



Legislative Assembly of Alberta

The 29th Legislature
First Session

Standing Committee
on
Families and Communities

Thursday, July 16, 2015
1:30 p.m.

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Standing Committee on Families and Communities

Sweet, Heather, Edmonton-Manning (ND), Chair
Smith, Mark W., Drayton Valley-Devon (W), Deputy Chair

Goehring, Nicole, Edmonton-Castle Downs (ND)
Hinkley, Bruce, Wetaskiwin-Camrose (ND)
Jansen, Sandra, Calgary-North West (PC)
Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND)
Luff, Robyn, Calgary-East (ND)
Orr, Ronald, Lacombe-Ponoka (W)
Payne, Brandy, Calgary-Acadia (ND)
Pitt, Angela D., Airdrie (W)
Rodney, Dave, Calgary-Lougheed (PC)
Shepherd, David, Edmonton-Centre (ND)
Swann, Dr. David, Calgary-Mountain View (AL)
Westhead, Cameron, Banff-Cochrane (ND)
Yao, Tany, Fort McMurray-Wood Buffalo (W)

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Karen Sawchuk	Committee Clerk
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[Ms Sweet in the chair]

The Chair: I'd like to call the meeting to order, please. Welcome to members and staff in attendance for this organizational meeting of the Standing Committee on Families and Communities. My name is Heather Sweet, and I'm the MLA for Edmonton-Manning and the chair of the committee.

I'll ask that members and those joining the committee at the table introduce themselves for the record first, and then I'll call on the members joining us via teleconference. We will start with the deputy chair.

Mr. Smith: Good afternoon. My name is Mark Smith, and I'm from Drayton Valley-Devon and very happy to be here.

Mr. Shepherd: Hi. David Shepherd, Edmonton-Centre. Yeah, very happy to be here.

Mr. Hinkley: Bruce Hinkley, Wetaskiwin-Camrose.

Mrs. Pitt: Angela Pitt from Airdrie.

Mr. Yao: Tany Yao, Fort McMurray-Wood Buffalo.

Ms Goehring: Nicole Goehring, Edmonton-Castle Downs.

Ms Payne: Good afternoon. Brandy Payne, Calgary-Acadia.

Ms Jansen: Sandra Jansen, Calgary-North West.

Mrs. Littlewood: Jessica Littlewood, Fort Saskatchewan-Vegreville.

Mr. Koenig: My name is Trafton Koenig. I'm a lawyer with the Parliamentary Counsel office.

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

Mr. Orr: Ron Orr, Lacombe-Ponoka.

Ms Sorensen: Rhonda Sorensen, manager of corporate communications and broadcast services.

Ms Dean: Shannon Dean, Senior Parliamentary Counsel and director of House services.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Members on the phone, if you could please introduce yourself when I call your name. Ms Luff.

Ms Luff: Robyn Luff, Calgary-East.

The Chair: Mr. Rodney.

Mr. Rodney: Dave Rodney, Calgary-Lougheed.

The Chair: Mr. Westhead.

Mr. Westhead: Cameron Westhead, Banff-Cochrane.

The Chair: Great. Thanks.

A few housekeeping items to address before we turn to the business at hand. The microphone consoles are operated by *Hansard* staff, so there's no need for the members to touch them. I guess I could have said that to start. Please keep your cellphones, iPhones, BlackBerrys off the table as they may interfere with the

audiofeed. Audio of the committee proceedings is streamed live on the Internet and recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

The first matter to address will be participation in the committee meeting by teleconference. If I can just ask the three members – Ms Luff, Mr. Rodney, and Mr. Westhead – to abstain from the vote for this motion. Under section 6 of the Legislative Assembly Act it permits participation in a committee “by means of telephone or other communication facilities that permit all Members participating in the meeting to hear each other if all the members of the committee consent.” So we have to have unanimous consent. The committee rooms are equipped to facilitate meeting participation by telephone.

Committees have a choice of passing a motion, which needs to be passed unanimously, to approve meeting attendance by telephone for the duration of the Legislature or for the duration of this session. What we can do is that we can recommend to pass a motion that if you need to call in by teleconference, you'll be able to participate by teleconference, but you'll also be able to vote via teleconference. The motion will also include the 29th Legislature period. However, that can change if we require all participants to appear in person. That, again, will be based on the committee's recommendation.

Mr. Smith: I so move.

