encourage Albertans to in the meantime participate in that election, to follow the candidates as they emerge, to support those who most closely align to their values or interests or who they believe are the best qualified candidates. It has been an exciting process in the past. It's always mocked and ridiculed by folks on the left for reasons that – there's one simple reason. They know they could never elect a socialist in a province-wide election in Alberta, so they don't want Albertans to have that choice. Well, we do, and we are keeping our commitment to empower Albertans to choose their representatives in Ottawa.

I'll close with this. As I said, Alberta's elected Senators have punched above their weight in Ottawa. Why? Because they have an elected mandate. One of the reasons that some oppose elected Senators is because they claim that those elected Senators will have greater political authority, moral authority to stand up to the government and the House of Commons and represent their regions because of their democratic mandate, and I say: exactly; that's the point. A division of powers, checks and balances, strong representation for the regions: Lord knows this province needs that more than any other given the way that our regional economic interests have so consistently been attacked and undermined by this federal government in particular.

I convey this motion to the House, and I urge all members to support it to strengthen democracy in Canada and to strengthen Alberta's voice in the federal Parliament.

10:20

The Acting Speaker: Thank you, hon. Premier.

Are there any members wishing to join debate on Motion 85? I see the hon. Member for Lethbridge-West.

Ms Phillips: Well, thank you very much, Mr. Speaker. I rise to speak to Government Motion 85, on the topic of holding an election this fall for vacant Senate seats. Now, I know that the hon. Premier spends a lot of time looking east, and, in fact, it seems to be one of his most – he's most seized by this preoccupation. This weekend I climbed a mountain. It's called Table Mountain. It's a reasonably easy hike though one would not know it from the reaction of my cardiovascular system. However, the kids and I hiked Table Mountain. When you get to the top of Table Mountain, you look east, so I'm going to frame my comments in terms of looking out to the north and to the east and what I thought about while I was up there.

First things first, Mr. Speaker. I was looking out over the traditional territory of Blackfoot people. You can darn near see on a hot day – and it was hot; it was well above 30 degrees on Sunday. You look out over the traditional territory of the Piikani and Kainai and Siksika people. You know, the first thing I thought about when I thought about this Senate election motion is that at the end of June in 2019 the Senate selection act came to the floor of this House. I recall that it was a very late-night affair, but the folks on this side of the House proposed an amendment because this Senate selection process will be concurrent with the municipal ballot. I remember us saying: "Oh, well, if it's going to be on municipal ballots, then people on-reserve aren't voting in a municipal exercise. They might have other processes for band council elections, but certainly they

don't live, if they're living on-reserve, in areas that are governed by the MGA or the Local Authorities Election Act. Why don't we amend this Senate selection piece of legislation such that it requires polling stations on reserves?"

I remember being quite astonished, Mr. Speaker, that that amendment was voted down. It was provided in good faith to the floor of this House, you know, recognizing that if, in fact, this is going to be a democratic exercise, then it should probably be a democratic exercise that involves everyone and not revert us to some sort of 1960s framework of who can and cannot vote. That was not an amendment that was accepted by the government, and that is unfortunate indeed.

You know, when I stood facing east, looking over the reserve lands of the Piikani and Kainai and, certainly, the traditional territory of both the Blackfoot people and the Stoney, Tsuut'ina, and the Métis people – one could think about that and the inclusion of indigenous people if one is to be spending time looking east and perhaps think about that within the confines of the borders of this province and the needs of folks who live, certainly, on-reserve. But, certainly, it would appear that the Premier's eyes skip quite a lot further east than the immediate, which should be preoccupying him, which is the people of Alberta.

Now, another, of course, thing that I thought a lot about while I was up there is that there was a mountain spring that we sort of observed as we were walking up. It looks like it comes straight out of the top of the mountain. You know, the kids sort of observed: "Where does it come from? It looks like it comes straight out of the side of a mountain." Indeed, it does, and we had a conversation about where our water comes from and where it goes and how it flows east down into the tributaries of the Oldman and then, of course, through the South Saskatchewan River basin and on to the Hudson Bay.

That is the sort of topic of conversation that should be seizing any government motion, in my view, in this time. That should be what is taking up the bandwidth and the attention of this government rather than looking continually at what is going on in Ottawa and continually trying to return to some sort of fixation, in fact, on Ottawa, rather than solving the issues of the day and the problems of the day that are, in fact, on the minds of Albertans, because, of course, on the day before, Mr. Speaker, I had attended a gathering of a number of people, both indigenous and nonindigenous alike, concerned about water, that very water that was coming out of that spring and going down into the Oldman River system into the South Saskatchewan River basin.

That is what should be the focus when we look east, all of that water and what it contains as it goes through our communities, as it provides the foundation for jobs, for economic diversification, for agricultural development, for food security, for, certainly, species at risk, for wildlife habitat, for indigenous traditional land use, under which – we have an obligation to provide that. Those are the sorts of matters that should be seizing us as a government as we look east, not this business of necessarily, you know, worrying and incessant hand-wringing over a vote that won't necessarily elect anyone to anywhere and to a body that is in any case, in our view, a repository of irrelevant privilege borne out of clinging to an undemocratic vestige of rule by inheritance, status, and wealth. But that is what is seizing the Premier's preoccupation.

It is not what Albertans are worried about right now. You know, we're looking for leadership. We're looking for a vision for the future of the province. We are looking for economic diversification that is resilient. We are looking for ways that we can use our Alberta ingenuity to make sure that we can both feed ourselves and the world, that we can ensure that our communities are strong, that our rural communities have health care, that we are meeting the

challenges of things like mental health in the rural communities that I was standing up on that mountain looking down upon, whether it was to the north and the Crowsnest Pass and the Livingstone Range or out to Pincher, and then you can pretty well see Magrath and Lethbridge out to the east.

That's what we should be worried about, Mr. Speaker, not spending our time discussing a government motion such as this, which does not create jobs, economic recovery, stable education, or safer communities. I suppose that if one's preoccupation is to create a few jobs for returning officers, who will not be stationed on any reserves – or at least we don't have any assurance of that – then okay; I guess this is a job-creation strategy. If one's preoccupation is, you know, a make-work project for a team of well-connected constitutional lawyers and a favoured, politically well-connected law firm, then I guess it's a job-creation strategy of a sort, but I don't think it's the kind that Albertans are looking for.

Also on that walk up that mountain, where we then look east over the province, essentially a good chunk of the southern part of the province, my kids and I, you know, usually talk about things that we see around us. Last time we did that hike, there were some mountain goat populations that we were able to see with the binoculars just over the valley, but when you spend time outside with your kids, it is a unique opportunity to make connections and have conversations that sometimes you otherwise wouldn't have. I like it because it sort of traps them, Mr. Speaker. They have to answer my questions. They can't take refuge in a device or otherwise, so I can ask them: "How is school going? How are things going? How are you feeling about the end of the year?"

That, too, should be the preoccupation of this government, checking in on kids and on parents and on teachers and on the whole system that was supposed to have supported us over the last year and did, despite the best efforts of this government to undermine it at every available opportunity, including firing necessary educational assistants and including downloading much of the cost of COVID management onto teachers, including, you know, undermining teachers at every available opportunity, and including, certainly, bringing out a curriculum that is supported by pretty well no one and has been roundly dismissed as an incomplete piece of public policy. That is putting it as nicely as possible.

10:30

You know, I had an opportunity to talk to my 12-year-old about the fact that, of course, provincial achievement tests had been delayed. He's in grade 6. So we talked about that. We talked about the role of provincial achievement tests, because they had done some draft tests, and what he thought about that and some of the extra work that Monsieur had given them because they weren't actually taking the tests and so on and so forth. It gave me an opportunity to get more than a "How was school?" "Fine." conversation out of him.

That's the kind of quality conversations that this government should be having with the electorate right now, not this stuff that is just focused sort of single-mindedly on a political agenda of finding something to fight with Ottawa about or otherwise, you know, getting back to playing the hits of the 1980s and early '90s Reform Party manifesto.

