



Legislative Assembly of Alberta

The 29th Legislature  
Second Session

Standing Committee  
on  
Families and Communities

Mental Health Amendment Act, 2007, Review  
Bill 203, Fair Trading (Motor Vehicle Repair Pricing  
Protection for Consumers) Amendment Act, 2016

Thursday, June 30, 2016  
9 a.m.

Transcript No. 29-2-11

**Legislative Assembly of Alberta  
The 29th Legislature  
Second Session**

**Standing Committee on Families and Communities**

Goehring, Nicole, Edmonton-Castle Downs (ND), Chair  
Smith, Mark W., Drayton Valley-Devon (W), Deputy Chair

Dang, Thomas, Edmonton-South West (ND)\*  
Drever, Deborah, Calgary-Bow (ND)  
Hinkley, Bruce, Wetaskiwin-Camrose (ND)  
Horne, Trevor A.R., Spruce Grove-St. Albert (ND)  
Jansen, Sandra, Calgary-North West (PC)  
Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND)\*\*  
Luff, Robyn, Calgary-East (ND)  
McKittrick, Annie, Sherwood Park (ND)  
McPherson, Karen M., Calgary-Mackay-Nose Hill (ND)  
Orr, Ronald, Lacombe-Ponoka (W)  
Pitt, Angela D., Airdrie (W)  
Rodney, Dave, Calgary-Lougheed (PC)  
Shepherd, David, Edmonton-Centre (ND)  
Swann, Dr. David, Calgary-Mountain View (AL)  
Woollard, Denise, Edmonton-Mill Creek (ND)\*\*\*  
Yao, Tany, Fort McMurray-Wood Buffalo (W)

\* substitution for Bruce Hinkley

\*\* substitution for David Shepherd

\*\*\* substitution for Karen McPherson

**Also in Attendance**

Anderson, Wayne, Highwood (W)

**Bill 203 Sponsor**

Carson, Jonathon, Edmonton-Meadowlark (ND)

**Support Staff**

Robert H. Reynolds, QC	Clerk
Shannon Dean	Law Clerk and Director of House Services
Trafton Koenig	Parliamentary Counsel
Stephanie LeBlanc	Parliamentary Counsel and Legal Research Officer
Philip Massolin	Manager of Research and Committee Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Karen Sawchuk	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**

### **Participants**

Office of the Mental Health Patient Advocate

Carol Robertson Baker, Mental Health Patient Advocate

Ministry of Health

Fern Miller, Director, Addiction and Mental Health, Health Services

Ministry of Justice and Solicitor General

Tracey Bailey, General Counsel, Health Law

Sunny Menon, Barrister and Solicitor, Health Law



9 a.m.

Thursday, June 30, 2016

[Ms Goehring in the chair]

**The Chair:** Good morning. I'd like to call the meeting to order. Welcome to members, staff, and guests in attendance for this meeting of the Standing Committee on Families and Communities.

My name is Nicole Goehring, and I'm the MLA for Edmonton-Castle Downs and chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining in via teleconference. I'll start to my right.

**Ms Sorensen:** Rhonda Sorensen, manager of corporate communications and broadcast services at the Legislative Assembly Office.

**Ms Robertson Baker:** Carol Robertson Baker, Mental Health Patient Advocate, Alberta Health.

**Ms Miller:** Fern Miller, director, addiction and mental health branch, Alberta Health.

**Ms Bailey:** Tracey Bailey, general counsel, health law, Alberta Justice and Solicitor General.

**Mr. Menon:** Sunny Menon, legal counsel, Alberta Justice and Solicitor General, health law team.

**Mr. Dang:** Thomas Dang, MLA for Edmonton-South West.

**Mr. Horne:** Trevor Horne, MLA for Spruce Grove-St. Albert.

**Mrs. Littlewood:** Good morning. Jessica Littlewood, MLA for Fort Saskatchewan-Vegreville.

**Ms Woollard:** Denise Woollard, MLA, Edmonton-Mill Creek.

**Ms McKittrick:** Bonjour. Annie McKittrick, MLA, Sherwood Park.

**Mr. Koenig:** Trafton Koenig, Parliamentary Counsel with the Legislative Assembly Office.

**Ms Robert:** Good morning. Nancy Robert, research officer with the Legislative Assembly Office.

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

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Thank you.

**Drever:** Deborah Drever, MLA for Calgary-Bow.

**Mr. Rodney:** Dave Rodney, Calgary-Lougheed.

**Ms Luff:** Robyn Luff, Calgary-East.

**The Chair:** Mr. Orr, we're not able to hear you.  
All right. Mrs. Pitt.

**Mrs. Pitt:** Angela Pitt, MLA, Airdrie.

**Mr. Smith:** Mark Smith, MLA, Drayton Valley-Devon.

**Dr. Swann:** Good morning, everyone. David Swann, Calgary-Mountain View.

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

**Ms Jansen:** Sandra Jansen, Calgary-North West.

**Mr. W. Anderson:** Wayne Anderson, Highwood.

**The Chair:** Thank you.

Is there anyone on the phone that I missed? Thank you.