The Chair: Okay. It's been moved by Mark Smith that for the life of the 29th Legislature the Standing Committee on Families and Communities permit committee members to participate by teleconference subject to the proviso that the committee may require members' attendance at a particular meeting upon passage of a motion to that effect at the previous meeting.

Any comments or questions? No? All in favour of the motion, if you can say aye. All those opposed? The motion is carried unanimously. Great. Good work.

To those committee members who are now on the phone: please feel free to vote on the next motions.

Temporary substitutions. Standing Order 56(2.1) outlines the process of substitution of committee members.

A temporary substitution in the membership of a standing or special committee may be made upon written notification signed by the original Member and filed with the Clerk and Committee Chair, provided such notice is given not less than 24 hours prior to the meeting.

Our committee clerk has a letter template for you and your legislative assistants upon request. The template is also available online by going to the OurHouse website, clicking on My Committees on the right side of the main page and then on the Template for Temporary Substitution Letter link.

When substitutions occur, it is the responsibility of the original committee member to ensure that the substitute has been provided with all the necessary meeting materials. Members of the Legislative Assembly who are not committee members or official substitutions may attend and participate in the meeting, but they may not vote or move a motion.

Does anybody have any questions on that? That makes sense?

Mr. Orr: I have a question.

The Chair: Sure.

Mr. Orr: If we have a substitute come, do they have voting privileges in our name?

The Chair: Substitutes can vote as long as they've given 24 hours' notice.

Mr. Orr: Okay.

The Chair: The other piece is that if both of you end up attending at the same time, your substitution has to vacate the seat, and the member then becomes the voter.

Mr. Orr: Right.

The Chair: Yeah.

So we can move on to the approval of the agenda. Everybody has seen the agenda? Members should have the updated version, which was posted yesterday and shows the date in the bottom right corner, of July 15, 2015. The only revision that was made was to consolidate item 4(g) with item 4(d). Any additions or changes to the agenda? No? Great.

Can I have a motion to move the agenda? Ms Payne. Moved by Ms Payne that the agenda for the July 16, 2015, meeting of the Standing Committee on Families and Communities be adopted as circulated. Perfect. All in favour of the motion, say aye. All those opposed? Motion carried unanimously.

Okay. Committee orientation. We have Ms Shannon Dean, Senior Parliamentary Counsel and the director of House services, who will be providing an overview of the committee's mandate and processes under the agenda items 3(a), (b), and (c). Please indicate if you have any questions during Ms Dean's presentation, and the committee clerk and I will keep track of those wishing to speak as she finishes each item.

Ms Dean.

Ms Dean: Thank you, Madam Chair. I'm going to be quite brief because you've had lots of orientations over the last number of weeks. The focus today, I think, will be the processes, the functions that you as committee members have as part of a legislative policy committee.

You've got a broad mandate under the standing orders. In particular, your mandate covers the following areas: health, human services, justice and Solicitor General, culture and tourism, education, seniors, and Service Alberta. Now, as you know, this is a committee of the Assembly distinguished from a caucus committee or a government committee. What does that mean? Well, it's an all-party committee, so there is proportionate representation from all parties represented in the House. The meetings are public unless you decide to go in camera, and in order to go in camera with a legislative policy committee – the only way you can do that is through unanimous consent. Again, meetings are public and recorded by *Hansard*, and once the minutes are adopted by the committee, the minutes and the accompanying materials are made available to the public.

As a committee of the Assembly you have certain rights and privileges. We touched upon this in the procedural orientation. Basically, parliamentary privilege is what enables you as members of the Assembly and the Assembly as an institution to carry out your work or the Assembly's work without interference, and these rights, privileges, immunities flow through to the committees of the Assembly.

There are three key privileges that are relevant to your committee. The first, of course, is freedom of speech. As you know, members have the right of freedom of speech in both proceedings of the Assembly and committees of the Assembly, and this right can be traced back to 1689 and the English Bill of Rights and is also codified in section 13 of the Legislative Assembly Act. In other

words, you are free to speak freely in the Assembly or in a committee meeting without fear of being sued for your comments.

1:40

The second key privilege for committees doesn't attach to you as members, but it attaches to witnesses that appear before you. Witnesses have protection similar to your freedom of speech. This gives them protection to speak freely and be free from fear that their comments would be used against them either in a lawsuit or in a subsequent proceeding.

