



Legislative Assembly of Alberta

The 27th Legislature  
First Session

Standing Committee  
on  
Health

Wednesday, June 18, 2008  
1:03 p.m.

Transcript No. 27-1-1



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[Mr. Horne in the chair]

**The Chair:** Good afternoon, ladies and gentlemen. On behalf of our deputy chair, Bridget Pastoor, and myself welcome to the inaugural meeting of the Standing Committee on Health. My name is Fred Horne. I'm the MLA for Edmonton-Rutherford, and I'm the chair of the committee. This is an organizational meeting, and we'll be providing you with a lot of background as we go through. We will also have the opportunity to get into the matter that's been referred to us by the Assembly, the review of Bill 24.

Before we get started, just a couple of practical notes. The microphone in front of you is actually controlled by the gentleman at the far end of the room, so it's not necessary for you to push a button or anything. When you're recognized and when you're speaking, the microphone will be turned on. Also, just a note, please: if you have a BlackBerry, the BlackBerrys interfere with the sound equipment here, so I'd ask you to please either turn it off or perhaps put it under the table or somewhere at a considerable distance from the microphone. That would be appreciated.

The proceedings of the committee are recorded in *Hansard*. They're also broadcast, I believe audio only, through the Legislative Assembly website, so I'd ask you to bear that in mind as well.

I'll just note that the meeting materials have been available online for printing and viewing since Wednesday, June 11. There was a revised agenda that was distributed I think yesterday or the day before. The materials are made available to you via the website, and we'll certainly do our utmost to have the materials out and available for you as early as possible prior to each meeting.

In addition to members, we have some support staff from the Legislative Assembly Office. I wonder if we could just take a minute and quickly go around the room and introduce ourselves. Perhaps we could start on my right.

**Ms Dean:** Shannon Dean, Senior Parliamentary Counsel, Legislative Assembly.

**Ms Pastoor:** Bridget Pastoor, Lethbridge-East.

**Mr. Vandermeer:** Tony Vandermeer, Edmonton-Beverly-Clareview.

**Mr. Dallas:** Cal Dallas, Red Deer-South.

**Dr. Sherman:** Raj Sherman, Edmonton-Meadowlark.

**Ms Notley:** Rachel Notley, Edmonton-Strathcona.

**Mrs. Kamuchik:** Louise Kamuchik, Clerk Assistant, director of House services, Legislative Assembly.

**Ms Friesacher:** Melanie Friesacher, communications consultant, Legislative Assembly Office.

**Ms Sorensen:** Rhonda Sorensen, manager of communications services with the Legislative Assembly Office.

**Dr. Massolin:** Good afternoon. Philip Massolin. I'm the committee research co-ordinator from the Legislative Assembly Office.

**Mrs. Dacyshyn:** Corinne Dacyshyn, committee clerk.

**Ms Stewart:** I'm Katrina Stewart. I'm with House services, and I'll be helping with research.

**Ms Sales:** Tracey Sales, communications services.

**Dr. Swann:** David Swann in Calgary, if anybody is interested.

**The Chair:** I was coming to you. You feel forgotten already. We'll be right with you, David.

Over on this side.

**Mr. Sparrow:** Brett Sparrow, government members' research.

**Mr. Samoil:** George Samoil, office of the Premier.

**Mr. Quest:** Dave Quest, Strathcona.

**The Chair:** On the phone we have three members. There is the opportunity for you to participate by teleconference. Can we start with Dr. Swann, please?

**Dr. Swann:** Well, thanks very much. David Swann here in beautiful, sunny Calgary-Mountain View.

**The Chair:** Kyle Fawcett, are you on the line?

**Mr. Fawcett:** Yes. Kyle Fawcett, Calgary-North Hill.

**Mr. Denis:** And Jonathan Denis in fabulous Calgary-Egmont.

**The Chair:** Thank you.

We also have some department staff with us who you'll be meeting later. You'll notice that there is a gallery at the back of the room as well. These meetings are open to the public, and the media attend them occasionally as well.

I think that's all in the way of introductions.

You have the revised agenda before you. Because this is an organizational meeting, it's quite possible that there'll be some additional issues which come along. We can discuss these under Other Business, and I'll make a point of calling for items under Other Business at the end.

