



Legislative Assembly of Alberta

The 28th Legislature
Second Session

Standing Committee
on
Families and Communities

Wednesday, July 16, 2014
10:30 a.m.

Transcript No. 28-2-7

**Legislative Assembly of Alberta
The 28th Legislature
Second Session**

Standing Committee on Families and Communities

Olesen, Cathy, Sherwood Park (PC), Chair
Pedersen, Blake, Medicine Hat (W), Deputy Chair

Cusanelli, Christine, Calgary-Currie (PC)
DeLong, Alana, Calgary-Bow (PC)
Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)
Fox, Rodney M., Lacombe-Ponoka (W)
Fritz, Yvonne, Calgary-Cross (PC)
Hale, Jason W., Strathmore-Brooks (W)*
Jablonski, Mary Anne, Red Deer-North (PC)
Jeneroux, Matt, Edmonton-South West (PC)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
McAllister, Bruce, Chestermere-Rocky View (W)
Notley, Rachel, Edmonton-Strathcona (ND)
Rogers, George, Leduc-Beaumont (PC)**
Sandhu, Peter, Edmonton-Manning (PC)
Swann, Dr. David, Calgary-Mountain View (AL)
Webber, Len, Calgary-Foothills (Ind)

* substitution for Rod Fox

** substitution for Mary Anne Jablonski

Support Staff

W.J. David McNeil	Clerk
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Philip Massolin	Manager of Research Services
Stephanie LeBlanc	Legal Research Officer
Sarah Leonard	Legal Research Officer
Michael Kulicki	Research Officer
Nancy Robert	Research Officer
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Christopher Tyrell	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

Standing Committee on Families and Communities

Participant

Ministry of Human Services

David Goodburn, Barrister and Solicitor, Legal Services

10:30 a.m.**Wednesday, July 16, 2014**

[Ms Olesen in the chair]

The Chair: Well, good morning, everyone, and welcome to the members and staff in attendance today for the meeting of the Standing Committee on Families and Communities.

I'd like to call the meeting to order and ask that members and those joining the committee at the table introduce themselves for the record, and then we'll hear from those on the phone. Why don't we start on my right with the deputy chair.

Mr. Pedersen: Good morning. It's Blake Pedersen, MLA for Medicine Hat.

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

Mr. Sandhu: Good morning. Peter Sandhu, MLA, Edmonton-Manning.

Mrs. Fritz: Yvonne Fritz, Calgary-Cross.

Mr. Rogers: Good morning. George Rogers, Leduc-Beaumont, and I'm substituting for the Member for Red Deer-North, Mary Anne Jablonski.

Ms Notley: Good morning. Rachel Notley, Edmonton-Strathcona.

Mr. Jeneroux: Good morning. Matt Jeneroux, MLA, Edmonton-South West.

Mr. Reynolds: Good morning. Rob Reynolds, Law Clerk, Legislative Assembly.

Ms Leonard: Sarah Leonard, legal research officer.

Dr. Massolin: Good morning. Philip Massolin, manager of research services.

Ms Fenske: Hello. Jacquie Fenske, MLA, Fort Saskatchewan-Vegreville.

Ms DeLong: Alana DeLong, Calgary-Bow.

Mrs. Leskiw: Genia Leskiw, Bonnyville-Cold Lake.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: I'm Cathy Olesen, MLA, Sherwood Park.
If we could hear from those on the phone.

Dr. Swann: David Swann, Calgary-Mountain View.

The Chair: Thank you.
That's it? Okay. Thank you.
For the record . . .

Mr. McAllister: Sorry, Chair; there's one more. Bruce McAllister, Chestermere-Rocky View.

The Chair: Thank you.
As MLA Rogers pointed out, he is substituting for Mrs. Jablonski.

A few housekeeping items to address before we turn to the business at hand. The microphone consoles are operated by *Hansard* staff. Please keep all cellphones, iPhones, and BlackBerrys off the table as they may interfere with the audiofeed.

Audio of committee meetings is streamed live online and recorded by *Hansard*.

In our possession we have the agenda. Does anyone have any corrections, additions, deletions to the proposed agenda? If not, would someone move to accept the agenda as presented? MLA Sandhu.

Mr. Sandhu: Yes.

The Chair: The motion would be that the agenda for the July 16, 2014, meeting of the Standing Committee on Families and Communities be adopted as circulated. Those in favour? That is carried. Thank you.

Approval of previous meetings. The minutes from our previous meetings have been distributed. Are there any errors or omissions? Would anyone like to move adoption of the minutes?

Mr. Rogers: Just a point, Madam Chair. We forgot to vote on that last motion.

The Chair: I called a vote.

Mr. Rogers: We did? Oh, okay.

The Chair: That's all right. We can vote on this one, too.
The approval of the minutes from the previous meeting.

Mrs. Leskiw: I so move for approval.

The Chair: Thank you. MLA Leskiw would move that the minutes for the October 24 meeting of the Standing Committee on Families and Communities be adopted as circulated. Those in favour? That's carried. Thank you.

One of the first items on our agenda is the communication from the Minister of Finance. As members are aware, the President of Treasury Board and Minister of Finance has sent a request to this committee asking us to pursue a review of the minor injury cap regulation and section B benefits under the Insurance Act. A copy of this request was tabled in the Assembly and also distributed for our committee members. For everyone's convenience a copy of the request was included with the briefing materials for today's meeting.