I'd like to note for the record the following substitutions: Mr. Dang for Mr. Hinkley, Mrs. Littlewood for Mr. Shepherd, and Ms Woollard for Ms McPherson.

A few housekeeping items to address before we turn to the business at hand. The microphone consoles are being operated by the *Hansard* staff, so there's no need for members to touch them. Please keep cellphones, iPhones, and BlackBerrys off the table as they may interfere with the audiofeed. Audio of committee proceedings is streamed live on the Internet and recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website. We have a number of members participating via teleconference this morning. A reminder that you can e-mail the committee clerk if you wish to be on the list for questions. Also, for the purpose of any motions, all members must vote, and I will call on those on the phone lines once members in the room have voted.

Up next is the approval of the agenda. Would a member move a motion to approve? Moved by Ms McKittrick that the agenda for the June 30, 2016, meeting of the Standing Committee on Families and Communities be adopted as circulated. All in favour of the motion? Any opposed?

**Mr. Orr:** Hello.

**The Chair:** Who's speaking?

**Mr. Orr:** Ron Orr. I've entered into the call.

**The Chair:** Thank you, Ron. Can you mute the phone? There's a lot of wind in the background.

**Mr. Orr:** I don't know if that's mine. I'm not in a windy spot.

**The Chair:** Okay. There's a lot of sound.

Thank you. Motion carried.

Members, I wanted to suggest that if the committee completes the items set out in today's agenda, there will be no need for the meeting scheduled for next Tuesday, July 5. Of course, this is provided solely for information at this point.

Approval of meeting minutes for June 20, 2016. We have the minutes from our last meeting. Are there any errors or omissions to note? Seeing none, are there any on the phone lines? Hearing none, would a member move adoption of the minutes, please? Moved by Mr. Horne that the minutes of the June 20, 2016, meeting of the Standing Committee on Families and Communities be adopted as circulated. All in favour of the motion? On the phones? Any opposed? Thank you. Motion carried.

Research services draft report on the review of the Mental Health Amendment Act, 2007. As members are aware, a motion was passed at the June 20 committee meeting directing research services to draft the report respecting the committee's review of the Mental Health Amendment Act, 2007, to include the recommendations and the motions approved at our June 20 meeting. This draft report was posted to the internal committee website last week for members' review.

I'd ask Ms Robert from research services to provide an overview of the draft report, and I will then open the floor to questions from committee members.

**Ms Robert:** Thank you, Madam Chair. Yes, the committee members were given a copy of the draft report which was prepared by research services. I'll just quickly go over the way that it's organized. It has an executive summary, which summarizes all of the amendments that were agreed to by the committee, and then there are various sections that provide the committee mandate, acknowledgments, that sort of almost pro forma information. Then the bulk of the substantive part of the report is in section 6, which again goes through the recommendations, just like the executive summary does, except that it provides a narrative to kind of give a sense of the committee deliberations that informed the decision to make the recommendations.

There's not anything else I really think I need to say. If anybody has any questions, though, I'd be happy to try to answer them.

**The Chair:** Thank you.

I'll now open the floor for any questions or comments. Anyone on the phone?

**Mr. Orr:** Yeah. If I may.

**The Chair:** Go ahead.

**Mr. Orr:** Maybe a comment on the parallelism on page 5, the executive summary. I just wondered whether or not there shouldn't be parallelism there between point 2 and point 3. Point 2 includes – well, I'll just quote part of it: “appropriate medical practitioner and health facility as well as family members.” Then in point 3, which I think carries much of the same thought, we've included, in terms of the clarification part, “health professionals” but not the family portion of it. I feel like the family portion of it may in fact be the area where, for health practitioners and facilities, the most amount of confusion would in fact ensue for them about whether it's appropriate or not to contact family. So I really wonder if, where it says “health professionals,” it shouldn't also include family there as well. I think we lose the parallelism of thought there. So that's my comment.

9:10

**The Chair:** Thank you.

Go ahead.

**Ms Robert:** Thank you, Madam Chair. You know, the committee made two separate and distinct resolutions in 2 and 3, so that is what the committee report reflects, the resolutions that were agreed to by the committee.

The other point I would maybe make is that, of course, the recommendations that are made don't include necessarily the legislative language that would be used if the government decided to make an amendment to this act. These are concepts, you know, rather than actual black-and-white language that the government might decide to use if they decide to go through with these recommendations.

Thank you.

**The Chair:** Thank you.

Do any of the ministry staff want to contribute? No.

Any other members with questions for ministry staff attending today from Health and Justice or for Parliamentary Counsel or research staff?

**Ms McKittrick:** I just have a suggestion around motion 2, and I would like to put a motion on the floor if it is the appropriate time.

**Dr. Massolin:** I think it might be useful, Madam Chair, if Ms McKittrick sort of explained the intention of this because you've got

a motion that was agreed to, a resolution, therefore, at this point, and I don't know if there's, you know, a need to alter it or what's going to happen next. So if we can get a sense, that would be great.

Thanks.

**The Chair:** Thanks.

**Ms McKittrick:** It's really just an issue of grammar in English and the intent. In reviewing the *Hansard* record around motion 2, we talk about medical practitioner and the health facility, in reading the original intent of the discussion and so on. What I'd like to suggest is that we change it to practitioners and health facilities in the plural because marginalized individuals who use services use usually more than one health practitioner or one health facility.