The third key privilege I want to highlight is the committee's power to summon witnesses. This can occur if the committee makes the decision to compel a witness to appear through the issuance of a warrant by the Speaker. Now, we don't have any historical record of having to use that power in the history of the committees as far as we know. Typically an invitation and a follow-up phone call is all that it takes to get somebody to appear before you.

Any questions on that before I highlight some of the key standing orders relating to your processes and functions? No? Okay.

The standing orders set out your mandate, your functions, and your powers. The relevant standing orders are 52.01 to 52.09. Subject to the standing orders and parliamentary convention, generally speaking, the committee is the master of its own procedures and proceedings. What does that mean? Well, if we were to look at the immediate task at hand, which is your review of the Mental Health Amendment Act, 2007, that means that there is no prescribed process that you have to follow. It's up to you how you want to undertake your review. For example, you may wish to solicit input from the public, or you may decide to have a narrower approach and just solicit input from select stakeholders and experts. You may wish to hold public meetings, or you may decide that it's not necessary. It really depends on the subject matter and the level of public interest in what you're doing.

Another function for this committee is to review bills that are referred to you. This is set out in Standing Order 52.02. Bills may be referred after either first reading or second reading. The timing of the referral dictates your scope of review. In other words, if a bill is referred after first reading, before the Assembly has approved the principle of the bill, then the committee is entitled to undertake a broader scope of review. If a bill is referred after second reading, then the committee's mandate is much more specific and may involve recommending actual amendments to the wording of the bill.

In terms of timing, these reviews usually take a number of months, anywhere from three to six months. That timeline is typically set out in the motion that's adopted in the House that refers the matter to you. The motion that referred the mental health legislation to this committee provides for a one-year timeline, and that timeline is also set out in section 54 of the Mental Health Act.

Now, some of the other functions that you have that are on the immediate horizon would include consideration of main estimates. As you know, there will be a budget forthcoming in the fall. Your committee will be responsible for considering the estimates of all the departments within your mandate, so those are a number of meetings that will occur over a course of two to three weeks after the Budget Address in the fall.

I point this out to you because once the estimates are referred to this committee, that is your priority, so the work on the mental health legislation will go into abeyance for a period of time. Later on during this meeting we're going to be talking about a proposed timeline and bringing back a suggested timeline for you to consider. This year is a little unusual because we'll have the budget process in the fall and then we'll have the budget process again in the spring,

so there are certain blackout periods that will impact your work with respect to the review of the mental health legislation.

Any questions on that? No? Okay.

Again going back to the standing orders, if a matter is referred to the committee by the Assembly, that always takes priority. If there is nothing referred to you, you can undertake to look at a subject matter on your own initiative. If you were to do that, you have a six-month timeline to finish your review.

Some additional roles for this committee include reviewing regulations within your mandate, whether that's on your own initiative or at the request of a minister. The annual reports of the various government departments and agencies, boards, and commissions that fall within your mandate are deemed referred to you, so you could look at those.

Finally, just to wrap the process up, once the committee reports on a particular matter, the government is required to respond within 150 days, with the exception of reports that the committee makes in connection with bills or public meetings.

Those are my comments, Madam Chair, unless there are any questions.

The Chair: No questions? Okay.

Moving on to agenda item 3(d), committee support and administrative matters. Joining us today are staff from the Legislative Assembly Office, who are on hand to support us at all of our committee meetings. Karen Sawchuk is the committee clerk assigned to this committee, and she is here to provide administrative, procedural, and general assistance as required. Philip Massolin, manager of research services, and Nancy Robert, research officer, are responsible for the research and information needs of the committee as well as the drafting of reports as directed. Shannon Dean, Senior Parliamentary Counsel and director of House services, provides legal and procedural assistance to the committee as required. Rhonda Sorensen, manager of corporate communications and broadcast services, provides communications expertise to the committee.

We'll move on to the review of the Mental Health Amendment Act, 2007, which was referred to us under the mandate of Government Motion 10, and the scope of the review. First, I'd like to start by reading the text of Government Motion 10 for the record and for the benefit of the committee.

Be it resolved that:

1. The Mental Health Amendment Act, 2007, be referred to the Standing Committee on Families and Communities for the purpose of conducting a comprehensive review of the amendments to legislation made by 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 54 of the Mental Health 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 one year is effective as of today, so our countdown starts now.

I will turn it over to Ms Dean and Ms Robert to address the review process.