The provisions of Standing Order 52.07 empower this committee to conduct a review of this nature and issue a report to the Assembly within six months of beginning the inquiry. However, it is my understanding that the regulations that would be affected by this review are not set to expire until September 30, 2016. While this is an important issue, it may be more appropriate to conduct a review on this matter closer to a date when an overall review of the regulation is needed. Minister Horner has also indicated his support for postponing work on this matter. It would be my suggestion, then, that the committee defer a decision on this matter for the moment and revisit it at a future date identified by the minister.

With that, I'd open up the floor for discussion on this. Any comments or general agreement or some ideas?

Mrs. Leskiw: I have to agree with the minister. Since the date is so far away, it might make more sense to do it in 2015, when we can get into the nitty-gritty of the particular changes.

The Chair: Thank you. So you're not proposing a date; you're just saying that a future date would be . . .

Mrs. Leskiw: I think a future date is more than adequate. We know it has to be done, and this committee knows it's going to be

looking at it. I would suggest that we accept the recommendation of the minister.

The Chair: Thank you.
Any further?

Dr. Swann: David Swann in Calgary.

The Chair: Yes. Thank you. Go ahead.

Dr. Swann: September 30, 2016, does seem like a long way away. There's a lot of uncertainty about the political nature of the next year, and this will no doubt be a contentious issue that will take some time to get expert opinion on and insurance companies and perhaps individuals who have been affected by this in some way. I don't see any problem in doing it in a timely way now and having the research done and the evidence provided given that there may be other things that come up and are urgent on our agenda in the next while.

At the same time I'm conscious that we haven't done anything on our mental health agenda. So I just raise that as, number one, the uncertainty of the political future in Alberta in the next year and, number two, we know the job is going to have to get done, so there is some merit in getting it done when we have the resources and time to do it, when we're unsure of what the timing will be later.

The Chair: Thank you for your comments. But the uncertainty of politics in Alberta I don't think should be the concern of this committee. Looking forward, once a project is accepted, we have six months to complete it. Once that position is triggered, we will have six months to get it completed. So six months within a two-year window I would think could be adequate. Your other discussion of future agenda items we will discuss later in the meeting. But you're right. There is a lot for us to look at.

Yes, MLA.

Mrs. Fritz: Thank you. Just clarification, Madam Chair, on your comments about the six-month window. Are you saying, then, that the six-month window is following the review and isn't related to when the Assembly is sitting?

The Chair: The six-month window is: once this committee decides on a topic, they have six months to produce a product, a paper or report.

Mrs. Fritz: Then that report is going to be filed with the Assembly?

The Chair: Yes.

Mrs. Fritz: Okay. Thank you.

The Chair: Thank you.

Okay. I think there's general acceptance. Dr. Swann, we do take note of your concerns, but I'm seeing a lot of nodding around the table, so I think we've got general support to put this off till when it'll be closer to the regulation review and it may have more impact.

Dr. Swann: Thank you.

The Chair: Thank you.

Mrs. Leskiw: Do we need a motion to do that?

The Chair: Yeah, sure. Go ahead.

Mrs. Leskiw: Okay. I move that

we deal with the request from the Treasury Board, Minister of Finance to this committee at a later date.

The Chair: Thank you. That's fine.

Those in favour? That is carried. Thank you.

Our next agenda item is a request from the Minister of Human Services. It's regarding the Child, Youth and Family Enhancement Amendment Act, 2014. The minister has asked the committee to consider the proposed regulation attached to the letter. Everyone here has had the opportunity to review the minister's letter and the proposed regulation and the forms that are attached.

With that, I would open the floor for discussion, comments.

Ms Notley: Well, just as a starting point on this discussion we've had sort of different practices in the past, but just to make sure this part is all fine, I'd like to make a motion that

the documents that were attached to the minister's letter are publicly shared on the website.

I wasn't clear whether it was just shared with committee members or whether it was posted on the website for anybody to see. So if it's the latter, then that motion is not required, but if it is the former, then I'd like to start our discussion with ensuring that the people who are following our conversations actually know what documents we're looking at, so we could make those public.

The Chair: Can we do that?

Ms Notley: That's been the practice in the past.

The Chair: Okay. I think that would be fine. I'm not hearing any objection. That sounds a good idea. Thank you.

Mr. Rogers.

10:40

Mr. Rogers: Well, thank you, Madam Chairman. Just for clarification, isn't it normal that the documents before this committee are public?

The Chair: I would defer to counsel. Are these are on the website?

Dr. Massolin: I should start by saying that the committee clerk may have further information. The practice for the committee, I believe, is to post these types of documents to the internal site first, and then subsequently, depending on the document, they are posted to the external site, barring a motion from the committee.

Ms Notley: So you're saying that – I'm sorry. Just to clarify, it doesn't require a motion from the committee? It's just done.

Dr. Massolin: No, it does. If you want it up now, it does require it.

Ms Notley: Yes. Okay. That's my motion. Thank you.

The Chair: Any discussion on that matter of just posting it on the site? Okay. Those in favour? Any opposed? That is carried. Thank you very much.

With that, I would open the floor for discussion on the regulation and the form.

Yes. Go ahead.

Ms Notley: I'm not sure. Are we having a conversation about the regulation, or are we having a conversation about how we're going to consider the regulation? It would seem to me that the latter is more appropriate at this point than just jumping in. I think

the idea was that there would be a bit of a substantive deliberation on this. Since this is the first time it's come to the committee – and obviously, presumably, in five minutes it will be actually available for others to see – are we talking about what our process should be? Is that what you're asking for right now?