When I reviewed the *Hansard* record, it's very obvious that when MLA Shepherd was speaking, he talked about: “be amended to ensure that health care professionals notify not only the patient's family physician but also the other appropriate medical practitioner and health facilities as well as family members.” I just feel that the motion would really be improved and more reflect the discussion that happened in committee if we use the term “medical practitioners and health facilities as well as family members.” Also, when I look through the *Hansard* record, MLA Shepherd said, “but may also notify other appropriate medical practitioners and health facility,” so I think that the words “medical practitioners” and “health facilities” were used in the discussion and that the motion would reflect more the discussion if it was amended to include the plural.

**The Chair:** Go ahead.

**Mr. Koenig:** Thank you, Madam Chair. I'll just make two brief comments for the committee. The first one: in terms of the motions that were passed at the last meeting, at this point, because the committee has accepted them, it wouldn't be possible to amend those motions now. The process would be to rescind the motion and then to put a new motion on the floor, which would be voted on again with the revised language. Once the motion has been accepted, you can't return to amend it again.

In terms of the language in those motions, again I would just emphasize for the committee that the language is not intended to be legal language or to be directly translated into an act, so the committee is more than welcome to go back and rescind a previous motion and pass it with revised language. However, I would just emphasize the point that the current language is not going to restrict what goes into the act. You know, it will be at the government's discretion, the final language that is amended in the Mental Health Act, how it reads exactly.

**The Chair:** Thank you.

Any other questions or comments regarding Ms McKittrick's information?

**Mr. Orr:** Madam Chair, if I may.

**The Chair:** Go ahead.

**Mr. Orr:** Yeah. Not particularly with regard to that conversation but just a question, maybe a process. I understand the nature of the motions that have been made. Is it reasonable to think, though, that from the fact that we raise some of these issues and they go into the minutes, they would be taken note of later, when the government goes with this, or will they only be looking at this particular document, in which case it might be more significant to Ms McKittrick and myself and others to actually go through this

complicated process of rescinding and amending? That's my question.

**The Chair:** Thank you.

**Dr. Massolin:** Well, Madam Chair, as Mr. Koenig said, I think that the committee could simply just rescind this motion – there's some agreement being heard here now – and that would be a simple vote of the majority to rescind it and then simply introduce a new motion with the new language. I mean, it's a little bit cumbersome, but I don't think that it would take that long. If you feel strongly that this needs to be changed, I would suggest that that would happen. Then we would indicate some of this discussion in the report as well to reflect the will of the committee.

Thank you.

**The Chair:** Thank you.

**Ms McKittrick:** Well, I'm wondering what the other members of the committee would like to do. I think what's really, really important is that the discussion in the committee is reflected, with the understanding that a lot of the persons we are talking about use a large number of health facilities and medical practitioners given the nature of the interaction of the system. I'm okay to leave it as it is, as a motion, because I understand that the minutes and the *Hansard* record will reflect the discussion today, and that will provide understanding and direction to the government as they're potentially revising the act. So I'm happy to leave it there now that we've had the discussion and that there is consensus, I think, around the table that we mean medical practitioners and health facilities.

Thank you.

**The Chair:** Thank you.

Go ahead.

**Ms Robert:** Thank you, Madam Chair. I'll also just point out – maybe this will add a little comfort level to some of the committee members that have issues – that on page 10 of the draft report the last paragraph talks about the committee debating

the importance of preserving a patient's right to privacy and the confidentiality of their health information while at the same time providing health information to the appropriate service providers . . .

Plural.

. . . and family members.

So, you know, the intent of the committee is, I think, demonstrated there. I don't know if that helps the comfort level of the committee or not, but I just wanted to point it out.

Thank you.

**Ms McKittrick:** I'm fine with that in that it's reflected in other parts of the document.

**The Chair:** Thank you.

**Dr. Swann:** Well, I may have misinterpreted some of what's been discussed, but when we talk about health professionals, I hope that we're including social workers. Social workers have a lot of connections with many of these patients in their realm. I keep seeing health professionals indicated here in the circle of those to be informed and kept in the loop, but I don't see the words "social workers." Is it understood that social workers would be included in this array of related health professionals and caregivers?

9:20

**The Chair:** I would call on the ministry to perhaps respond.

**Dr. Swann:** They have felt left out, I know, in some instances.

**Ms Bailey:** I think that as we provide advice to the minister and government on this, we would be taking into account not only the report itself but the discussions that we were a part of and heard, if that helps to answer the question. I think that in some of our discussions about other health care professionals we understood from the committee that there was a concern that all appropriate providers, whether they be health care professionals or others, be considered in terms of an expansion in this area. Is that fair?

**Dr. Swann:** Great.

**The Chair:** Thank you.

Any other questions or discussion?