I just don't really see the urgency here when we have 200,000 unemployed people, we are signalling to investors that we're going to take our elementary school curriculum back to – I don't know – I guess, the age of Genghis Khan because that's relevant, we have a looming, very large conversation about the role of, certainly, strip mining our mountains and the role of our water in sustaining us and

the natural world around us. These are the kinds of things that I hear about. Certainly, nobody is beating down my door to talk about a Senate election and wondering where the government's, you know, thoughts, feelings, aspirations, emotional calibration is at on the topic of a Senate election.

You know, the fact of the matter is that, really, the government is going to go ahead with this Senate selection thing, this exercise. They are not going to have polling stations, or at least not by legislation, on reserves; they're going to dump the costs of this thing on to the municipalities. So that will proceed, and it will be consistent with the overall approach in terms of the overall level of respect to the municipalities and sort of using that process to insert yet other types of conversations that perhaps in 2019 were useful to the government on a political level or useful to the political party in power but certainly are not the main preoccupations of Albertans right now. They don't accurately reflect where Albertans want their government's focus to be.

This stuff of, you know, talking about Ottawa, the relative merits of the red Chamber and whether we should have constitutional change to elect this body of people: great as an academic exercise. We could also discuss how many angels can balance on the head of a pin. Albertans meanwhile are saying: "Where are the jobs? Why do you appear, you politicians on the government side, to be more focused on your own jobs and the conditions of your own work than my job and the conditions of my work?" That's what this really says, that, like, we'd rather have these constitutional book clubs that cost a heck of a lot of money and headaches for municipalities rather than really focusing on what Albertans want.

In conclusion, you know, Mr. Speaker, this will go through. We have spent some time talking about it, time we could have spent talking about more pressing matters. There's no question about that. I will simply leave the government with this piece of advice, which is: when you're looking east, stop your gaze at the eastern border. Worry about the 4.43 million people or however many people there are in this province. Worry about us. Worry about what's in our borders. Worry about our future. Stop overlooking us and having one's preoccupation start somewhere at the eastern border of Saskatchewan or Manitoba. That's not what Albertans are looking for. They want folks that are worried about them. Ultimately, that is what we were sent here to do, and that is what we should be spending our time doing.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you, hon. member.

I see the hon. Minister of Transportation and Municipal Affairs.

Mr. McIver: Thank you, Mr. Speaker. I'm happy to rise and speak on Government Motion 85. I am a little troubled by what we just heard. I've got to correct a few things that the hon. member said because it's important. I'm just going to assume that the hon. member was telling the truth. That's the assumption I'm making. The fact is that in my role as Municipal Affairs minister, we have offered polling stations to every First Nation in Alberta. Some have taken us up on it – this is for the hon. member's edification – and for the ones that choose not to, we will make polling stations available to First Nations members off-reserve.

While I appreciate that the hon. member said that she brought an amendment that was turned down, in fact I think what we've done is better than her amendment. I'm not knocking her amendment. I'm sure it was done in good faith. But her amendment essentially would have, it sounds to me from her description of it, forced polling stations onto the First Nations. Wow. We don't force the First Nations to do anything in this

country nor should we. That's not in the spirit of reconciliation or in the spirit of how this country runs. We actually, I dare say – I hope the hon. member will acknowledge this – probably improved the amendment that she describes she put forward. She said that she was going to put one in every First Nation. Rather than force one in, we've asked for permission. The nations that give permission will have a government of Alberta funded place for First Nations people to vote, and for those that choose not to, we will provide an opportunity for their members to vote in the provincial votes that happen on the civic vote day. Hopefully, that's useful information.

I did find myself wondering whether the member, when she was on top of the mountain, contemplated what she was thinking compared to now when she opened the door to coal mining on category 2 lands when she was environment minister. I wonder if that crossed her mind and how that discussion went, Mr. Speaker. That seems somewhat in conflict with what the member said recently. Her actual actions as environment minister seem in conflict to that. I wonder whether she contemplated that from that high perch.

Also for edification and correction of the record, through Municipal Affairs we have offered up \$10 million in support for our part of the elections that will take place this October on municipal voting day. That's a piece of information either – I'm just going to assume honesty on the hon. member's part. I'm just going to assume the hon. member doesn't know that, which is fair enough, Mr. Speaker. It's not the hon. member's ministry, so it's entirely possible she actually didn't know that. That's fair.

Mr. Speaker, the other thing. The hon. member referred to the Senate as a book club. Wow. A book club. As if it didn't affect Alberta. I think that was the point, that it didn't affect Alberta. Well, the equalization – all the federal legislation goes through the Senate, so I guess the hon. member doesn't think that equalization is important to Alberta. The hon. member doesn't think that tanker bans off the west coast are important to Alberta. The hon. member apparently doesn't think that pipelines . . .

Mr. Dang: Point of order.

Mr. McIver: . . . are important to Alberta, though about 200,000 Albertans . . .

The Acting Speaker: A point of order has been called. I see the hon. Member for Edmonton-South.

Point of Order Allegations against a Member

Mr. Dang: Thank you, Mr. Speaker. Under 23(h), (i), and (j). I think certainly the hon. minister has made considerable effort to not imply that the member is lying, but he is now making allegations and imputing false or unavowed motives to the member. Obviously, my hon. colleague here on my side of the House has not stated any of those things. I think the minister should move on and withdraw those comments.

Thank you.

The Acting Speaker: Thank you, hon. member.

Mr. Schow: I don't know at what point in time the Member for Edmonton-South is referring to about the hon. Deputy Government House Leader casting aspersions or suggesting that the member was lying. He certainly was suggesting she was misinformed, which I believe she was. I don't understand where there is any point of order here but, rather, a matter of debate, Mr. Speaker.

The Member for Lethbridge-West went at great length to discuss matters outside the confines of this debate, only to refer back to it rarely. So I don't see how the hon. Deputy Government House Leader and the Minister of Transportation and Municipal Affairs is somehow off topic when he's simply responding to that member's remarks, and I certainly do not find any point in time where he suggested that he was making allegations against the member, imputing false and unavowed motives. It's certainly not using language that was abusive, insulting, or likely to create disorder. I don't see a point of order here, Mr. Speaker. It's certainly a matter of debate.

10:40

The Acting Speaker: Thank you to both sides for those arguments with regard to this point of order. At this stage I do not find that there was a point of order. I do see this as a pretty good example of matters of debate, and I do not find that the hon. minister was imputing false motives. I think that what we've seen is my choice to allow a wide swath with regard to the debate that was brought forward by the hon. Member for Lethbridge-West, and the hon. minister, at this stage, has been simply taking the opportunity to debate those matters that were brought up. Therefore, I, like anyone else, enjoy a good debate, and I think that at this stage what we're seeing are responses and debates.

I think that if the hon. member would like to continue, I think that he could with about 11 minutes remaining.

Mr. McIver: Eleven minutes.

Mr. Dang: Point of order.

The Acting Speaker: I see a point of order.

Point of Order Explanation of Speaker's Ruling

Mr. Dang: Under 13(2), Mr. Speaker. The hon. minister has made statements and assertions such as that the hon. member finds that equalization is not important. In that case is it parliamentary and a matter of debate to make assertions as to what the minister believes without context in terms of the debate?

The Acting Speaker: Fair comment.

Are there any members that would like to – no; okay. I would go so far as to say that in many cases in this amazing Assembly, that we all have the privilege of debating in, those kinds of assertions as to whether or not people were mistaken or anything along those lines or perhaps an implication of perhaps what people sometimes believe or what somebody thinks that they might believe, things of that nature, often are comments that get made in this House. I think that at this stage, then, I wouldn't find that there was a point of order in that case because I think that what perhaps the hon. minister is trying to do is simply to correct the record, which is, I think, his verbatim statement as to what he was trying to do. Whether or not he actually does so, I think, is a matter of debate, though. However, at this stage I don't find a point of order.

I would like to, if possible, listen to further comments from the hon. minister should he choose to make some.

Debate Continued

Mr. McIver: Okay. I think you said 11 minutes left, Mr. Speaker, so thank you. Yeah. I'll carry on. I'm going to backtrack again and resay what I said because it's important. In my view, what the hon. member said or suggested when she called the Senate a book club,

essentially – that’s part of our federal government – is, in my mind, that she was suggesting that the federal government is irrelevant to Alberta. Well, if that indeed is the case, I think it follows that the hon. member may or may not think that equalization is irrelevant, may or may not think that the tanker ban off the west coast is irrelevant, may or may not think that pipelines and the 200,000-plus jobs in Alberta in the energy industry are irrelevant. Well, on this side of the House we don’t think any of those things are irrelevant. We think they’re severely relevant to everyday life of every Albertan.