The Chair: I believe we are discussing the regulations and the form, which was circulated over a week ago, so we would look for any questions. We have staffpeople here as well. The floor is open for discussion.

Ms Notley: Well, then, I guess what I would say is, notwithstanding my opinions, which are many, on the regulation and the form, that it had been my understanding that this committee would be in a position to potentially share it with stakeholders, hear from people who would be impacted by it, and perhaps have a slightly wider conversation about what the regulation looks like. It would be my strong opinion that we need to have a conversation about how we orchestrate that.

This is a complex issue with wide-ranging implications to very opposing stakeholders, and I would suggest that a 45-minute conversation amongst just these committee members is not what was anticipated when the thought – it was my motion in the Assembly, of course, that got this matter before this committee, and it was expected that we would have an opportunity to hear a little bit more about what this would look like and what it means. Certainly, the regulation as what has been presented to us is bereft – is that the right word? – absent of a great deal of clarity. I would be seeing us needing to have more information before we could fully discuss it.

The Chair: We do have some of the policy development people from the department with us as well as a lawyer, so we do have people here to answer questions. Just for clarification as we move forward, the Assembly agreed to amendment A7 to the Child, Youth and Family Enhancement Act, 2014, adding:

131.1 For the purposes of section 131(1)(d.1), no regulation shall be made prior to being considered by an all-party committee of the Legislative Assembly.

In sending the proposed regulation to the committee for consideration, the minister is complying with the will of the Assembly. No review is required as a result of the amendment, and no report was requested. I'd just like to read that out for the record. If there are specific questions, we do have staffpeople here.

Ms Notley: Okay. Well, let me go back on that. I mean, certainly when this amendment was discussed with the minister, it was done with the assumption that it was concluded and agreed to in good faith. So the notion that we're saying, "Oh, well, all it has to do is be considered, and we never required a report or a review, and therefore because you use the word 'considered,' we are now meeting our obligations under the legislation by having a half-hour discussion," is, I would say, sharp practice and absolutely flies in the face of what was expected by all parties when the government agreed to that amendment.

Moreover, as you should know from the extremely high levels of public interest on this issue, there are numerous points to be made in this discussion, numerous different issues that need to be considered. Quite frankly, one or two policy people from the ministry: that's not adequate in terms of ensuring that we have an appropriate canvassing of the different issues which are addressed through the regulation and this amendment to the legislation.

So a 45-minute discussion in this setting, in my view, is effectively a broken promise in terms of what was understood to be forthcoming as a result of that amendment, and it is also an

attempt to sort of shuffle this under the carpet. There are important issues that need to be discussed here, and we can't do it in 45 minutes without hearing from the affected stakeholders on this issue.

The Chair: Thank you.
MLA DeLong.

Dr. Swann: Madam Chair, I fully agree with the . . .

The Chair: Thank you. I have recognized MLA DeLong, and I will get to you next, Dr. Swann.

Ms DeLong: Well, thank you very much. I'd just like to say that I'm really glad that this has come forward. It's something that needs to be dealt with right away. I mean, I've gone through this pretty carefully, and I don't see any red flags in terms of this moving forward. You know, in terms of if someone would prefer that we have a report, assuming of course that this does get approved by the committee, it's pretty easy to write, essentially, a letter that is a report saying that, yes, it was approved by the committee. If that is the formality that would make people more happy, then I think that that's something we could do. But I think that this is a straightforward regulation and very much needed, so I'd say that we should just move forward with it.

Thank you.

The Chair: Thank you.

Dr. Swann: Well, I concur with Ms Notley here. This has garnered a lot of attention both provincially and nationally, and I think we want to be sure that we do this in a way that's respectful of the very people that were harmed by the previous approach. The media have to be involved in some way. In access to information they were, I think, the most effective in bringing forward some of the concerns about families and access to information around this whole issue and challenging the decision to put a ban on publications. So it would appear – and I think it may be the reality – that we are ducking the broader issue of having a more broad public discussion about this, the manner in which we carry out this change and make sure that we have the best set of conditions around publication or the application to ban the publication.

I'm in no way an expert on this issue, but I certainly feel that the people who are most affected by this and who have been involved in this issue, families themselves, people in the past who have been either harmed by the publication ban or not, have an important perspective on this and may have some very salient suggestions to make about how to make this the most effective regulation it can be.

The Chair: Thank you.
MLA Fritz.

Mrs. Fritz: Thank you, Madam Chair. I, too, am pleased that this regulation is before us today. I think that the earlier comments, that we're sweeping this issue under the rug, are incorrect. The minister has put forward what you have on the agenda, and on the agenda it was the request from the Minister of Human Services. The minister has requested that our committee consider the regulation that's before us, that you read earlier into the record, and we are doing that. In consideration we can make decisions in our approach as to how we consider the regulation. I've heard that approach, you know, put forward with a report, et cetera, and that can be under discussion.

10:50

The second point that I really am concerned about is that it's been put on record that this committee would only consider this for a half-hour or 45 minutes, which is highly inaccurate. We have considered other issues at this committee, you know, many times in different meetings, where we keep bringing the issue back and consider it again and again. We have lots of time here this morning to discuss the approach, which I appreciate. I know the approach that you would like to take, MLA Notley, and I'm interested in hearing debate on that approach. Also, I know, Madam Chair, that you're very gracious in how you chair the meeting because I've seen that as well and that we will bring this back time and time again until we have it right if we need to. But we need to go ahead with the discussion.