Could I ask for a motion, please, to approve the agenda? Mr. Dallas. We don't need seconders in committee. Any discussion? Those in favour? Opposed, if any? Carried. Thank you.

The next item is the committee orientation. I have some notes here which I'd like to go over briefly. I know that many of you are familiar with the standing orders that are pertinent to these committees, but for the record we'd just like to get down the authority under which the committee operates and the specific mandate of the committee.

You have a mandate document as part of your package, so you will be aware, then, that the Legislative Assembly has asked the committee to review Bill 24, the Adult Guardianship and Trusteeship Act. That referral was made after first reading of the bill, and that's a point we'll talk about in just a moment. The requirement is that the committee report to the Assembly by the fourth week of October. It's not a lot of time. Many of the other standing committees have a similar deadline for items that have been referred to them.

In terms of the operations of the committee and the scope of its authority, just to summarize, the committee is charged with reviewing whatever matter is referred to it by the Assembly. This could be a bill, or it could be some other subject matter. The matters referred

by the Assembly are the priority items for the committee. The committee may also receive a request from a minister to inquire into a matter within the committee's mandate. This is what occurred last year with the policy field committee that was examining the beverage container recycling regulation. That was a ministerial request. The committee may also undertake to study issues on its own initiative through an inquiry conducted by the committee. Finally, the committee may wish to examine the annual reports of the departments and agencies within its mandate. Under Standing Order 52.05 all of these reports are deemed to be permanently referred to a committee. Each time one of those annual reports is referred, it is also deemed to have been referred to this committee, and it is, I believe, optional for the committee to choose whether to review the report and whether to provide some comment on it, again, back to the Assembly.

**1:10**

In addition to these four functions, the committee does have the authority to conduct public hearings on any bill or regulation under review. An example of that situation would be when at the invitation of the committee a particular individual or organization attends to make a presentation and to answer questions from the committee. This year in our temporary standing orders we have a new provision pertaining to policy field committees, and that is the ability of a committee to hold a public meeting. This would be, for example, an ad hoc request from an individual or a group who wants to meet with a committee in a public forum.

As you can see, the opportunities are significant for this committee to contribute to the work of the Legislature and to deal with many stakeholders, to respond to the requests of the ministers, and of course to review bills that are referred by the Assembly. For reference, all of the things I just mentioned are incorporated in Standing Order 52.01 to 52.09 and Standing Order 74.1 and 74.2.

I'll just sort of interject here for a moment. Is there anything you'd like to add, Shannon, to what we've said?

I would like to talk just a little bit about privilege, and I'd ask Shannon to talk about parliamentary privilege and how it applies to the work of this committee.

**Ms Dean:** Thank you, Mr. Chairman. I will be very brief because the agenda is long today, and I think many of you have already heard the Coles Notes version of parliamentary privilege. I just want to reinforce the fact that this is a committee of the Assembly, unlike some of the government cabinet policy committees, so the privileges of the Assembly flow through to this committee. The key thing that you are all aware of is that you are protected from defamation with respect to proceedings of this committee.

I also wanted to highlight for you section 13 of the Legislative Assembly Act. It provides that a member cannot be subject to a civil action or prosecution by reason of any matter brought by the member before the Assembly or a committee of the Assembly or by reason of anything said by the member in the Assembly or any committee of the Assembly. That's codified.

I also want to reinforce for you that this privilege with respect to defamation and the broader parliamentary privilege with respect to the proceedings not being questioned in any other forum do extend to witnesses. I'm just going to cite one of the Canadian experts on parliamentary privilege, and that would be Joseph Maingot from his text titled *Parliamentary Privilege in Canada*. He states at pages 36 and 37:

Witness[es], petitioner[s], counsel, and others whose assistance the House considers necessary for conducting its proceedings are protected by "the rule of Parliament being that no evidence given in

either House can be used against the witness in any other place without the permission of the House.

Finally, I want to highlight for you one of your key powers, and that is your ability to summon witnesses. To date I'm not aware of any committee of the Assembly in Alberta having to use that power. Typically, committees extend invitations to particular people, particularly officials in departments, and usually departments co-operate. Of course, if they didn't co-operate, the committee could issue a summons through a warrant from the Speaker, and this power is spelled out in section 14 of the Legislative Assembly Act. But, again, I'm not aware of that power actually having been used to date.