Mr. Speaker, the other things that – I mean, the federal government deals with climate change. I’d be surprised if the hon. member thought that was irrelevant, but that’s one of the things that the Senate deals with when the federal government passes legislation on climate change. Yet it was suggested that’s irrelevant. Economic development. So many things that our government depends upon a relationship with the federal government. Frankly, it’s always a relationship with tension, where on some things we have to disagree with them, verbally fight with them, and other things we support them completely. It’s one of those things.

A great example that the hon. member may think is irrelevant – I don’t think she actually does although her argument could lead you to that assumption – is that getting vaccines is irrelevant to Alberta. I’m sure the hon. member doesn’t think that, but that’s one of the things the federal government does, and through their legislation, if there’s any legislation attached to that, that of course would go through the Senate. So for the other side to suggest that the Senate doesn’t affect Alberta, wow.

They are the New Democratic Party, Mr. Speaker. Perhaps the New Democratic Party might want to revisit the name of their party if they are actually making suggestions that what happens in Ottawa doesn’t matter and if they think that having a voice in Ottawa in the Senate chosen by Albertans is irrelevant. Well, see, that’s at least a matter of opinion. I guess that on this side we think that it’s super important. On the other side, if they don’t think that having an Alberta-chosen voice is important, then that’s okay. [interjections] I can hear the heckling, which is actually an indication, I think, that perhaps what I’m saying is cutting a little bit too close to the truth for some people. I guess that suggests that I’ve made my point: the Senate is relevant. The other side doesn’t like the Senate. They’re entitled to that opinion, but as long as it’s there, it’s relevant.

Mr. Speaker, with that, I hope that everybody will support Government Motion 85 because it matters. Who’s in the Senate can matter a great deal to what happens in Alberta.

Thank you.

The Acting Speaker: Thank you, hon. minister.

Are there any members looking to join debate? I see the hon. Member for Lacombe-Ponoka has risen.

Mr. Orr: Thank you, Mr. Speaker. Today we are debating Government Motion 85, calling on the Prime Minister to delay filling Alberta’s two vacant Senate seats. Instead, he needs to give Albertans a chance to choose their Senators or at least appoint nominees through election during the October 18 municipal elections. Senate elections are scheduled to happen this coming fall. Now, of course, the Senate doesn’t sit during the summer. Waiting another 160 days or so for democracy is a very reasonable request. To state the obvious, Senators are not elected officially; they are appointed by the Prime Minister. However, there is absolutely nothing stopping the Prime Minister from being democratic and listening to voters and waiting to appoint those Senators until after

Albertans have had an opportunity to vote on nominees during this fall’s municipal election.

This is nothing new. Five democratically elected Senators have been appointed and served for Alberta in Ottawa: Stan Waters in ’90, Bert Brown in ’07, Betty Unger in 2012, Doug Black and Scott Tannas in 2013. The Prime Minister, though, so far has appointed without consultation two Senators for Alberta without any voter input. How arrogant and elitist is that? How does he know, better than Albertans themselves, who will serve Albertans well? Again, while this is completely within his power, I believe that, for the benefit of Albertans, he ought to wait and fill these vacancies after Albertans have had an opportunity to express their democratic will. Mr. Speaker, Albertans deserve to have a direct democratic say on their representatives in Parliament, and they should have the same ability to select and identify their own representatives in the Senate.

Alberta and its people have long felt stifled by the federal government of Canada, and our request to have a bigger voice in Confederation has fallen on deaf ears for far too long. We ask the Prime Minister to act in good faith and allow Albertans the opportunity to have a say in who represents them in the Senate and to give us the opportunity to feel heard. For this Prime Minister, is it democracy or is it the Laurentian elites who have viewed and treated Alberta with colonial arrogance for a century? Albertans want a true voice in the national Senate, not a stoolie of Liberal eastern oppression.

Mr. Speaker, listening to and acting on the will of the people is the very foundation of any democracy, and I urge the Prime Minister to trust in the will of Albertans and listen to voters by filling the two vacant Senate seats with individuals who receive the highest number of votes and the affirmation of the people of this province. Given that there is an increasing likelihood of a federal election this fall – well, a possibility, anyway – the Prime Minister should at least avoid appointing new Senators this summer and instead wait for Albertans to have their say during the Alberta Senate nominee election on October 18.

10:50

The Prime Minister can uphold the democratic will of Albertans by recommending those that Albertans choose in Senate nominee elections. I call on the Prime Minister to choose democracy. Maybe he should not follow the advice of his adviser, the previous governor of the Bank of Canada, who seems to believe, in his latest book, that what Canada needs is a woke technocratic dictatorship of elites. We believe in democracy. We’re calling for the Prime Minister to express democracy. The people of Alberta: we support the workers of this province, not the woke elites. Prime Minister Trudeau has so far not been democratic. He has appointed two nonelected Senators for Alberta. We’ve already been without two Senators for 160 days, and we can fully afford to wait another short while till we have the direction and the will of Albertans expressed in their preferred representatives to the Senate.

I truly hope that all of us in this House will come together for Albertans, for the sake of our people, for the overall benefit of the constituents of our province. Our only options, really, are to see those vacancies filled either democratically or undemocratically. Which one will it be? We hope that the members opposite will put partisanship and ideology aside and vote with us and send a strong, unanimous signal to the Prime Minister that Albertans have a democratic say on their future Senators.

Thank you.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available.

Seeing none, are there any members wishing to join debate? I see the hon. Member for Cardston-Siksika.

Mr. Schow: Thank you, Mr. Speaker. I am happy to rise and speak on Government Motion 85, brought forward by the hon. Government House Leader and Minister of Environment and Parks. Before I get into, I guess, the meat and potatoes of my remarks, I would like to respond to the remarks from the Member for Lethbridge-West. I think that in her remarks she effectively summed up the NDP platform in one small comment, and that is to suggest that we stop our gaze at the eastern border of Alberta that meets Saskatchewan. Now, I do understand and I appreciate the need to focus inward. The entire country is going through a tumultuous time as a result of this global pandemic, and we certainly need to make sure that we are taking care of, to the best of our ability, Alberta citizens.

What the NDP fails to recognize is that Alberta's place in Confederation is not just one of a small province, but we are an international player. We export products that the world needs, and if we're just dealing with individual problems as they arise, we're not playing the long game. The long game is setting up a process or setting up a situation whereby Alberta can continue to be an international player.

The triple-E Senate is just that. It's something worth fighting for because, Mr. Speaker, I believe that a triple-E Senate could have killed Bill C-69, Bill C-48, the no-more-pipelines bill and the tanker ban bill. [interjections] I hear, again, the heckling from the Member for Edmonton-Gold Bar, which is routine for this Chamber. Again – Mr. Speaker, I make this comment through you – if he has something to say, he's more than welcome to rise.

I also would like to remind the members opposite that the first candidate to declare for the Senate election is none other than their best friend and ally over at PressProgress, so I would suggest that maybe they have a look at one of the first candidates to announce and think that, well, if one of their own supports it, maybe they might want to support it themselves. The reality is that there is no long-term vision from the members opposite. We must fight for what's best for Alberta, and what's best for Alberta is respecting the democratic process.

The Prime Minister's job is an important one, and it is to appoint Senators from different regions of the country. Now, the west, the western division as it's known, has 24 seats – there are six each for B.C., Alberta, Saskatchewan, and Manitoba – whereas Quebec and Ontario alone both have 24 seats. As previously mentioned by the hon. Premier, we already have a disproportionate representation within the Senate, so it would make sense to at least allow Alberta to elect our own, rather than have them appointed by the Prime Minister, so that we can have a more fair representation of what's best for the province of Alberta.

Now, the Senate is vital to our democratic system of having sober second thought, Mr. Speaker, and when it comes to deciding if the government legislation should move forward or not... [interjections] Now, again, I just hear the chorus of heckles from the members opposite. I think that we could certainly raise the level of decorum in this Chamber today by simply allowing members, when they're on their feet, to speak and represent their constituents. That's also democratic.