The Chair: Thank you.

Ms Fenske: Well, I'm obviously missing something here, so I'm going to just kind of go over what I believe that we're doing. What we are trying to do is to create a regulation that centres around the family and the child and gives them the opportunity to opt out. What I have in front of me is a form that looks relatively easy to be able to fill out, which says: I would like to have a ban on this publication. If this form is not filled out, then the media, who often look for this type of information, have access to everything. So I think that we are being very cognizant of how the issue evolved in the past, yet we are giving the family an opportunity in a time that's very trying to them to perhaps, if they choose, be able to have the ban put in place. But if this form isn't filled out, then there is no ban. So I'm kind of at a loss as to what we're trying to put under the carpet, so to speak.

Anyhow, thank you.

The Chair: Thank you.

Before I recognize MLA Notley, I also understand that this is fast, it's simple, it's inexpensive, and there's no lawyer required to fill this out, to protect the family, for additional information.

Ms Notley: Well, I think what's happening here – unfortunately, what we're doing is that we're now moving into discussing the substance rather than the process, and I actually think that the process discussion, which was starting to be alluded to by MLA Fritz, is actually the discussion we need to have. How do we go through this? The foray into the discussion about the substance is, in my view, clear evidence as to why we need to think through the process because even what you say is inaccurate. I mean, you're partially correct, but you're not completely correct, which is why this is a complex issue.

The fact of the matter is that the way the regulation reads right now, yes, the family can do that, but so too can the ministry. There is nothing to stop the ministry on an ex parte basis from applying before a judge in a five-minute application with every fatality to get a publication ban in place, and there are no criteria in place for when that would happen other than whether there is a sibling in the system. Our apparent policy people can probably give us the answer to this question, but I suspect that about 80 per cent of the children who are in the system right now have siblings in the system.

So because it is so without clarity, it is so without criteria, it is so without substance, what this regulation currently allows for is for the ministry on a pro forma basis to go before a judge without giving notice to anybody to get an ex parte application, which typically takes about five minutes, on the basis of criteria that are not clearly laid out to get a publication ban on 80 per cent of the

cases and maybe more. I don't know how many children who are the victims of fatalities actually have siblings in the system, but I expect that it is the vast, vast majority of them. Right there the conversation reveals a bit of a misunderstanding about what this regulation says and how it could be used.

Again, there are other issues that are implicitly raised in the regulations as well. Notice is deemed to have been given. It's very easy to give notice of the publication ban to major media outlets; it's absolutely impossible to provide notice of the publication ban to alternative media outlets, for instance. It also doesn't define what are the best interests of the siblings in the system. There are countless – it doesn't talk about what happens when you have a debate within the family, which anybody who practises in the area knows is very common.

It's really not as simple as it seems, which is why what I'm suggesting we need to do – and those are just a few of the examples. I haven't listed all the various questions. If you look at this for a little bit of time, you realize that there are a whole bunch of different issues impacted by this allegedly simple form and regulation. That was what preceded the discussion to introduce the amendment in the first place in the Legislature, to make sure that we're not constructing something that is even more confusing than what we had before, to make sure we're not putting something into place that inadvertently provides those with the cultural and social capital to exercise their rights on it and those without to not.

So there are issues. I'm not suggesting we spend a long time, but I am suggesting that we give notice to the people who have an interest in this issue as to what the regulation actually says because, of course, no one but the people in this room knows what it says right now and anyone who watched in the last 10 minutes when it was put up and posted. I think we should give notice, and we should invite people to offer up their opinion. Then we can reconsider whether we should invite those people to speak to us or whether simply that's adequate, just reviewing their written opinions and then having a discussion about it and then reaching our conclusions at that point. What I am saying is that this is far more complicated than some people here want to characterize it as, and it's because it's a complicated issue.

As I said in the Legislature when I brought forward the amendment in the first place: it's not black and white. There's no good and bad and evil and, you know, white hat and black hat. It's complex, and I think we do it a disservice by not ensuring that it gets the attention it deserves. I, too, want it to move quickly because in the absence of us moving, the ban stays in place, and I don't want that to be the case either. So I have a great interest in ensuring we move quickly. I just want us to do it thoughtfully.

The Chair: Thank you.

As chair I invited a legal representative from the department to be in attendance. The ex parte application process: would you be able to clarify for us? I have questions about that as well. If you could join us at one of the mikes there and state your name and position and if you would clarify the ex parte application and some of the questions that MLA Notley has raised.

Ms Notley: But those aren't all of my questions. That's my point. We need to have a proper process. This is not the way it should be done.

The Chair: Thank you.

Mr. Goodburn: My name is David Goodburn. I'm legal counsel with Human Services legal services. The ex parte process was designed to create a timely and simple process for family members. In essence, what we're doing with the ex parte process

is not requiring family members to identify all interested parties beforehand. Because of the instant media world that we live in, there is an issue with timeliness of getting before the court to make this application, and unlike a lot of other applications for a publication ban, there's no existing court application or court process in place. For example, when you're looking at a Youth Criminal Justice Act publication ban, there's an existing trial going on with the charges. For the young person here we don't have anything like that. The idea is that family, rather than spending their time and efforts at the start identifying who might be affected . . .

Ms Notley: The ministry, correct?

Mr. Goodburn: No. Families.

Ms Notley: But what about the ministry? The ministry also has access to the ex parte application. I just think it's a little bit misleading to not identify the fact that the ministry is going to be the biggest user of this provision.