Ms Dean: I don't have a lot to add, Madam Chair. I mean, I touched upon some of the things that are typically done in a statute review: getting briefings from government officials, making a decision as to whether you would like to solicit public input, et cetera, requesting research from our staff on particular items. I think that's about it.

I'll turn it over to Nancy because there has been some work done already on this particular matter.

Ms Robert: Thank you. Yes, as the chair alluded to earlier, Philip Massolin and myself are part of the research services team. We are available to the committee to provide research that you require in the course of your review. Some of the types of research we've done in the past include prospective stakeholder lists, crossjurisdictional surveys, briefing documents, anything, really, that the committee feels it needs to conduct its work.

Do you want me to talk about what happened in the 28th Legislature now or later?

Ms Dean: Later.

Ms Robert: Later. Okay.

That's probably everything, so if there are any questions, please feel free to ask.

The Chair: Any questions? No? We're good? Okay.

Section 4(c) is the consideration of establishing a committee working group. The committee working group has been struck previously for the legislative committees and generally meets to discuss issues and prepare recommendations at the request of the committee. The idea behind the working group is to make better use of the committee's limited time. Recommendations would come before the committee as a whole having already been discussed to an extent by all caucuses represented on the committee. The committee would also have the option of delegating tasks to the working group as it sees fit. The committee would have final say on all the decision items. This working group would be composed of the chair, the deputy chair, one member from the third party represented on the committee and could also include Dr. Swann, recognizing that his background and experience would assist in working with the group.

This is for informational purposes only at this point, and I would suggest that a motion in this respect be brought forward for our next meeting. Part of the reason for that is that I haven't had an opportunity to speak to Dr. Swann yet, so I don't know if he's interested in being part of the working group. We can bring it forward in September, when we meet again, and have a formal motion then.

Any questions? No? Okay.

1:50

Moving on to 4(d), role of the department officials. Office of the Mental Health Patient Advocate under the Ministry of Health: the committee may wish to invite the input and ongoing technical support of the Mental Health Patient Advocate or other senior officials from the Ministry of Health. Their familiarity with the Mental Health Amendment Act, 2007, and the Mental Health Act could assist the committee during its review. Any comments, questions about the request, having the office attend? No? Okay.

The Standing Committee on Families and Communities invites officials from the Ministry of Health, including the Mental Health Patient Advocate, to attend committee meetings and participate when requested and to provide technical expertise and requests that these officials work in conjunction with the Legislative Assembly staff as required to support the committee during its review of the Mental Health Amendment Act, 2007.

Could I have a member move the motion?

Mr. Yao: Move to bring in experts? That's crazy, but I'll do it.

The Chair: Mr. Yao has moved the motion. All in favour of the motion, say aye. All those against, say nay. Motion carried unanimously.

The committee has the option of inviting the Mental Health Patient Advocate and the officials from the Ministry of Health to

provide background briefings on the Mental Health Amendment Act, 2007, at our next meeting. This would provide information valuable to the committee as it begins its review of the amendment act. Any questions on bringing forward background briefings? No? Okay. That

the Standing Committee on Families and Communities invite the Mental Health Patient Advocate and officials from the Ministry of Health to provide background briefings on the Mental Health Amendment Act, 2007, to the committee at its next meeting.

Can I have a member move the motion? Ms Payne. All in favour of the motion, say aye. All those against, say nay. Motion carried unanimously.

Moving on to 4(e), research completed during the 28th Legislature and other research requirements. For the committee's information the review of the amendment act was initially referred to this committee late in 2014. The committee held an organizational meeting in December and directed committee research services to draft a stakeholders list and to undertake crossjurisdictional research and report back to the committee at its next meeting. The committee did not meet again prior to the 2015 election call.

If I could ask Ms Robert to address the items, please.

Ms Robert: Thank you, Madam Chair. As the chair has indicated, this statute review was initially referred near the end of the 28th Legislature. There was an organizational meeting something like this one, where committee research was asked to prepare a draft stakeholders list and a crossjurisdictional survey. That work has been done. For the information of the committee we will be submitting that work to the committee, so after this meeting is over, we'll be posting both of those documents on the internal committee website. The stakeholder list is fairly self-explanatory. The crossjurisdictional survey surveys the other provinces with respect to the amendments that were made to the Mental Health Act in 2007; specifically, community treatment orders and involuntary admissions.