**Mr. Orr:** If I may, Madam Chair.

**The Chair:** Go ahead.

**Mr. Orr:** I'd like to move ahead, then, and just briefly comment on point 5, also on page 5, from the executive summary. Now that I see this and maybe others, just seeing it all very well consolidated here from staff – and, by the way, thank you, staff; you've done a good job on that – my question here now to the other committee members, their sense of this: number 5 seems to me to be overly sweeping. I understand the intent, but it's a very sweeping, generalized sort of statement. I really wonder if under the phrase "appropriate health professionals" in number 5 there we shouldn't be adding "where reasonable" because there may be situations where, say, in smaller communities and outlying areas, in fact, people will need to travel a little bit. I just wonder if a little bit of – I don't know – realism introduced into that phrase would not be more appropriate. At least, I want that for the record and maybe the comments of some of the other members as well.

**The Chair:** Thank you, Mr. Orr.

Anyone wishing to comment on that comment? Go ahead, Mr. Rodney.

**Mr. Rodney:** Thank you very much. As you know, I completely respect the people at the table, the people listening at *Hansard*. I don't want to take up too much of your time, but it's completely related to the last speaker and what's been suggested here, especially having to do with the word "should."

Each of you, I understand, has received the e-mail from Kathy Hughes. She made her presentation. I guess I wonder what might be happening with this. I'm asking for the advice of the chair. As you know, in her e-mail she asked two specific things. She asked "that the Standing committee on Families and Communities change this amendment to not include the word should and/or replace it with a more definitive adjective." The second thing she suggested or requested or recommended was to ask that the committee "change the word when to that are appropriately trained."

Folks, rather than reading all of the e-mail into the record – I know everyone received it – what I'd like to ask specifically the chair and I believe it was Mr. Orr, to whom the original e-mail was intended: I wondered where you folks planned on going. Let's face it. Kathy knows exactly what she's talking about. She has some great advice. I recognize with humility that I'm third-party opposition, and if I bring forward an amendment on this, it's not going to pass. I just need to know. This isn't about me or even my constituency; this is about an Albertan who knows what they're talking about. I'd just like to know what the suggestion from specifically the chair or Mr. Orr is in this respect.

**The Chair:** Thank you, Mr. Rodney. Your comments are very much appreciated. However, at this point we still need to deal with number 5, the first point that Mr. Orr had brought up. Once number 5 has been addressed and discussed through the committee, we can return to your comments regarding Ms Hughes' recommendations.

**Mr. Rodney:** No problem at all. I was just asking for other comments, and I'll leave it in your hands. I just wanted to get it on the record. I thought it was the fair thing to do not just for Kathy but everybody who submitted.

Thank you.

**The Chair:** Thank you, Mr. Rodney.

Any further discussion or comments on the discussion that Mr. Orr had originally brought forward regarding number 5? Go ahead, Dr. Massolin.

**Dr. Massolin:** Thank you, Madam Chair. If I understand Mr. Orr's concern correctly – and please correct me if I get this wrong, Mr. Orr – the concern is that with the health professionals there might be a limitation on who's available because of sort of time and geographical location. I'm wondering if the word "appropriate" – I think you suggested "where reasonable" – in combination with "health professionals" might not capture that in terms of, you know, not only the appropriateness of the professional qualifications but also the appropriateness of the situation. Maybe, you know, legal counsel from the ministry can comment on that as well. That's what I would offer.

Thank you.

**The Chair:** Thank you.

Go ahead.

**Mr. Orr:** Madam Chair.

**The Chair:** Would you like to hear from Justice prior to . . .

**Mr. Orr:** Absolutely. Sure. Please.

**The Chair:** Okay. Thank you.

**Ms Bailey:** What can I say that would be most helpful? Is it just the focus on including others other than health professionals?

**The Chair:** Dr. Massolin, I think, was suggesting that the word "appropriate" captures what Mr. Orr is requesting.

**Ms Bailey:** I'm struggling a little bit just because, in part, this is something that appears to direct funding and be outside of the scope of the review. Also, the fact is that a number of supports in the community are privately provided and, I think, beyond the reach of government. Having said that, I think the addition of the word "appropriate" would be a fair enough addition to capture what I'm hearing the committee discussing.

**The Chair:** The word is already there. We're on page 5, discharge supports, point 5.

**Ms Bailey:** You're talking about taking out the word "appropriate"?

**The Chair:** No. My understanding is that Mr. Orr would like some additional words related to where – sorry. Mr. Orr, can you make your . . .

**Mr. Orr:** Sure. Yeah.

**The Chair:** Thank you.

**Mr. Orr:** Yeah, I will. My concern – and I think it was just stated partially as well – is that the entire phrase is a very broad and sweeping statement. I think a bit of my uncomfotableness is with the fact that it does in fact seem to direct funding, because I don't think that we have any authority in this report to be trying to do that. I guess I read the word "appropriate" there to refer to the health professionals, but I think that it would be in place to add "where reasonable" after the word "professionals" simply because the decision or reaction or the choice that they, the appropriate professional, have to make in some cases needs their judgment, giving them the liberty of making a reasonable choice rather than absolutely saying that they must provide all these when in many cases it won't be possible for them to do that. That's my concern.

**The Chair:** Thank you.

Any further comments?

Mr. Orr, are you proposing a motion to rescind the current motion and replace it with the wording "where reasonable"?