Mr. Goodburn: You are correct in that the ministry does benefit from the ex parte process as well. It certainly wasn't designed that way. I mean, as a ministry we certainly have the legal resources at our disposal to go ahead and identify those people and create this service and do that in a much more expedient manner than family members would. But you're certainly correct that we do benefit from that process as well.

11:00

In terms of use, I mean, the design is for family members. Like I said, the ministry does have the option to use it, and there is policy being developed in terms of their restrictions on use and how the ministry will use it, but the intent is not that the ministry will be the large user of this. It's really intended for family members.

Ms Notley: That's not how it's written, though. This is why we need to have a discussion about it. That's not how it's written.

The Chair: Thank you. Thank you for the clarification.

Ms DeLong: I'd just like to know, you know: in what way is it written that it does not satisfy you?

Ms Notley: Okay. Well, again, I'm frustrated having this conversation because we should be talking about the process here, and I don't want to have a substantive discussion right now. As a committee we didn't get to decide who would come to give us advice, first of all. So we're hearing from these lovely people from the ministry, but as a committee we didn't decide that these are the people that should be here. That, in my view, is out of order. As a committee we have also not identified the other stakeholders who have a role to play and a position to articulate, say, for instance, the press council, as an example; say, for instance, the organizations that represent families; say, for instance, the organizations that represent foster families; say, for instance, the children's advocate. All of these stakeholders should be here. So I am very frustrated.

I'm on the verge of making a point of order because I think that we are not addressing the preliminary point adequately. The conversation as a whole is not proceeding appropriately. As a committee member I feel like my rights are being violated because I've not had the opportunity to identify the folks who should be part of this discussion. Instead we keep moving into a conversation on the substance, with some hand-selected people here to give

us a bit of information without the committee members having had an opportunity to discuss whom they should hear from in order to determine that we are making the best-informed decision possible.

So I want to go back to that question. The only reason I identified one or two of the substantive issues was to give you an example of how it is more complicated than people here are suggesting, but I did not identify them so that we could then debate them. I identified them so that we could go back to the preliminary issue of how as a committee we want to proceed in a way that ensures we act judiciously and thoughtfully in a well-informed manner, ensuring that we represent and respect the rights of all committee members. We have that right, yet I'm not feeling that it's happening yet.

The Chair: Thank you.

I guess what I'm hearing on the phone and at the table is two people with issues, but I'm not hearing a lot of general issues. I'm hearing that the regulations are pretty straightforward and that the form is simple and convenient and fast-working for families. So I'm not hearing a big push for . . .

Ms Notley: I'd like to make a motion that the committee invite affected stakeholders to review the regulation and make submissions to the committee about their view with respect to the merits of the regulations as they are currently constructed.

The Chair: Okay. Discussion on the motion?

Dr. Swann: I would second the motion.

The Chair: No seconder required. Speaking to the motion.

Dr. Swann: I support the motion.

Mrs. Fritz: Can I ask you, Madam Chair: what is the downside of hearing from stakeholders? I mean, we've done that previously with a private member's bill here, where people came even from the United States to present to us. We're a very transparent committee. We have a member saying that their committee rights are violated, we have some strong sentiment at the table from a committee member, and I didn't hear the legal counsel answer the last question that the committee member put forward. I know that one of our committee members here is seeking that answer, but we've moved back now to process. So, Madam Chair, if you could help me, what is the downside?

The Chair: I think that there has just been, if you will, a pent-up demand to get this moving forward for the families, so we wanted to get this under way. But you do make some very valid points.

Mrs. Fritz: Perhaps we can ask that of the ministry members that are here. How long would that take to have this regulation, which was just posted this morning, I think, Madam Chair? Is that correct?

The Chair: Uh-huh.

Mrs. Fritz: And how long would that take to have, you know, the public response back to you, and in what format could it be fairly quickly done so that we could meet again as a committee? [interjections] Well, don't shake your head at me. I don't know that; that's why I'm asking the question.

The Chair: Thank you.

Mr. Reynolds. Dr. Reynolds. No?

Mr. Reynolds: Well, I'm not a doctor, but thank you.

No. When the regulation comes to the committee, it's the property of the committee right now, so if there were to be submissions, the usual practice would be that the committee would, if you will, manage the submissions in the sense of arranging for them to be reviewed, provided to committee members. This is a practice that's gone on with other, as was pointed out, bills or areas of interest, areas of investigation.

Mrs. Fritz: Could you answer the question, then, how long that would take? That was my question.

Mr. Reynolds: Well, how long it would take . . .

Mrs. Fritz: Since the regulation was just posted, then who is it here that can answer the question? I just want the answer to the question.

Mr. Reynolds: Well, how long would it take: it's rather up to the committee to decide how long you want to leave it open for people to comment on it. That's usually the practice, but I'll let Dr. Massolin answer that as he's handled the submissions on other matters.

Dr. Massolin: Thank you, Madam Chair. Yes. I would say that it really does depend on what the committee wants to do in terms of how extensive, how many stakeholders, how dispersed that is, the period of time that the committee wishes to give them for the response, the time it takes to review that, and then whether or not the committee subsequently wants to hear from these individuals or others in person or request research. There are a variety of things that can be incorporated into such a review. Depending on what is chosen, that'll determine the length of the review, within that six-month time frame, of course.

Thank you.

Mrs. Fritz: Thank you.