Certainly, the odd heckle or, you know, disagreement from across the aisle is understandable and acceptable, but, Mr. Speaker, my job is to stand here and represent the good people of Cardston-Siksika. They expect me to represent them to the best of my abilities and for my voice to be heard on their behalf, and for

it to be shouted out and drowned out by members opposite, who don't want to stand in this Chamber and speak on something as important as an elected Senate, is frankly deplorable. Again, I encourage members opposite to, frankly, raise the bar and raise the level of decorum.

Speaker's Ruling Interrupting a Member

The Acting Speaker: Hon. members, I hesitate to interrupt the hon. Member for Cardston-Siksika. I just do want to take the opportunity to remind all members of this House that there are side lounges, so if individuals would like to have conversations amongst themselves, they are very much welcome to do so. However, at this time the only person with the call, with about 10 minutes left should he choose to take it, is the hon. Member for Cardston-Siksika.

Mr. Schow: Indeed, I will take it, Mr. Speaker.

Debate Continued

Mr. Schow: This motion does urge the Prime Minister to respect the democratic voices of Albertans and wait to fill Alberta's two vacant Senate seats until Albertans have had the opportunity to choose the two candidates we want to represent us. I don't see how that's a problem. Each and every member of this Chamber worked diligently to get elected and represent their constituents. I applaud that. I don't see why that should be any different for the upper Chamber in the federal Parliament.

Even though Senate elections don't automatically elect the Senator with the most votes, it does send a message to the Prime Minister that Albertans have chosen the person that best represents them for the red Chamber. Who knows Alberta's interests better than Albertans? It definitely isn't a Prime Minister who couldn't get a single candidate from the Liberal Party elected in this province. It's based on the fact that I don't believe that Prime Minister Trudeau has Alberta's best interests at heart. He doesn't have a single MP from his government caucus in Alberta, so it would be safe to say that his chosen appointee, without factoring in Alberta's Senate choices, would not be the best choice for Alberta. Albertans overwhelmingly rejected the Alberta Liberals in this province in the last federal election, so it would make sense that he should leave the Senate elections to Albertans rather than appointing someone.

Senators can vote on bills that the House of Commons brings forward and vote against ones that would be harmful to Alberta such as, as I previously mentioned, Bill C-69, Mr. Speaker, and Senators can bring forth legislation that can help the province. Senators are also public figures that can voice their concerns to the public in the upper House.

Mr. Dang: Thank you for the poli-sci 101 class.

Mr. Schow: You're welcome. [interjections] I see the members talking about that constitutional book club over there again. They must really like that.

We saw Senator Doug Black, who actively opposed Bill C-69 not only in the Senate but also in the media when the Senate was debating this legislation. Alberta needs more Senators like Doug Black, who represents the interests of this province. He was elected in 2012 and in that election received the most votes of any elected representative in Canada. There should be more opportunities like that, where we see people in Alberta who care about Alberta, who want to represent this province in Ottawa, send a clear message that we are a province that needs representation, which we've had in the

past and we'll continue to have with Senators like Doug Black. Mr. Speaker, I don't see where the problem is to allow Albertans to choose their representatives in the Senate.

11:00

Now, granted, the two individuals that are elected in the fall during the municipal election may not necessarily be chosen by the Prime Minister, but again to suggest that it's a frivolous endeavour, to not host these elections is ridiculous. It's like saying that we shouldn't have challenged the carbon tax in the federal court because it was a waste of money. Albertans expect us as a provincial government to defend them, to represent them, to work for them, and Albertans didn't like the carbon tax. They asked us to challenge it. And I'll tell you what, Mr. Speaker. I'm happy to go back to Cardston-Siksika and go to the doors of all my constituents and say: "You know what? I represented you in this Chamber. I worked on behalf of you. I voted and I stood very tall on the day that we repealed the carbon tax."

I expect any Senator representing this province to do the exact same thing. When legislation is coming through the House of Commons that has a chance of impairing Alberta's ability to get our products to market or impairing our competitive position within the world, I expect Senators to absolutely represent Alberta's interest in that Chamber, not to simply go into that Chamber and do whatever the Prime Minister expects them to do.

Mr. Speaker, I applaud this motion. I support this motion. I encourage all members of this Chamber to do the same because if you vote against this motion, you are voting against democracy. How are you going to look at your constituents if you vote against this motion and say: "You know what? I don't think that we should have elected Senators in this province"? Now, I can understand the argument from members opposite suggesting that there's other legislation that's important to be debated, and we will be getting to that. There is plenty of time to do that. Heaven knows we sit until very late in this Chamber every night representing our constituents debating that important legislation they're talking about.

With that said, this is equally important because, while it doesn't have an immediate effect today, setting a precedent that Alberta will continue to elect who they would like to represent them in the Senate sends a message to Ottawa that we will not simply roll over and allow Ottawa to dictate to us how things are just going to be. We expect representatives in Ottawa to represent us here in Alberta. Again, I encourage members opposite to vote in favour of this motion. I suspect, based on the remarks from the hon. Member for Lethbridge-West, that they will not – now, I'd hate to presuppose that, but I'm just throwing that out there – which is sad, because who in this Chamber that was duly elected to represent their constituents actually opposes democracy?

Some of us even went through rigorous nomination processes, myself included, where I spent months upon months knocking on doors, talking to party members simply to become the candidate and then to run in a general election. Now, I don't think the members opposite have nominations. I think that maybe there are one or two; everyone else is appointed. I mean, we can have a conversation about that one day, about how democratic that is. But, Mr. Speaker, on this side of the House we believe strongly in democracy and supporting the voices of the people.

With that, Mr. Speaker, I appreciate this opportunity to speak on this very important motion. I support this motion and ask that all members of the Chamber support this motion.

With that, Mr. Speaker, I move that we adjourn debate.

[Motion to adjourn debate carried]

Government Bills and Orders Second Reading

Bill 70 COVID-19 Related Measures Act

Ms Hoffman moved that the motion for second reading of Bill 70, COVID-19 Related Measures Act, be amended by deleting all of the words after "that" and substituting the following:

Bill 70, COVID-19 Related Measures Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

[Adjourned debate on the amendment June 14: Mr. Ellis]

The Acting Speaker: I see that the hon. Member for Edmonton-Riverview has risen. For clarity, too, we are on REF1, I believe.

Ms Sigurdson: Thank you very much, Mr. Speaker. It's my pleasure to rise and join debate on Bill 70 in second reading on the referral amendment. Certainly, what is concerning about Bill 70 and why it is so important that it be referred is that it really takes away something very fundamental, I think, to Albertans, which is fairness and justice. It really just sort of in one fell swoop takes away rights of Albertans, which is, you know, deeply disturbing for myself and, I know, many members of this Assembly.

I know that hundreds of Albertans have reached out to me and talked about their concerns about what's been happening in the continuing care system in our province during COVID-19. We know that over 1,250 residents of continuing care facilities have died during the pandemic. And this is really an alarming number. We know that many of these deaths were preventable. Many facilities were overwhelmed with cases and did not do all they could to care for Albertans.

Something that we asked for early on from the UCP government was a public inquiry into what was happening in the continuing care system. I think that it's important that this bill go to referral because I think that there has been a groundswell of concerns regarding how facilities operated, what happened in them, yet the UCP doesn't see this as important. They have repeatedly said no to our calls for a public inquiry. At least by referring this bill, we would have a deeper dive into it and make sure that Albertans are receiving the fairness and justice that they certainly deserve and really aren't getting at the moment.

You know, this unwillingness to have a public inquiry – I mean so many people have written to me or phoned me, or I've had Zoom meetings with them. I know that certainly on this side of the Chamber, in the Official Opposition – I hear that from my colleagues, too – that many people who are concerned reach out to their MLAs and talk about conditions that their parents, their loved ones are in, and they feel very concerned and disturbed by it. Or, indeed, if they have had the tragedy of one of their loved ones passing on and they feel like justice really wasn't done, that's why they have pushed us to ask for a public inquiry and continue to want justice.