**Mr. Orr:** Well, what I think might be a more efficient process for us as a committee would be to allow some of the other members to comment on this discussion, and if there's a sense of consensus, yes, I'd be prepared to make a motion. But I don't really see the need to go through that process if the immediate reaction of the other members is going to be: it's a waste of time, and, no, we're not going to do it. I would like to hear the comments of some of the other members on it.

**The Chair:** Okay.

Are there any other members wanting to comment?

**Ms Luff:** I just feel, you know, like Dr. Massolin has said, that the term "appropriate" sort of covers what's needed. Like, the point of what we were trying to say was that we wanted to ensure that folks were supported in the community upon discharge, so I'm not sure that extra words are necessary. To add "appropriate" and then "when reasonable" seems a little like too many words to me.

**Dr. Swann:** I agree.

9:30

**The Chair:** Thank you.

Any other members wishing to comment?

**Mr. Orr:** Well, I do think that they refer to different terms of reference, so there's a validity for it. But, again, if the other members are not prepared to support it, I think I'm prepared to say that it's on the record that I voiced what I think is important there, and I'll probably leave it at that.

Thank you.

**The Chair:** Thank you.

Mr. Rodney, did you wish to bring up your concerns and questions regarding Ms Hughes' e-mail?

**Mr. Rodney:** Well, with great respect, I believe that I have, so I don't want to take more time of the committee. I sense, with the tone of the last conversation, that this is a similar sort of situation, so I guess I'd like to just, you know, get the reaction of the committee and seek the advice of the chair and Mr. Orr, to whom the original e-mail was sent. Could someone please just tell us whether people would be agreeing with that first point, where Kathy Hughes asks if the committee would "change this amendment to not

include the word should [or] replace it with a more definitive adjective,” and the same thing with “that are appropriately trained”?

Let’s face it, folks. This is a report. It does go forward. But the fact remains that it will be debated in the Legislature, and an amendment could be made at that time that would, you know, see the light of day for all Albertans, when it is debated. I’m just looking for the advice of the chair, Mr. Orr, and anyone else on the committee. If it doesn’t make sense to bring it forward now, perhaps we do it later.

**The Chair:** Thank you, Mr. Rodney. Can you point out in the draft report where exactly those suggestions are?

**Mr. Rodney:** Well, let’s see. I mean, I could read her e-mail into the record if you wanted me to do that.

**Mr. Orr:** I think it’s mostly in point 2.

**Mr. Rodney:** Yeah. Go ahead, Ron. Feel free. I’m looking for reactions about this.

**Mr. Orr:** Sure. I did communicate back and forth with her a little bit, and I think it’s important that we consider these things. But also, to be honest, all of us are struggling here to find the balance of rights and best care for everyone. I realize that, for Kathy, her life experience – she really felt the need of that, but I also think that other individuals may not necessarily want that or may even feel overly pressured in some situations if we push this too far, to an absolute must. My own personal sort of trying to find the balance on it is that I think we’ve probably got the right language although I fully understand that she feels differently from her life experience. As I said, I’m just not sure everyone would have that same position. That’s my take on it.

Thank you.

**The Chair:** Thank you, Mr. Orr.  
Mr. Horne.

**Mr. Horne:** Yeah. I was just wondering if Parliamentary Counsel has any thoughts or insight on how best to approach this request from the public.

**The Chair:** Go ahead.

**Mr. Koenig:** Thank you, Madam Chair. I’m happy to make some general comments. I think it’s important to keep in mind that this report is being made as a recommendation, so the committee should be aware that the specific language in each of the motions isn’t going to be translated directly into the act. It will be at the government’s discretion what’s accepted, how it’s drafted, what it looks like if and when it goes forward. The issue of, you know, “must,” “should,” “shall,” I mean, from a text standpoint it’s not going to be directly put into the act if that is the concern. However, in terms of more general concepts, direction, objectives, if those things are what the committee is looking at revising, then it may be appropriate, should the committee wish, to pull back or rescind the motion and rephrase it so that it better captures the direction that the committee wishes to go. So in a general sense that’s what I would provide.

I’m not aware of this e-mail that’s being discussed; I haven’t seen it. But, I mean, we did speak about this issue of “should.” I believe there was an amendment made to that motion. There was a subamendment to add in the words “when appropriate.” I’m wondering if maybe someone in research services might want to just touch on that discussion, that happened, in particular.

**The Chair:** Thank you.  
Go ahead.

**Ms Robert:** Thank you, Madam Chair. Yes. I’ll just draw the committee’s attention to the transcript from the June 20 meeting, specifically pages FC-442 and FC-443.

In the course of discussing this recommendation with respect to notification, Ms Bailey from the Department of Justice and Solicitor General raised the issue of, you know, the fact that health professionals currently use their professional judgment to determine whether or not to inform, notify different people with respect to the patient that’s being discharged. She asked the question: does the committee intend to take away that discretion and make this a mandatory thing or to allow the discretion to remain?