The Chair: Can I suggest, then, that the mover may consider the following motion, that the Standing Committee on Families and Communities authorize the chair in consultation with the deputy chair to approve a stakeholders list for the review of the draft publication ban regulation?

Ms Notley: Could it be for the deputy chair and the chair to approve it after consultation with the full committee, like, just an e-mail consultation, just so that it's written so that we can add people to the list?

The Chair: Friendly amendment. Sure. Okay.

Ms Notley: That would be appropriate. Yep.

The Chair: Okay. Accepting it as a friendly amendment, and you've moved that motion.

Ms Notley: And you've added the friendly amendment? Sure. Yes, indeed, if that's clear. Is that clear?

The Chair: Yes.

Mr. Reynolds: I was just wondering if perhaps you might want the committee clerk, then, to read over the motion.

The Chair: With her friendly friendly.

Mr. Reynolds: Yes. It's still Ms Notley's motion.

Mrs. Sawchuk: Moved by Ms Notley that the Standing Committee on Families and Communities authorize the chair in consultation with the deputy chair and with the approval of the committee to approve a stakeholders list for the review of the draft publication ban (court applications and orders) regulation.

Ms Notley: So with adding "with the approval of the committee," that allows committee members to add names in the event that . . .

Mrs. Sawchuk: Yes.

Ms Notley: Yep. I think that's quite reasonable.

The Chair: Everybody wants to get a piece of the action here. Councillor Fenske – I mean MLA Fenske. Sorry.

Ms Fenske: Going back a few years.

The Chair: Going back.

11:10

Ms Fenske: I mean – and the hon. member also had mentioned this – time is of the essence with respect to getting this out here because it's been delayed. I really would like to have some discussion on how long this would all take before I vote on this particular motion. I think we need to do this for the benefit of the families. You know, we have to take a look, I guess, at the length of time to allow people to contribute and when we can set our next meeting. I need to know that because if this is going to take six months, I don't think that's acceptable.

The Chair: Could we have a one-month time limit?

Ms Notley: I would think that, yeah, once we get the list established, then one month is more than generous.

The Chair: So let's say today a week Friday for the list to be completed and then a month. Would that be friendly? That could be a friendly written into the motion.

Ms Notley: And then we would reconvene to review whatever had been cemented at that point.

The Chair: Apparently, that doesn't need to be part of the motion.

Ms Notley: Right. Okay.

Ms Fenske: It was just a clarification of what . . .

Mr. Reynolds: Sorry, Madam Chair. That was my point of clarification. I assume Ms Notley's motion, when it said "the approval of committee members," meant the approval outside of a meeting so that you wouldn't have to meet again to approve the stakeholders list. Was that your intention?

Ms Notley: Yes.

The Chair: We will have that completed by next Friday. We just verbally agreed that by next Friday we would have that list completed.

Hon. Rogers.

Mr. Rogers: Thank you, Madam Chair. Just a friendly thought, and, again, not to affect the motion at all. I'm just a sub on this committee today, but I'm just thinking of the reality of where we are. This is the middle of July, summer. It's really hard to get people together. I'm wondering if you might look at something towards the end of August, at least something like that. I heard

somebody say a month. Trying to get the decision of who's going to come, get them here, grab the members together: I think it's going to be a tough task. I, too, like hon. Fenske – this is something that the public has been asking us for for some time. The minister has made the efforts. I really hope that it will be proceeded with in some expeditious manner, but by the same token be mindful of the time of year that we are in.

Thank you.

The Chair: Could it be a condensed meeting schedule for the last week in August and the first in September?

Mrs. Leskiw: First week in September is good.

The Chair: First week in September?

Ms Notley: You guys have nothing going on, eh?

Mr. Rogers: That's my point.

The Chair: I'm drawing on the experience from one of the other committees that I was on. We can do a very intense scheduling like three meetings a day for a couple of days, and then people are in town, and we would be respectful of time.

MLA Fritz.

Mrs. Fritz: Thank you. I'm pleased to see the direction that you're going in with this, Madam Chair, but I would like to see it actually be the second week or third week in September and to do exactly what MLA Rogers said about recognizing that the public, that may want to participate in this process, will need time over the summer.

The Chair: That sets it back two months, though, you know.

Mrs. Fritz: Well, it's only eight weeks over the summer.

Ms DeLong: A couple of things. First of all, is there anyone here from the department who might comment on any involvement that the families might have had in the drafting of this form, whether or not there was and if that's essentially already been done?

The Chair: I think that's what we're going to address when we invite our people in.

Ms DeLong: I think it's very pertinent to this question, though.

The Chair: Okay.

Ms DeLong: If we're going to delay, you know, having this available to the families for two months, I want to see that there's some reason to do that. On one side, I'd like to know what consultation has been done with the ministry, okay? The other thing is that I still don't see anything in this form that raises any sort of red flags in terms of the stakeholders, and until somebody says, "Hey, you know, we've got this big thing, this big reason that these stakeholders are going to be concerned," then essentially what we're doing is that we're just denying the families this capability for two months.

The Chair: Do we have someone from the department to answer about the consultation process or how the families have been involved?

Mr. Goodburn: The families were certainly involved when we were doing the act. In terms of the regulation we were not consult-

ing specifically with families. It's a court process and a court form, so we did not consult with families for that.

The Chair: Thank you.

Councillor – oh, jeez. We worked together for 10 years before. Sorry. MLA Fenske.

Ms Fenske: That's all right. That's a favourite part of my career.