One of the mechanisms in our system to support people to have justice is our court system. That's another means for people to actually feel like they're heard, that their concerns are sort of adjudicated, and they have their moment to express that. But with Bill 70, in one fell swoop, that is just wiped out because now the continuing care facilities are being protected, and, well, you can bring forward a case, but the bar is extremely high. It's no longer negligence, which I think would be absolutely sufficient. If my own parents were not being treated well, if things were negligent, then I

think that that's cause for concern. But this government has decided that, no, no, it has to be gross negligence, which is a significantly higher bar and very, very difficult in the court system to prove.

A definition that I found was:

gross negligence is the extreme indifference to or reckless disregard for the safety of others... more than simple carelessness or failure to act. It is willful behavior done with extreme disregard for the health and safety of others. It is conduct likely to cause foreseeable harm.

11:10

So you can see that that is an extremely high bar, and it's very challenging. I mean, that's one of my major concerns about Bill 70 and why it would be important for it to be referred to committee.

Another one is just the retroactive aspect of it. It was brought in, you know, not long ago, in May, and it's retroactive to the beginning of March, March 1, 2020. That bill actually kind of wipes out all of the lawsuits that have already been brought forward, and there are several that have been brought forward already by Albertans concerned about the situation in the continuing care facilities. They have to reapply to the courts. They have to fulfill on this higher bar of gross negligence, and the game has changed significantly just in one fell swoop.

Why would the government do this? Like, it makes no sense, really. I mean, obviously, we want people to be accountable. You know, I think we can all agree, on both sides of the House, in fairness and justice, but it just seems that every step of the way along here the government is choosing to support elite corporations, private for-profit companies that – don't be naive about this – are all concerned about profit. That is their focus. Bill 70 absolves them of responsibility. That's what's most disturbing to me and certainly most disturbing to Albertans that I've spoken to who feel that, because of the way these private operators work in these continuing care facilities, their family members were not taken care of at the level that they should have been.

We know that the profit motive in for-profit facilities makes those residents particularly vulnerable. Private operators hire many part-time staff, and they don't necessarily qualify for benefits when they're on part-time. This costs the operators less, so you can imagine what that's like during COVID-19. You're having people who work not at one facility; they work at several, because – guess what? – I need to make full-time wages so I can support my family. But, I mean, the private operators don't care about that. They just want to keep that bottom line as low as possible, and they want to make sure that their profit is as high as possible.

Guess what happens in the middle of a pandemic when you do that? Then residents are not cared for well. They're not cared for well before a pandemic also, because if you have consistent care – we know that in continuing care – you know your care providers, and they understand you as a resident. You're going to have superior care. There's just no question. But in a pandemic, if you're working at various facilities, then it's more likely to cause the spread of the virus, and that, sadly, is what's happened. We've had many, many outbreaks in Alberta and, as I said, many preventable deaths because of this staffing model, that is really all about profit for those for-profit operators.

Eventually, the UCP did bring in the one-site restriction for workers, but there were so many exemptions to this rule that it was largely ineffective. It was upwards of the high 20s, maybe even somewhere in the 30s of all of the facilities that were exempted. Again, I think that's another nod to these private corps because, you know, it was too hard for them to implement that. Who is most important here? Not necessarily the residents, but it is these for-

profit corporations, so this is another reason this bill should be referred.

Also, I just want to make note that there was no sort of workforce strategy brought in by the government to help out these continuing care facilities, and oftentimes, you know, that order, when it came from the chief medical officer, that health care aides needed to respect, meant that they had to give up one of their jobs, which meant – guess what? – that they didn't get that income from that. That put them in hardship, and there was no support for that. So this really was on the backs of the health care aides, not the responsibility of private companies. That is deeply disturbing. We know that other provinces had workforce strategies to support all care providers, but the UCP, despite, again, our repeated calls for this support, did not bring that in. People really needed that help. You know, the residents are the ones that suffered because of it.

In addition, there were issues around PPE. It was in short supply. Sometimes it didn't function properly. Of course, if you don't have the right protection, you know, you can spread the virus, you can make yourself vulnerable, you can infect your family if you're a worker, and residents will themselves be infected. We know, too, that there were huge issues with short-staffing. Residents suffered from this, waiting long periods of time for support, sitting in their own waste, being provided with food but no one was available to feed them, being neglected, left without social interaction for extended periods of time, even in some situations dying alone despite calls for support. I, certainly, first-hand heard about these stories from many people who had loved ones who may have passed on.

As I said, in one fell swoop Bill 70 really takes away their rights for justice. It takes away their opportunity to be able to challenge these big corporations who are kind of getting off scot-free here. We also know that they are still continuing to be profitable even during a pandemic, and we know that because we hear that Extendicare, for example, used the federal wage subsidy to give dividends to their shareholders. We know this because CEOs, senior executives are getting bonuses, and these are being reported in financials that are coming out in the media. The private, for-profit continuing care corporations are not forgetting what they're about. They know what they're about. They're about profit, and they're about taking care of their shareholders. It's not about seniors' care.

You know, one of the major examples of that is just AgeCare, which is a sort of western Canada – I think there are about 10 different facilities. It's a private, for-profit continuing care facility. Over the years of Conservative governments in this province they received more than \$26 million in grants, public money, to support them to create these private, for-profit facilities. Guess what they do? They sell their facilities, after receiving a lot of public funds for them, for profit for themselves to Axiom Infrastructure, which is a wealth-generating company out of Montreal, and it's worth billions of dollars.

Guess what? These wealth-producing sort of, you know, megacorporations are going to the seniors sector because they see this as a profitable place to invest so that they make more money. So seniors' care is, like, off the radar. It doesn't even matter, which is, I think, deeply disturbing. This is a phenomenon that is happening more and more. We know of it as the financialization of a certain sector, and right now it seems to be seniors' care, the continuing care system. It's seen as something profitable.

These wealthy corporations, wealth-creating corporations, swoop in, buy up these facilities, and then guess what happens? Yeah. They expect the staff to do more. They provide less support to the staff. They're often short-shifted, and they have to run from one activity to the other very quickly because they have an

extremely demanding set of things that they must do. So it's really all on the backs of, oftentimes, health care workers.

11:20

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available, and I see the hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Mr. Speaker. I want to thank the Member for Edmonton-Riverview for her insights around Bill 70, especially given the background that she has as a former Minister of Seniors and Housing. Of course, I certainly have some significant problems with what I tend to call bottom-line decision-making, where we have private, for-profit corporations that are in the health care field that, you know, very clearly are demonstrating that if there's no profit to be made – they're making decisions to make sure that there is a profit there, as we'd heard earlier around federal subsidy money being used to pay dividends and not going into the facility to protect vulnerable Albertans, the people that built this province.

I was very interested in that. I'm hoping that the Member for Edmonton-Riverview might continue to expand on that a little bit and how that negatively impacts our grandmas and our grandpas, that raised us, that built this province for us, and how it could be better utilized to provide a lifestyle that they, quite frankly, deserve.

The Acting Speaker: Thank you.

I do see the hon. Member for Edmonton-Riverview has risen, with about three and a half minutes remaining.

Ms Sigurdson: Thank you very much. Thank you to the Member for Edmonton-Decore for the question. Certainly – yeah – as I've already discussed, this whole financialization of the seniors' care system is extremely disturbing. I have talked about AgeCare, and I already said: \$24.6 million in public funds. These are grants the Conservative government has given to these facilities over the years, and guess what? Now they're private, for-profit. Someone is making a lot of money, but it's on the backs of the workers, and the seniors aren't being supported.

Another private operator in Alberta is Points West Living, and in April of this year Axiom, this wealth-generating company, also bought up some of their properties. Again, the same thing. Seniors' care is really seen by people with deep pockets as where you go when you want to make some money. For me, that just seems abhorrent. That is not what seniors' care should be about. It should be about making sure that people, the residents, are well cared for. Instead, the workers are squeezed, and they're expected to do more with less, and guess what? You know, the guys – and I'll just say "guys" because I'm sure it is mostly guys – at the top are making big bucks.

You know, University of Calgary professor Naomi Lightman recently published a study regarding extremely challenging working conditions for health care aides in the continuing care system. This research was done previous to the pandemic, so there's no doubt the situation is significantly worse during the pandemic. She noted that in private, for-profit facilities the situation was more egregious than in public and nonprofit facilities.