Those are all my comments unless anybody has any questions.

**The Chair:** Any questions on the point of the mandate of the committee or the privileges that were just described? Okay. Thank you very much.

The next item under the orientation that we wanted to discuss briefly was the review process and the role of the department and department officials in the work of the committee. The review process itself is to be determined by the committee. We have many tools available to us and extensive support from the Legislative Assembly Office.

Not traditionally but, I guess, in practice in the last year a lot of the review has involved the appearance of a minister or department officials to provide technical briefings and other information and then the appearance of stakeholders who have been invited by the committee to come and make a presentation, highlight what they've identified as the key issues, give committee members an opportunity to ask questions. I anticipate that we may want to apply some of those tools to our work as well. There will be specific issues that members will want to raise. All of this, of course, is leading up to the development of our report, which goes back to the Assembly. I guess the main point in this is that the review process is really ours to determine.

A point we might want to be mindful of, if I could suggest, is that because the bill has been referred to us after first reading, the standing order provides that our report address the subject content of the bill as opposed to, say, for example, a bill that was referred after second reading, which by definition would have received approval in principle in the Assembly. Then we might be more involved, or we might address more in our report proposals for amendments to the bill. So that's the difference: we're in more of a policy context in this discussion as opposed to proposing amendments.

The other way you might want to think of it is that we're looking, perhaps, in this report more at the subject matter versus the technical wording of the bill. Now, there's nothing in this that precludes us from going into more detail if we believe that it's important and our responsibility to do so and include that commentary in our report, but the intention of the referral after first reading is to address primarily the policy issues in the bill. I hope that's helpful, and we have a lot of people here to help us with questions.

The role of the department is another area I just wanted to touch on briefly. Department officials last year played a very critical role in providing technical briefing and actually, I think, in most cases attended the meetings in a support capacity on a regular basis so that we could ask questions on the spot. That's something that the deputy chair and I have talked about with the clerk, and we're hoping that committee members would be agreeable to having that continue. We're free, of course, to go in camera if we choose to or to exclude other officials from discussion if we feel it's necessary, but as you can see, this is a pretty dense piece of legislation.

Today, as we'll get to in a little bit in the agenda, we thought it would be important and helpful to members to have department

officials from both Seniors and Community Supports and Justice here with us today. The role of the department is ours to determine as the committee, but we thought we'd take a risk and lead off this way in the hope that it would be helpful.

Any questions or other comments on the review process? Okay.

Sorry. I should have said to the gentlemen on the phone: please treat this as if you were sitting here with us, and just pipe up if you have a question or a comment.

**Dr. Swann:** Oh, you bet.

**Mr. Denis:** I have no doubt.

**The Chair:** Okay. I'd like to talk just briefly about the committee report. I guess we kind of touched on this when we talked about the first reading referral and what that meant. The report is due by the fourth week of October, so as we develop our work plan, one thing that will be important is to build in enough time for us to review an initial draft and make changes. Bridget and I, sort of working backwards the other day – probably by mid to late September we're going to want to be in the position where we're actually looking at a draft and making changes. Actually, if members are hoping to have some time off as well this summer, there's probably less time to work with than we think.

Are there any other comments from staff regarding the report? Again, it's completely ours to determine the format it takes, the issues it addresses.

**1:20**

The final item under the orientation is an item that I've added here: public presentations on matters that are not referred by the Assembly. We talked about the mandate earlier. The social policy field is basically what we're working with here. Health, Seniors and Community Supports, and Children and Youth Services are the three portfolios that are included under the purview of this committee. We are going to have situations – and I understand there are a couple of letters coming forward already – where groups ask to come in and just talk about issues that are important to them not necessarily connected with any bill, not necessarily connected with any matter that has been referred to the committee by a minister.

I just wanted to lay this out, and perhaps you could think about it prior to the meeting. We are going to have to have kind of a policy on how we manage these, depending on how many we get, so I'd ask you, perhaps, to give that some consideration. This is a public process, and there is an expectation, I think, on all sides of the House that we will accommodate these presentations and that this committee will be seen as an avenue for people to come who want to talk about concerns in these areas. We have the option of receiving written submissions, of inviting people to come in person. Please, just give that some thought, and I'll ask that it be put on the agenda for next time.