One of the things that I think we could look at to expedite this is actually to have them do written submissions instead of parading people through here. I think time is of the essence, and I think that if they have something to say, they would be able to submit that in writing. I don't agree with postponing it later in September. I think we need to get this done sooner rather than later, so I would like to see a compressed time period. You know, I'm thinking that people have thought about this for a long time, so that to put their . . .

Ms Notley: Well, some have, but they haven't seen the regulations.

Ms Fenske: Okay. But, I mean, they're quite simple regulations. I don't think you have to be a lawyer. Yes, I understand that you may want to have some comment as to, "Oh, this raises a bit of a question," but I still think they can do it in a written submission. I think, then, that the onus is on the committee members to ensure that they've read those submissions thoroughly and to be able to make a reasoned decision from there. I would prefer not to have to invite people to come to speak to us when they can do it that way.

The Chair: Thank you. I think we're sorting out a compromise here, and I think you make a very good point.

So written submissions from families is what I'm hearing, and we're looking at a timeline of next Friday if we can have a list that we're looking at.

Ms Notley: Of stakeholders.

The Chair: That's right, the stakeholders we will be inviting. Stakeholders can send in written submissions, but we will be inviting some as well.

Ms Fenske: Oh, I wouldn't invite.

The Chair: Just do written submissions?

Ms Fenske: I would say that we would just do written. That was where I was going with my comments.

Ms Notley: If I could, in the past sometimes when it's worked that way – and just to be clear, I don't necessarily feel we need to have hearings. I think written submissions would probably do the trick. That being said, processwise in the past the way we've typically done it is that we've let people in their written submissions make a case if they feel they want to present in person to the committee. We don't offer it up. We don't say: "We're having these hearings. Do you want to come on down?" We say: "We'd like written submissions. If you strongly believe you want to address us directly, please indicate why." Then the committee can consider it and potentially reject it. That's within the parameters of the committee, and we've done that in the past. I agree with you that in principle I don't imagine that it's something that can't be addressed through written submissions, quite honestly.

The Chair: Okay. So where we're sitting right now, it's the 16th. What I'm hearing is that we would have the list formulated by the 25th, which is a week from Friday. We would send that out, get

letters out the week of the 4th of August, receive written submissions until the 22nd, and then meet either the last week in August or first in September. Is that sounding like a plan?

MLA Fritz.

Mrs. Fritz: Thank you. I agree with that timeline given that it would be written submissions only, and it does compress it much more than having people, you know, coming to testify at the committee in some way.

Mrs. Leskiw: What I like about it is that it makes everyone happy, and we can't be accused of not allowing these families to have a voice. So I agree with the letter submissions and the timeline of having it at the end of August.

The Chair: Thank you.

That is why committee work is so important. We get there eventually together. Thank you.

To recap, the motion we have on the floor, moved by MLA Notley, is that the Standing Committee on Families and Communities authorize the chair in consultation with the deputy chair to approve for the review of the draft publication ban regulation a stakeholders list that can be added to by the members, something like that.

11:20

Ms Notley: I was going to say that you changed the wording a bit from the last one.

The Chair: We've got how you said it before.

Ms Notley: Okay.

The Chair: Do you have something else to read out?

Mrs. Sawchuk: I think it was just the order, Madam Chair.

The Chair: Okay.

Mrs. Sawchuk: I believe it was just the order. Moved that the Standing Committee on Families and Communities authorize the chair in consultation with the deputy chair and with the input of committee members to approve a stakeholders list for the review of the draft publication ban (court applications and orders) regulation.

The Chair: That's the motion we have on the floor. I will call the question on the motion? Those in favour? Any opposed? On the phone? Okay. The motion is carried.

Then further, to summarize the timing. We have the stakeholders list ready by Friday, July 25. The week of August 4 letters will be sent out to the stakeholders. The deadline for submissions will be August 22. Then we will schedule meetings the last week in August or the first week in September, having some flexibility for who can attend and that sort of thing. Sounds good? Thank you.

Okay. We also need a motion that

the Standing Committee on Families and Communities invite representatives from Alberta Human Services to provide a briefing on the draft publication ban (court applications and orders) regulation at the next committee meeting.

Could we have a mover for that, please? MLA Fritz. Thank you.

Ms Notley: Could I just ask a quick question?

The Chair: Yes.

Ms Notley: I don't know exactly what the roles are of the people here, but I was actually going to suggest that we do something just like that, so in principle I'm in favour of that. As a committee member I would just want whoever is coming to give a briefing to be someone that is in a position to talk about the expected plans of the ministry in relation to this regulation. I do want to hear about the families, but what's really important here is how the ministry is going to exercise its rights under this regulation, and then we can look at the degree to which those parameters are reflected in the regulations.

The Chair: I see your comments being noted.

Ms Notley: Okay.

The Chair: Thank you.

Mr. McAllister: Madam Chair, can I make a brief comment?

The Chair: Yes.

Mr. McAllister: Thank you. I've enjoyed listening to this discussion and how we've worked through, I think, some very important details. I'll just be very brief. There's no question, obviously, that this whole process of reporting on child deaths in government care was terribly flawed, and I know that's why we're here today, trying to move past that. It also raises questions though, as MLA Notley pointed out, as to how that motion is written. I think that's going to be addressed. The stakeholder input that we're seeking: I'm just perplexed as to why we're doing that now and why that wouldn't have been done beforehand. To the point of hearing from ministry officials, is it unreasonable to expect to hear from the minister himself at our committee? I'd ask that. Secondly, I'd like to know, once it's implemented and we do get past this motion, is it possible also to make sure that we can review it, to assess its value down the road?