Mr. Shepherd said: “I . . . want to be quite clear . . . we’re not in fact stating that this is an absolute requirement.” And then he tried to propose a subamendment, which Mr. Hinkley eventually did, and there was a discussion about: should we use “may,” should we use “should,” should we use “shall”? Then Ms Bailey again explained the difference between what it means to say “shall,” what it means to say “may,” what it means to say “should.” In the end, the committee decided that “should, when appropriate,” would be the best course forward.

I just wanted to draw the committee’s attention to that, that this discussion was held. Thank you.

**The Chair:** Thank you.  
Any other comments?

**Ms Bailey:** Just to follow up on Mr. Koenig’s and Ms Robert’s comments, neither Mr. Menon nor myself are leg. drafters, so when we go to work with Leg. Counsel, who are the experts on leg. drafting, what we try to do is to capture the intent of government. But they are the experts in choosing the appropriate language to reflect what government wants to see happening in the legislation. If that’s at all helpful.

**The Chair:** Thank you.  
Any other members wanting to comment? On the phones?

**Mr. Rodney:** I guess if nobody else will comment, I’ll just say this, Madam Chair, again, not a criticism, just a reality. The previous speaker had mentioned what the government wants. Let’s face it. They are the government. It has been noted – and I remember it well – that the conversation was all about the terminology, including this specific word.

As you know, having been around the block four times now, I’ve seen not only work on committees like this but the continued process when it goes to Leg. Counsel. So I am quite sure that it’s futile at this point to go through the effort of rescinding and speaking to a new motion and starting all over again for something that was done at this point with this committee. But I dare say that it may be worth revisiting when the rest of our colleagues from every one of the parties can be in on the discussion, once the actual wording is tabled in the Legislature.

If there’s anybody from the NDP that would like to say: hey, you know, I think that this is worth doing; let’s change “should,” and let’s change “appropriately trained.” But if no one believes that to be the case, then I’ll understand that the will of the government is to leave it as it is. That’s their prerogative. So I’ll just wait and see if anyone says anything. If not, then we’ll just have this on the record because I thought that this was important to mention.

Thank you.

**The Chair:** Thank you, Mr. Rodney.

Anyone else wanting to discuss or comment?

9:40

**Ms McKittrick:** I was really pleased to see that people who had interacted with us on this committee actually read the report and interacted with the material and gave us feedback. So I just wanted to acknowledge the contribution of Ms Hughes to the discussion.

**The Chair:** Thank you.

**Ms Luff:** Yeah, I just wanted to mention the same thing. I think we've all read the e-mail and taken what Ms Hughes says very seriously, and I think it's important to have her recommendations on record and that we've spoken about it right now. Like Mr. Orr said, at this time I'm not sure where the wording would change in terms of changing from "should." I feel like "must" is probably too strong, and we had a fairly robust conversation around what the wording would be in that amendment. I think, going forward, that as long as we have noted what Ms Hughes had asked for and that is, you know, reflected on record, being as this is a report, there should be some future reflection in – I feel like we've accomplished what we needed to in the recommendations as stated.

**The Chair:** Thank you.

Any other discussion or questions respecting the draft report? On the phones?

Okay. It appears that we've exhausted our discussion and questions respecting the draft report. Would a member be prepared to move adoption of the report? Moved by Mr. Horne that

the Standing Committee on Families and Communities approve the report on the review of the Mental Health Amendment Act, 2007, as distributed.

All in favour of the motion, say aye. On the phones? Any opposed? Carried. Thank you.

For members' information I'd ask that any minority reports be sent to the chair and the committee clerk by next Thursday, July 7. These will be attached to the report of the committee. The final report will be tabled via intersessional deposit by next Friday, July 8. The final report, including any minority reports, will be posted on the internal and external committee websites once it's tabled.

I'd like to thank the officials from the ministries of Health and of Justice and Solicitor General for their technical briefings at the beginning of the committee's review and for attending these past few meetings to provide their expertise when called on. I also want to thank our committee support, both research services and Parliamentary Counsel, for their contributions and assistance during this review.

This concludes the committee's review of the Mental Health Amendment Act, 2007. I'd like to provide an opportunity at this point for our guests to exit the committee meeting if they so choose.

Our next item of business is the review of Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016, which was referred to the committee by the Assembly on April 11, 2016.

The committee mandate. As members are aware, this bill was referred to committee by a motion approved in the Assembly, as follows:

Mr. Cooper: I move that the motion for second reading of Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016, be amended by deleting all the words after "that" and substituting the following:

Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016, 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.

There is no specific deadline for completion of this review. However, based on conversation with LAO staff, it does seem reasonable that the committee's review of Bill 203 would be completed in time for the tabling of our report prior to the end of the fall sitting.

Does Parliamentary Counsel wish to address the committee's mandate with respect to the review of a bill referred to committee after first reading?

**Mr. Koenig:** Thank you, Madam Chair. I'm happy to make a few brief comments about the process for a bill review. In this case, as has been noted, the Assembly passed a motion prior to second reading of Bill 203 asking this committee to review the bill. According to Standing Order 74.2 when a bill is referred after first reading but before second reading has been completed, the committee can "conduct public hearings on the subject matter of the Bill and report its observations, opinions and recommendations . . . to the Assembly."