This isn't brand new. Like, we've known this for years. Parkland Institute did research years ago regarding what was the best in terms of not money generation for the wealthy but actual care for people who live in these facilities, the residents themselves, the seniors in Alberta. The public system continuing care centres and the nonprofit continuing care centres did much better in terms of meeting the needs and the supports of the residents, and the private

sector did the worst, yet here in Alberta we seem to have some kind of a bias towards having it all private.

Really, it is eroding care for seniors living in these facilities; exploiting workers, really, is how I'll say it. You know, it just is not okay. AUPE, the Health Sciences Association of Alberta certainly have spoken extensively about just the concerns they have and the lack of support for their staff. I mean, this is also very low-wage work.

Thank you.

The Acting Speaker: Thank you, hon. member.

We are on REF1 of Bill 70. Are there any members wishing to speak? I see the hon. Member for St. Albert.

Ms Renaud: Thank you, Mr. Speaker. It's my pleasure to rise and speak to this amendment. I'm going to outline some reasons why I think that we need to pause and take a long, hard look at this particular piece of legislation, that is indeed alarming and disturbing for all of the reasons that my colleague outlined and that we will continue to do. It's unfortunate that once again this government believes they have all the answers and is unwilling to listen or even answer questions that are being posed.

In any event, you had to know that this was a bad piece of legislation, Mr. Speaker, when it didn't have a fancy title like Freedom to Care or whatever their titles they've introduced. No, it's COVID-19 Related Measures Act, because once again this is a government – they're clearly not proud of this piece of legislation. Otherwise, they would at least have a minister of the Crown supporting this. No; they have a private member, the Member for Calgary-Fish Creek. They have a title that is really quite confusing and misleading in many ways. If I could name it something, I would call it the It's Not Our Fault Act, but it's not up to me.

This piece of legislation is a bit like an iceberg. What you see on the surface is very little, but what can happen afterwards or what we don't see has the potential to be incredibly, incredibly harmful to Albertans. Basically, this legislation provides liability protection for individuals, groups, and companies for infecting or exposing people to COVID-19. Now, it's targeted at the health sector broadly but can include other sectors by regulation. Now, this is where we get into the iceberg part.

Then, of course, we can talk about, you know, good-faith effort, and we can talk about the definition of gross negligence and all of the things that the government is pointing to, but at the end of the day it's about responsibility. Let's not forget: over 1,250 residents of long-term care facilities in Alberta died. The fact that this government is calling a COVID response or COVID-related measures – this piece of legislation is aimed at protecting the people that deliver the service as opposed to getting to the bottom of the problem: why is it that when this pandemic was raging in this province, the people that were dying were seniors and residents of long-term care facilities?

Now, what I'm really concerned about is what's going to happen behind the scenes, because I have no doubt that there are a number of lobbyists that have this government's ear, Mr. Speaker. I have no doubt whatsoever that they will use their power with regulations to ensure that other sectors are included in this protection. I hope that I'm wrong. I hope that whatever time from now, when we find out what the extent is with the regulations, I will be absolutely wrong.

One sector that I worry about is the disability sector. We've heard the government say: well, we're doing this to protect nonprofits. I'm sorry. Whether you are a for-profit or a nonprofit, your responsibility is the same. Your responsibility is to the people that you support, and that is to do everything you can to follow all of the rules, to ensure your accreditation is current and appropriate, to

ensure that you have appropriate staffing levels, to ensure that you are doing everything to address quality-of-life issues. If your failure to do those things resulted in multiple deaths that then result in a lawsuit, then that's your responsibility. Those are the risks you take, whether you are a for-profit or a nonprofit. I think that's a lame excuse, to hold up nonprofits to say: oh, we're doing this to save nonprofits. It doesn't matter the business model; your responsibility is the same.

I would like to say that we've all said it in here – and it's become almost a common phrase that just makes me so sad – that COVID, this pandemic, has shone a light on the weaknesses in our systems. There is no larger weakness than people that are forced, because they don't have a lot of options, to live in long-term care facilities or assisted living or any range of housing. That includes the disability sector.

11:30

We knew there were problems before. We all knew that there were problems before with chronic underfunding, chronic understaffing for whatever reason. Whatever business model you happen to be working with, there are so many problems. You know, we all talk about how important our seniors are, that they built this province, and then we turn our backs on them. That is what we have done for a very long time, and that is what this piece of legislation is doing.

I find it somewhat – I'm not going to say insulting because it's not my job to be insulted by legislation, but I would suggest that the families of the people who died are insulted by this, insulted by the fact that we can't even have a minister stand up in this place and say: I am proud of this piece of legislation; here's what it's going to do to make lives better for Albertans. No. We have a private member, and we have a ridiculous title for it.

We knew that there were problems before, and we have collectively failed to address all of those problems, which is why I think we need to stop and look at this piece of legislation and make the changes that are needed. At the very least, limit the power of regulation or limit the scope of this piece of legislation so that we don't bring in all kinds of other sectors that should be responsible for their inaction or their negligence during the pandemic but will be given cover by this government.

I was sent a book by Réseau santé albertain, and it was really incredible timing, Mr. Speaker. I mean, I'm not going to read from the book, but for anyone who is interested, it's written by André Picard. He is a health reporter and columnist for the *Globe and Mail*, and it's called *Neglected No More: The Urgent Need to Improve the Lives of Canada's Elders in the Wake of a Pandemic*. I thought it was incredibly timely that this came to my office – I don't know – probably about a month ago. You know, it's not light reading that you can sit back and enjoy but is incredibly disturbing and looks at the pandemic, the pandemic response, the weaknesses that were in the system before, but it takes it a step further.

Of course, we know that governments are very, very good at, when a problem is identified, striking a panel. They'll look at the problem, and they'll study the problem. Mr. Speaker, I'm happy to report that this book tells us how much these issues have been studied, for years and years and years, and the sheer number of reports is actually remarkable in the consistency of their recommendations. I'm going to use my time – and there's not much left – to read some of the themes that continue to emerge again and again and again and again. We fail to address them, and then we have the disaster that we saw during COVID because we have failed to address the weaknesses that have been created and the weaknesses that we know about.

The first one:

Institutional care is more industrial than personal. The priority is always building more beds, not providing better care.

A common theme.

The second one – and this is from page 46 if anyone is interested – the second theme that was identified in the multiple studies done:

Care homes are not homes as much as pseudo-hospitals with a much lower level of care than actual hospitals.

We know this, Mr. Speaker. My colleague has spoken at length about the staffing issues that we see not just in long-term care but in supportive living or any combination of care, and that's not just for seniors; it is also for other vulnerable people. They are underpaid, they are overworked, they are most often part-time, and they work multiple jobs. We all learned this very, very quickly at the start of the pandemic. We've known this, but still this contributes to the quality of life and the health and safety of the people that live there, and still we did nothing. What does this government do? They decide: yeah, let's give them some cover so they're not actually responsible for the negligence that has been going on for a very long time in terms of short-staffing, underfunding, and not addressing very real issues that we all know exist.

The care people need in the final years and months of their lives is complex and costly, but we keep trying to deliver it on the cheap.

Yes, we do. We have seen that time and again with this government, whether it's nickel and diming cuts to income supports, whether it is cutting housing projects, whether it is – I won't even get into it. It's just an extensive list.

The next one:

The infrastructure is terribly outdated.

For those of you that have these institutions – and I'll call them mini institutions – in your constituency, we know this. Years and years of deferred maintenance, you know, a focus on other things, is resulting in a huge problem.

Homes are designed and built for assembly line efficiency, not for comfort.

Go spend a little time in an older long-term care facility. See what that looks like, and then think about a staff ratio where you have 1 staff to 6 people. How much time do you think you get to spend feeding someone if they're having trouble eating or if they're having a bad day or if they're in pain?

Staffing is grossly inadequate and getting worse with each passing year as the complexity of residents' needs grows and staff turnover is astronomical, about 25 per cent annually.

This has been identified again and again. We know this. We know, for example, in the disability sector that staff turnover is ridiculous. It's because it's difficult work, they're underpaid, and very often they don't get those full-time jobs with benefits.

Sending frail elders to [long-term care] is the default. It's the first choice when it should be the last resort.