Also, there's a second sort of companion document with the crossjurisdictional survey. Basically, what it is is a compendium or an appendix listing, sort of outlining the legislative provisions from the other provinces that were researched. When you look, you're going to see that there are a couple of different documents with respect to the crossjurisdictional.

If you have any questions, I would be happy to try to answer them.

The Chair: No questions? Okay.

I'd suggest that the members review these documents in advance of the next committee meeting, anticipated for early September. If members have suggestions for additions to the draft stakeholders list, please submit them to the chair and the committee clerk prior to the next meeting.

I would also suggest that the committee consider a motion to direct committee research services to research case law respecting community treatment orders and involuntary admissions, which are the subject of the Mental Health Amendment Act, 2007. Any questions around the request for research on case law? No? Okay.

The Standing Committee on Families and Communities directs the committee research services to research case law on the Mental Health Amendment Act, 2007, and comparable legislation in other jurisdictions respecting community treatment orders and involuntary admissions for the committee's review at its next meeting.

Can I have a motion from a member?

Mr. Shepherd: I'll move that.

The Chair: Mr. Shepherd. All in favour of the motion, say aye. All those against? Motion carried unanimously.

Item 4(f), future considerations for the committee. The following items are things that we will need to discuss at future meetings: (i) public input. We do have the option of asking for public input on the amendment act as part of our review. We can choose to open it up and receive written submissions from the public and may also invite members of the public to make oral presentations. The committee may wish to hold off on decisions in this respect until it has received the background briefings from the advocate and the administrative officials and has reviewed the research brought forward at our next meeting.

Item (ii), communications issues. Depending on how we decide to proceed on this review, we will have access to the LAO communications' expertise. They are available to prepare a draft communication plan for the committee's review, depending on whether we decide to open the review to public input following our next meeting.

Ms Sorensen, can you speak to that?

Ms Sorensen: Certainly, Madam Chair, although I think you actually covered most of it. My role here is to carry out the wishes of the committee in terms of the scope it takes in the review process. So if it chooses to invite public input, then I would put forward recommendations in terms of public advertising, social media, media relations. Again, it would be up to the committee to choose which options that they wanted to carry out. Any questions on that?

Thank you, Madam Chair.

The Chair: Under (f)(iii), timeline for the review. In terms of the timeline for our review our committee support staff are able to draft a timeline document for us to look at during our next meeting. This is a useful tool to give the committee a better sense of how long each aspect of the review might be expected to take based on past practices. Does anyone want to speak to that or have any questions around that? No? Okay.

Can I just ask that a member move the following motion? That the committee support staff be instructed to draft a proposed timeline document for the committee's consideration for the next meeting.

Mrs. Littlewood has moved the motion. All in favour of the motion, say aye. All those against? Motion carried unanimously.

Moving on to other business. Are there any other issues or discussions that we need to have before we conclude our meeting?

Mr. Smith: Madam Chair, I don't know. I've only heard one person answering on the phone, so I don't know if they're expecting us to call their names or not. What's the procedure that we should be following with that?

The Chair: That was my error. I should be asking the phones for the vote.

Mr. Rodney: That's okay. Can you hear me okay?

The Chair: Yeah. Go ahead, Mr. Rodney.

Mr. Rodney: I was in concurrence with everything that you've done so far. You're doing a great job. If there is something that I might have wanted to interrupt on, I would have at the pleasure of the chair. So far, so good. I believe that there are a few others on the phone. You may just want to ask them.

Ms Luff: I've heard everything. I've been responding to the voting. Can you guys hear me?

The Chair: Yes. Go ahead.

Ms Luff: Okay. Perfect. Just wanted to make sure that everything was working, but I think everything has been fine.

The Chair: Mr. Westhead?

Mr. Westhead: Yeah. I have heard everything, and I'm in concurrence with everything that has happened so far. Thank you.

The Chair: Okay.

If there are no further items for the agenda, as previously mentioned, I would suggest that the next meeting be held in early September. Members will be polled to determine their availability once a date is established.

If there's nothing else for the committee to consider, I would call for a motion to adjourn.

Mr. Smith: So called.

The Chair: Mr. Smith has moved at 2 o'clock that the meeting be adjourned. All in favour of the motion to adjourn? On the phones?

Mr. Rodney: I object. I'm kidding.

The Chair: All right. The motion is carried at 2 o'clock. Thank you, everybody.

[The committee adjourned at 2 p.m.]