In essence, what the committee is being asked to do is to look generally at the scope and purpose of the bill, what would typically be debated at second reading, the overarching scope or direction of the bill as opposed to a bill review that happens after second reading has occurred, which would be more focused on the particularities of the sections and the drafting language. This type of bill review will be more general in nature.

I'm happy to answer any questions from members if they have any.

**The Chair:** Thank you.

Are there any members wishing to ask any questions? Anyone on the phones?

**Dr. Swann:** I don't know enough about the issues to suggest who we should be trying to include, if any, in the broader consultation from the public and industry, from insurance, from criminal justice. Are there some guidelines that you would suggest to have the full scope of discussion that we may need on this? Others may know much more about this issue than I do.

**The Chair:** At this point, Dr. Swann, we're not asking members to come forward with a list of stakeholders. We would just be providing direction to LAO staff in terms of how we proceed from here. We're just having a general conversation about getting direction on how we proceed with the bill as opposed to the details of what we are going to do with the bill.

Just for members' information right now, Bill 203 has been posted to the internal committee website for your reference.

Does that answer your question, Dr. Swann?

**Dr. Swann:** Yeah. That's fine.

**The Chair:** Thank you.

Any other questions or discussion for Parliamentary Counsel?

**Mr. Rodney:** Madam Chair, to Parliamentary Counsel. I know that the procedure often is that at some point soon, perhaps in September, we'll be coming up with a list of stakeholders to consult with. I don't want to put the cart before the horse, but to me it's obvious that we would need to hear from – and this is just a note for future reference – the Motor Dealers' Association of Alberta and the Alberta branch of the Canadian Independent Automotive Association. I just thought I'd put that on the record.

**The Chair:** Thank you. It's noted.

I believe that it would be beneficial to hear from Mr. Carson regarding his bill. Is the committee in agreement with this approach? Do members have any questions or comments in this respect?

**Mr. Yao:** Just to clarify, we would hear from Mr. Carson first, before making a decision on moving forward with this bill?

**The Chair:** No. It wouldn't be today.  
Go ahead, Dr. Massolin.

**Dr. Massolin:** Thank you, Madam Chair. Maybe I can lend some assistance. What the committee has before it is a bill review: Bill 203, obviously. I would suggest, just from past practice and sort of maybe what's reasonable, that the committee should undertake an information-gathering exercise as the first part of its review – that would entail perhaps, you know, if the committee agrees, a presentation on Bill 203 by the bill sponsor – and then subsequently consider stakeholder presentations, both in written and perhaps in oral form, so that the committee can receive information from the stakeholders that this bill would affect. Also, there's a possibility of reaching out to the public. Of course, research services is available to provide any additional research that the committee should want in that regard.

9:50

The point is, I guess, that the committee is just at the outset here trying to introduce itself to the subject matter of the bill, gain some information about the bill from a more technical point of view and also from a stakeholder point of view and perhaps from members of the public. Then, after that, it can make some decisions as to what it might want to do in terms of recommending back to the Assembly how to dispose of Bill 203.

Thank you.

**The Chair:** Thank you.

**Mr. Yao:** I like how you used the word "dispose."

Yeah. I'm in agreement with that. That sounds like a very good, logical process for the committee. Mr. Rodney pointed out a couple of agencies. We also have a dozen agencies that we'd like to submit recommendations on as stakeholders, and I suppose we'll let you do your thing.

Thank you very much for that.

**The Chair:** Thank you.

**Dr. Massolin:** I meant "dispose" as in "disposition" as opposed to "disposal." Thank you.

**Mr. Yao:** We hear what we want.

**The Chair:** Mr. Horne.

**Mr. Horne:** Yeah. This private member's bill definitely represents a commitment from the sponsor to protect Albertans from unanticipated costs. It's something that I've heard a couple of times at the doors, on both sides of the discussion. Seeing as vehicles are such an important part of Albertan life – especially, a lot of rural Alberta is deeply impacted by how we look after our vehicles – it's great to see that this bill is focused on protecting Albertans against unforeseen financial stress by establishing guidelines to increase the transparency, accountability, and peace of mind for both consumers and business owners.

I know that the sponsor has worked very hard to consult on this bill since he tabled it, especially with the impacted industry, and

this review will allow us to further that consultation and get more input on the bill and ultimately allow us to make recommendations to strengthen consumer protection in the province and address the complexities of the industry. I certainly look forward to hearing from the sponsor on this bill.

**The Chair:** Would a member move a motion in respect to having Mr. Carson present to the committee?

**Mr. Horne:** Do you need me to read a motion?

**The Chair:** I have a suggested draft. Moved by Mr. Horne that the Standing Committee on Families and Communities invite Mr. Jon Carson, MLA, to make a presentation at the next committee meeting on Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016, in his capacity as sponsor of the bill.

Any discussion on this motion? On the phones?

I will call the question. All those in favour of the motion say aye. Any opposed? Motion carried.

Now we're on point (c), direction to committee staff. The committee may choose to advertise and invite written submissions, to hold public meetings, or to invite oral presentations from identified stakeholders. It has been suggested that we provide direction to our committee staff to compile information in the form of a draft stakeholder list and a draft communications plan to assist us in our discussions on these items at our next meeting, anticipated for late August or early September.