People should be able to stay in their communities, in their homes, near their families and friends. We know this, but we don't invest. Instead, you have a government that will pat themselves on the back for, you know, having a RRAP grant so someone can maybe make modifications. That's not enough. It might get them in the door, but it will not support them. It will not help them with creating a menu, getting the groceries, preparing the meals, bathing more than once a week. Those are the kinds of investments that are needed. Instead, you have a government that's going to give people cover for failing to do what they were supposed to do, and that was to keep people safe. We know that that wasn't happening because we know how many people died, and we know where they died.

Unlike medical care, long-term care is neither universally accessible nor affordable to all, a reality that undermines the philosophy of medicare.

We know this. If you don't happen to be wealthy, you're in a lot of trouble. You can go into a public facility. It's staffed; you'll get food, you know; it'll be fine. You will survive, but that's it. You might not get the assistance you need. You certainly won't get the staff support that you need. That is just the reality. But if you have money, you can pay for the extras. You can pay for a nicer place. You can pay for a private room so that if you do have to isolate, it's not just a curtain separating you from your two other roommates. Wealthy people have access to additional staffing because the bare minimum in the other facilities is not adequate. We know this.

People could not follow the rules in these long-term care facilities. Just one example is isolating when you're sick. It's virtually impossible given the layout of these old facilities. They are literally separated by a curtain. They share bathrooms. They share common areas. They certainly share staff. We heard report after report about problems with PPE. There were rules, literally rules – I don't know if they were written down, but staff certainly understood what they were – about PPE usage. They needed to keep the costs down: no; you need to have continuous masking all day, but you don't need to change between people.

All of these things: it's about profit margins, as my colleague said. All of these things we have known for a very long time. Everybody in this Chamber is aware of these problems. What is this government's solution? Cover from lawsuits.

Infection control is poor. Oversight is lax. Standards are few.

Quality is not rewarded.

We know this.

No one is ultimately responsible for ensuring elders get the care they need in a timely, accessible fashion.

I don't know about other members, but I frequently get casework at my office where, you know, somebody has a family member who things have deteriorated for, whether it's health or dementia or family circumstances, where they need to get into a place now. They need a place that will meet their needs – their physical care needs, their mental health needs – and it is very difficult. Where do they end up? Usually in acute care waiting for a placement. That's the way our system works. We've known this for a very long time. We all know this. I can remember, probably eight or nine years ago under the PCs, they used to call them bed blockers.

Families are conflicted beyond belief about how best to care for their loved ones, and the system doesn't make the choices clear or easy.

I think this is very clear, easy to understand for any of the members in the Chamber who have had to be involved in these decisions. They are not easy, and the choices are slim. Now, if you do happen to have the resources to be able to contract your own staff or keep your loved one or your person at home in the community or with you, you know, it's a different story. I could probably talk for a very long time on the pressures of family.

11:40

The Acting Speaker: Hon. members, 29(2)(a) is available. The individual who caught my eye was the hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Mr. Speaker. I appreciate the comments from the Member for St. Albert. Her passion is very, very clear. We certainly need more of that passion when it comes to representing our seniors, talking about our seniors, and making sure that they get the lifestyle they rightfully deserve. I know she had some other thoughts to share with us. I think they're important thoughts because the decisions that we make on Bill 70 potentially

could have some very serious impacts. I'm hoping that she might be willing to share those so that we can make those informed decisions.

The Acting Speaker: The hon. Member for St. Albert has risen in response, with about four and a half minutes remaining under 29(2)(a).

Ms Renaud: Thank you, Mr. Speaker. As I was saying, you know, I would encourage – I mean, not like you have a lot of free time for reading, but if you are looking to learn a little bit more, if you are genuinely interested, I would suggest you grab this book. It's called *Neglected No More*. There are a couple of chapters that really talked about sort of the other side, not people in long-term care but that often people get forced into long-term care because of these situations.

It talked about the stress on the family. Typically very much – and I'm not saying that seniors are like children. But we saw during the pandemic women disproportionately affected in a number of ways. Very often they had to stay home from work. They sometimes lost work. They certainly lost income. They lost the ability to participate fully because they were the primary care providers. This is very much the case with seniors.

Now, they did a study, and it showed that women and men were not that far apart. Don't quote me – I could be wrong about this – but I think it was something like 60 per cent of the caregivers were women, primary caregivers, and it was about 50 per cent men, but when they looked a little deeper, the involvement of men was primarily financial as opposed to hands-on care.

As you know, Mr. Speaker, when you are caring for someone who is eligible for long-term care, you are very often dealing with physical challenges, physical disabilities. You may be dealing with dementia and some other things. Women, again, are the ones that stay home and provide the care, lose income. You think about the long-term stress on their health, the long-term stress emotionally on their family. That is the reality.

But, Mr. Speaker, once again I want to say that we know this. I don't think anybody in this place is surprised by that. We understand this problem. We understand this problem has been developing for a very long time, and what COVID did was shine a light on it, and it shone a light on the fact that we lost over 1,250 Albertans that resided in long-term care facilities or combinations of them because of where they lived, because of who they were. I would suggest that many of these were preventable, and I would have hoped that instead, you know – sure. You want to have an inquiry? Go for it. There's a lot of information out there that you could draw on. But it would be my hope that a government focused on the well-being of Albertans, particularly Alberta seniors, would take the time to fix what they see is a problem. But, instead, we have a government more focused on protecting their lobbyists or protecting people from lawsuits.

You know, they talk about the party of, oh, yeah, justice. I mean, they sure got amped up talking about things this morning. You don't hear a peep now, Mr. Speaker. It's very telling. That is very telling about what is important to this crew: let's have some referendum to distract Albertans from what's really going on. What's really going on is that this government is failing to address the needs of Albertans. It couldn't be more clear. To have this many people that died in these facilities that we are responsible for should be enough, but it's not with this government.

Albertans will not forget this. You know, you can look down – don't make eye contact – try not to talk about it. Albertans will not forget this, that we have failed seniors. We failed them throughout the pandemic. We continue to fail them now. Instead, this piece of

legislation, which is incredibly disappointing and it's – you know, not that the title of a bill means a lot other than in debate. I'm sure that people will forget very soon, but just the fact: the COVID-19 Related Measures. Come on. Why don't you call it what it is, "not my fault"?

That's all I have to say, Mr. Speaker. Thank you.

The Acting Speaker: Thank you, hon. member.

There are about nine seconds.

Seeing none, are there any members wishing to join debate on REF1? I see the hon. Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Mr. Speaker. It's a pleasure to rise in second reading on Bill 70. I think my colleague the Member for St. Albert just made some concluding comments there about the name of this bill, so I won't repeat it. I agree. I think it's also quite ridiculous considering what the content of this bill is, the impact that it has, and the message that it sends to Albertans, those who have lost loved ones, about this government's priorities right now but also throughout the pandemic.

Now, I stand in support of the amendment that's been brought forward to refer this bill to the Standing Committee on Families and Communities for a number of reasons, Mr. Speaker. First of all, I note that the sponsor for this bill, the Member for Calgary-Fish Creek, has not had an opportunity or we've not heard on the record much from that member with respect to this bill. We have heard, however, from the Minister of Health about Bill 70 during second reading, and I took the time to take a look at those comments because, of course, although he's not the sponsor of the bill, certainly as the Minister of Health the content of this bill must, you know, clearly align with the position of the Minister of Health and this government to be brought forward as a government bill. So I consider him to probably be in the position to be able to speak knowledgeably and carefully and accurately with respect to the contents of this bill. It directly affects a number of health services facilities, of course, continuing care being the one that we are discussing the most. However, I will get to that issue in one moment.

First, when looking back on the comments from the Minister of Health on this bill, I was deeply concerned that there were inaccuracies in how the Minister of Health represented the contents of this bill, supporting, I believe, the importance of actually sending this back to committee because even within debate in this Legislative Assembly we're seeing that the Minister of Health doesn't – a very generous interpretation, Mr. Speaker, may be that the Minister of Health simply misspoke, but I think when I look back on the words that he used, it's clear that it seemed deliberate.

I want to just cite from *Hansard* with respect to the Minister of Health's comments on Bill 70. He indicated that they, meaning the opposition,

also assert, quote, the bill is retroactive, which essentially throws out current cases that are before the courts. End quote. Let me be clear, Mr. Speaker, these statements are completely false.