Thank you.

The Chair: Thank you. Good comments. We can always review motions and regulations as we move forward. As a committee that's our purview, but you make some good comments.

Okay. It was MLA Fritz that moved that the department attend. Those in favour? Any opposed? That is carried. Thank you very much. Well, we got there.

Now on our agenda the next item is other business. I know that this is a long-standing committee, but there are a lot of us that are new, so I'd also ask by the 25th if anyone has agenda items that they would like to be discussed and taken on as a project. I know mental health has been discussed. If there are any ideas on what that would look like, if there's any framing of what the review would look like, any other ideas. It's a new committee, and it's got to be the wish of this committee.

Mrs. Leskiw: I was on this committee before, and mental health was brought up, but I really think we need to narrow it down because mental health could be – I mean, you could write books and books and books on mental health. I think what we need to do is break it down, what part of mental health we want to deal with, in some sort of chunks that we can actually be productive in. I don't know if that's possible, but I just think the topic of mental health is as big of a topic as saying: let's talk about government. I mean, where do you start? Where do you finish?

I believe it's a very, very important discussion, whether we're dealing with the mental health of children, mental health of adults. What exactly are we going to narrow down our mental health

discussion to? I think each one of us has our own personal opinions. As a former teacher the mental health of students is very, very important to me, but even that is a broad topic. So I would like us to narrow down any suggestions we have on the topic of mental health.

Ms Notley: Well, having been here throughout the duration of this conversation and having been part of the process of sort of establishing this as a priority of the committee immediately after the last election in 2012 along with MLA Swann, MLA Forsyth, and MLA Pastoor, what happened up to this point, just for the information of other committee members, is that we actually had a remarkably productive and informative and, I think, valuable first four months, in that the committee had the benefit of hearing from the deputy minister for Education, for Health, the VP of AHS, from Justice, and from Human Services. We also got some good research done, some preliminary research done, by the staff of this committee.

Flowing from that was the identification of the fact that someone in government – I think it was Health – was going to orchestrate something referred to as a GAP-MAP because one of the first things that was identified is that nobody in government could actually describe how mental health services were being provided in Alberta. Before the GAP-MAP could be completed and released, the committee was then sent off on different courses by the majority of the Legislature, with some frustration on the part of some of the opposition members because we felt that we were actually starting to get somewhere.

So the point of that is twofold. First of all, I think the mental health piece must be continued. To current members of the committee who were not there at the beginning, I would strongly recommend that you read the transcripts of the meetings that we had where we had presentations from those senior officials that I outlined. It was very illuminating. Then I would suggest that at this point the first place for the committee to start its work would be using that GAP-MAP, reviewing that GAP-MAP, and from there looking at how we might focus our discussions from that point.

Just to give you some background on what had been done up to this point. Yeah, of course, it's a gargantuan topic, but we need to know what we don't know before we can start looking at what we need to know. That's what we were sort of halfway through doing when the committee was set off on a different course.

The Chair: Thank you.

I take those as good comments. I suspect that when we hear back from committee members, mental health will come back as a priority. We've talked, and I know that it is top of mind for a lot of our committee members. So we could also direct our research staff to dig up the GAP-MAP and some of that background information. We can do it at this meeting, just knowing that mental health is going to come up. We're pretty confident that that's going to be one of the priorities.

So could we have someone move a motion that

Families and Communities direct LAO to retrieve the GAP-MAP and the background material so we can have that as we move forward.

MLA Fenske.

Ms Fenske: You bet.

The Chair: Okay. You'd make that motion?

Ms Fenske: Yes, I will.

The Chair: Thank you.

All in favour? Those opposed? That is carried.

Mrs. Leskiw: Could we have that sooner rather than later? If I recall, there's a lot of information in that. By reviewing that, it would give us a good indication in what direction we as individual members of this committee – we might find that each one of us has a different section of that that we're interested in.

11:30

The Chair: Good comments.

Yes, Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. I can speak to that, and, yes, we'll expedite it.

Thank you.

The Chair: Thank you.

Is there anything that we would like research to do for us as we move forward with the regulation that we'll be dealing with in the next month?

Ms Notley: Well, as I touched on briefly in my comments, what I would like to know, again, is what the percentage of – I'm not exactly sure how I would describe this, but the regulation and the publication ban are triggered when a fatality occurs to a child in care or who received services in the previous two years who has siblings within the system. One thing that would be very helpful as a starting point would be to know what those numbers are, as a breakdown, from the ministry or from LAO, whichever, just so that we know who the publication ban exception regulation is applying to or how many cases it would apply to. So, yes, that was just a very preliminary question.

The Chair: Do you need a motion, or is that fine?

Mr. Reynolds: No.

The Chair: Okay.

Mr. Reynolds: Philip might speak to it. I think that that might be a question that we can alert the ministry to because, given the process for publication, we wouldn't have, I shouldn't think, access to that information.

Ms Notley: But the ministry could, hopefully, work collaboratively.

The Chair: Thank you.

Okay. With that, the next item is the date of the next meeting. Is it okay if it's at the call of the chair? We've got kind of our time frame scheduled out. So that's fine.

I would look for a motion for adjournment. Thank you, MLA Sandhu. Those in favour? Those opposed?

Thank you very much, everyone, for coming out.

[The committee adjourned at 11:32 a.m.]