Do members have any questions or comments in this respect?

**Mr. Orr:** With regard to the communications plan I don't know what the implications of budget are, but aside from that, I think that the process we used for the Mental Health Act worked very well. It got us a large number of responses, and I suggest that we follow essentially the same format for communications.

Thank you.

**The Chair:** Thank you.

Anyone from Parliamentary Counsel or research want to comment?

Go ahead. Sorry.

**Ms Sorensen:** That's okay. Thank you, Madam Chair. Absolutely, we can come back with a communications plan outlining a very similar approach to what we took with the mental health review and provide some cost detailing for you at the next meeting.

**The Chair:** Thank you.

**Mr. Orr:** Perfect. Thank you.

**The Chair:** Any other discussion or comments, questions?

Is a member prepared to move a motion that

the Standing Committee on Families and Communities direct that communication services draft a communications plan, including advertising options and related costs, with respect to the review of Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016, for the committee's review at its next meeting.

Moved by Ms McKittrick.

Discussion? On the phones?

I will call the question. All in favour of the motion, say aye. Any opposed? On the phones? Carried.

The second motion that I have is that

the Standing Committee on Families and Communities direct that research services draft a stakeholder list with respect to the review of Bill 203, Fair Trading (Motor Vehicle Repair Pricing

Protection for Consumers) Amendment Act, 2016, for the committee's review at its next meeting.

Is someone prepared to move that motion? Ms Woollard.

Any discussion? On the phones?

**Mr. Orr:** Just to clarify, we will be able to comment on or add to that list at a later point?

**The Chair:** Yes.

**Mr. Orr:** Thank you.

**The Chair:** Anyone else on the phones?

I will call the question. All those in favour of this motion, say aye. Any opposed? On the phones? Motion carried.

We're now on item 6 of the agenda, other business. Are there any other issues for discussion before we conclude our meeting?

**Ms Luff:** I was just wondering. With regard to Bill 203 and the next meeting, I know that some work was done in the lead-up to the bill to, you know, make our legislation more in line with legislation in other provinces, so I think that for our consideration it might be helpful to have a crossjurisdictional analysis done. I'm just curious if that might be something that we could ask for at this time.

**The Chair:** Go ahead, Dr. Massolin.

**Dr. Massolin:** Thank you, Madam Chair. Yes. To Ms Luff's question, certainly we can put a crossjurisdictional comparison together and present it at a future committee meeting if that's what the committee desires.

**Ms Luff:** Would I need to make a motion regarding that right now?

**The Chair:** Yes. Go ahead, please.

**Ms Luff:** Okay. I'd like to make a motion that the Standing Committee on Families and Communities direct that research services prepare a crossjurisdictional comparison of Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016, for the committee's review at its next meeting.

**The Chair:** Thank you.

Any discussion?

10:00

**Dr. Massolin:** May I just suggest that maybe it's at a subsequent meeting instead of the next meeting. Is that possible?

**Ms Luff:** I think that's fair. Do you want me to read a new motion?

**Dr. Massolin:** I think that's what you meant to say, isn't it?

**Ms Luff:** Totally what I meant to say. Yeah, absolutely. At a subsequent meeting.

**The Chair:** Any discussion? On the phones? Okay. I will call the question. Moved by MLA Robyn Luff that

the Standing Committee on Families and Communities direct that research services prepare a crossjurisdictional comparison of Bill 203, Fair Trading (Motor Vehicle Repair Pricing Protection for Consumers) Amendment Act, 2016, for the committee's review at a subsequent meeting.

All those in favour, please say aye. Any opposed? On the phones? Motion carried.

Any other issues for discussion before we conclude our meeting? On the phones?

**Mr. Rodney:** Just one.

**The Chair:** Okay.

**Mr. Rodney:** It's always a good idea to get a crossjurisdictional analysis. I'm looking forward to that. I don't know if it's going to be at the call of the chair, but I just wonder what the will of the table is with respect to the next meeting. I know that there's technically no timeline. I know that everyone wants to get the work done in a timely fashion. I know that often it's said: MLAs, if you don't take a little bit of time off in August, then you've missed your chance. I want the committee to be successful. I just don't know what the degree of success in, you know, achieving a quorum would be in August. I bow to the chair and the rest of the committee in terms of when our next meeting will be, and I'd be interested to see when it will be called for. Do you have any comment about when it will be called and what the date would be?

**The Chair:** That's point 7 of the agenda, the date of the next meeting. We will send out a poll once a date has been identified. At this point I do not have a specific date in mind, but we will definitely poll members for their availability for the next meeting date.

**Mr. Rodney:** Thanks. Just thought I'd read that in. Cheers.

**The Chair:** Thank you.

Any other questions regarding the date of the next meeting?

I've just been advised that I need to inform the committee that our meeting for July 5 has been cancelled as we've concluded the amendment act review.

Item 8 on the agenda is adjournment. I'll call for a motion to adjourn.

**Mr. Orr:** I always love to make that one.

**The Chair:** Moved by Mr. Orr that the meeting be adjourned. All in favour of this motion, say aye. Any opposed? Motion carried.

Thank you.

[The committee adjourned at 10:04 a.m.]