So we have the Minister of Health, Mr. Speaker, standing in this Assembly and telling Albertans that the statement that Bill 70 is retroactive is completely false. I am concerned because a plain reading of the bill makes it clear that it absolutely extends back to March 1, 2020, and seeing as we are currently June 15 of 2021, of course that is retroactive.

What that means, of course, Mr. Speaker, is that this bill applies to, essentially, any Albertan who may believe that as a result of negligent – now we're hearing gross negligent conduct – conduct by a health facility, a long list of potentially other facilities – an individual who lost their life or maybe suffered some loss because

of COVID has no ability to seek reparation and to seek justice within our court system. To have the Minister of Health stand up and say that it is not retroactive: it is plainly retroactive. It could not be clearer, particularly since before March 1, 2020, we lived in the pre-COVID time and most of us had no idea what was coming or the implications of COVID on our health, our economy, and on our lives. Absolutely, this bill applies retroactively, and it means that it robs Albertans of the ability to seek justice for wrongful actions and wrongful conduct. I believe it is important to be very clear when taking as extraordinary measures as which are set out in Bill 70, that we are, in this Assembly, honest and accurate with Albertans about its implications.

11:50

If the Minister of Health is not willing to be accurate about it, I'm glad the Official Opposition is by clarifying that absolutely this affects anybody who has a loss of life or some other kind of loss as a result of COVID and the negligent actions of a health facility or any other facility going back to March 1, 2020. I simply had to put that on the record.

I want to speak a little bit about this standard of gross negligence that is captured in Bill 70. Essentially, it says that there is no cause of action, no right of action to seek reparations or restitution in the courts for any conduct that falls below the standard of gross negligence. There isn't actually a great deal of case law on what the standard of gross negligence means. This is important because, first of all, I would say, applying a somewhat not completely untested but fairly novel concept of gross negligence in this context seems particularly cruel, that this is the area in which we're going to be saying: you have to show such a marked departure from a reasonable conduct that you've lost a loved one, that somebody you know has become sick. This is the area in which the Alberta government wants to really test out what gross negligence means. Now, I recognize that there are a couple of other references to gross negligence in other pieces of legislation but in municipal liability around shovelling snow.

This has been a profoundly disturbing and – the loss of life and livelihoods during this pandemic. I find it completely callous that this is the area in which the government chooses to try to test out this incredibly high standard. As I mentioned, there's very little case law on it. The Supreme Court has essentially said: you know, gross negligence means that a person would have to show that there was very great negligence or a very marked departure from the conduct of a reasonable person; the breach of that duty of care that's owed must be of a very high magnitude. What that means, Mr. Speaker, in actual terms is that it's very difficult to prove. It's very difficult to prove, and it's difficult to establish, which essentially nullifies the ability for family members, for people who work in these facilities to actually seek out reparation and justice.

I've heard the Minister of Health make comments: oh, they can still launch lawsuits. Well, I think any plain reading of this – and this is why, I think, many Albertans are so upset about this – is that it's very clear that they're trying to pretty much eliminate the ability that Albertans can seek that justice and restitution through the courts.

Let's be clear. That's never anybody's preferred option to begin with, right? Certainly, all these Albertans would rather have not been put in the situation where they would even be thinking that there was any negligent conduct on the part of the facility or the home in which they've placed their loved one. Certainly, to take legal action requires an enormous amount of resources, time, investment of emotional energy that very few people want to take, but if they're pushed to that point, which we know many Alberta families have been – particularly, there are many who have initiated

legal action against the McKenzie Towne centre, where far too many Albertans lost their lives, and there were very disturbing stories about breaches of care protocols that were taking place. These individuals have gone through a lot already, and now we're saying: yeah, it's pretty much impossible for you to seek any restitution. I think that that is incredibly cruel and heartbreaking, to tell these families that they have no action that they can take.

I know that we've heard from government members who say that: well, you know, there is similar legislation in other jurisdictions, Ontario has introduced similar legislation as has B.C., so therefore it's okay. Well, now, first of all, let me just say that if the UCP government is interested in modelling legislation that comes from other jurisdictions, I have some better ideas for them. For example, both of those jurisdictions brought in paid sick leave. In fact, actually just a couple of days ago – sorry. Last week, I believe, British Columbia introduced new legislation around child care to make it more affordable and to better support \$10-per-day child care as well as supporting early childhood educators. That's a great model.

If the UCP government is trying to model some legislation off other jurisdictions, those are the kinds of things they should do. Ontario, by the way, has full-day kindergarten as well as junior kindergarten. That's a great suggestion to follow. But, no, in this case the government is saying: well, the legislation that is in B.C. and Ontario – so we can do it; it's okay – is around curtailing the ability of Albertans to seek redress in the courts for the loss of a loved one due to negligent conduct as a result of COVID. That's a very disappointing message to send to Albertans.

I know I don't have very much time, Mr. Speaker, but I'd also like to mention that one of the things that I think has gone under the radar a bit is that the bill actually allows – it's not limited to continuing care. We've had that conversation in this House. When I've heard the Minister of Health speak about this bill, he's talked about the fact that there are concerns about the financial viability of continuing care homes, and that's why this measure is being brought in. Now, I'll come back to that in a moment or at the next time I have the opportunity to speak to this bill, but on that measure we need to take notice and Albertans need to take notice that Bill 70 actually does not limit itself simply to the continuing care context. In fact, section 2(d) of the bill says that the act applies in respect of the following: “any other facility, person or class of persons prescribed in the regulations.”

We've had conversations, I believe both in this House and outside of this House, about – I mean, we saw some devastating outbreaks of COVID at meat-packing facilities in this province. Some of the worst outbreaks in the country took place at Alberta meat-packing facilities. As of right now this bill absolutely would permit this incredibly high standard before a legal action can be taken to apply to meat-packing facilities and who knows which other ones, Mr. Speaker. We can't only talk about the context of continuing care although there are very many reasons to be deeply concerned, as many of my colleagues have outlined.

The idea that, you know – there was certainly some very concerning information that came out of those meat-packing plant outbreaks, information, you know, that the minister of agriculture had before going in to speak to employees about outbreaks at that facility that he did not share with those employees. There were many, many questions. We remain committed on this side of the House that there should be public inquiries into what happened at those meat-packing facilities. Certainly, the way this bill is drafted, it would allow for what happened at Cargill and what happened at JBS to be actually protected. It's cloaked in cover by the UCP government, protecting those facility operators rather than the thousands of Albertans who got sick and the Albertans who lost their lives as a result of those outbreaks.

We need to be having a conversation in a transparent way about what the government intends to do because the bill allows them to do it by regulation, which means it won't come before this Assembly, it won't come before this House for transparency. Any facility, any person can now be exempted from that legal liability and only subject to this incredibly high threshold as a result of Bill 70, and we should all as Albertans be deeply concerned about that.

I also wanted to mention that this bill also basically says that any of those facilities or operators only have to provide good-faith efforts to comply with public health orders. Well, this government does not have a good track record with respect to being timely and accurate and efficient in how they posted those public health orders. There have been a number of cases and articles written about how much delay there was between public health orders being issued on Twitter by the chief medical officer of health before they would actually appear in an enforceable fashion for all Albertans to read and understand.

To me, I think they're trying to absolve their own responsibility for being very poor at communicating public health orders, making sure that they're transparent and accountable and enforceable. Now they're saying that these facilities only have to make a good-faith effort. I think this is about providing cover as well to this government for failing to do their job of effectively communicating public health orders to all Albertans as well as these facilities.

I know first-hand that many child care programs were waiting sometimes days to get what their directions were. I'm sure the same is probably true of continuing care facilities. It was so confusing. The rules were changing constantly depending on the tweet of the day and who was getting involved. Now they're saying: you won't even be held accountable for that because we, the government of Alberta, didn't do a very good job. That's what this bill seems to be about doing, protecting the people who were in the position of taking care of Albertans.

The Acting Speaker: I hesitate to interrupt the hon. member; however, pursuant to Standing Order 4(2.1) the Assembly stands adjourned until 1:30 p.m. today.

[The Assembly adjourned at 12 p.m.]

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