We may also have some matters, you know, by the time the fall runs around that have been referred by specific ministers or issues that members want to bring to the table, so I think we'll constantly have to be sort of looking at what's in front of us and how we're going to manage the workload.

**Dr. Swann:** It's David Swann in Calgary. I'm just wondering if it would be appropriate to talk briefly about how we as members of the committee initiate issues and subjects for the committee's consideration and if it would be possible to begin a list as members think about and consider health-related issues that would be appropriate for the committee to consider, whether we could put them on a list

and then at some point in each meeting decide if we are or are not going to give these any work and consideration, and if so, when.

**The Chair:** I think that's an excellent suggestion. We can certainly do that. I guess the one thing we have to consider is that the standing order provides that the priority work is the work that has been referred by the Assembly. I don't think that means that we can't concurrently discuss other items but that the deadline and the work that has been referred by the Assembly is to take priority. But I certainly don't have a problem with that. Were you suggesting that we have a discussion on that now?

**Dr. Swann:** We are talking at this orientation session a little bit about how we're going to conduct ourselves and how we're going to receive for consideration health issues, so it does seem to me that it would bear a little bit of discussion. If you already have some thoughts in mind about how you are planning to deal with suggestions or ideas for the future, we could talk about that, or we could defer it to the next meeting if this is too busy a session.

**The Chair:** If you're in agreement, Dr. Swann, I wonder if we could defer that to the next meeting. One point I'm not clear on and I've asked for some further information on is just how the committee decides. For example, do we need a motion to come to the committee to make an inquiry on a particular issue and then that's how we establish it? I'm not sure that's the case, but I'll find out the answer prior to the next meeting, and we should have that discussion if members are in agreement.

**Dr. Swann:** Well, very good. I just think we need to give it some thought because I am happier to be a proactive committee rather than reactive, dealing only with things that somebody decides to refer to us. I think it will be a more lively and productive time together if we have that opportunity.

**The Chair:** Any other comment?

**Ms Pastoor:** I just perhaps might draw your attention to (b) under 5. David, it says, "public input options," with different kinds of ways that we will be approaching the public and asking the public to approach us. I think that may cover what your concerns are.

Mr. Chair, if you concur with that, I think that we may well be covering that.

**The Chair:** Yes. Thank you.

**Dr. Swann:** Fine. Thank you.

**The Chair:** I'd also like to just take a moment and acknowledge Verlyn Olson. Verlyn, would you introduce yourself?

**Mr. Olson:** Well, my apologies for being late. I was at a meeting in Hobbema. There seems to be lots of construction on the highways these days, so I had to stop three times today.

I'm Verlyn Olson, the MLA for Wetaskiwin-Camrose. I'm very pleased to be here and, again, sorry I'm late.

**Mr. Denis:** Verlyn, you weren't stopped for speeding, were you?

**Mr. Olson:** Not this week.

**The Chair:** Thanks, Verlyn.

If it's all right, then, we'll move to the next item: committee

orientation. I just wanted to point out the roles of some of the staff that are here to support us. Ms Corinne Dacyshyn is the committee clerk. She's sitting on my left. She provides administrative and procedural assistance to the committee. Dr. Philip Massolin is the committee research co-ordinator, and he will co-ordinate any research or information requirements that we direct. Rhonda Sorensen is the manager of communications services. Melanie Friesacher is a communications consultant with the LAO. They will work with us to ensure that the committee's decisions about communications' needs are met and implemented. Of course, I think you all know Shannon Dean, our Senior Parliamentary Counsel. She'll be providing assistance to the committee as required along with Louise Kamuchik as well. Welcome, Louise.

Anything you want to add to that, Corinne?

**Mrs. Dacyshyn:** No. Thank you.

**The Chair:** We also have a budget, and a copy was provided with the meeting materials. You'll see that the budget for the committee is \$144,000. It covers pay to members, travel expenses for meetings, public hearing expenses, and hosting during meetings. This is always put in bold print: the largest portion of the budget is advertising. If any of you have had any involvement with advertising, you'll know that's really true. We'll have a bit of discussion on advertising later, but just as a note, this budget is approved not by us; it's approved by the Special Standing Committee on Members' Services. So we present this mainly to members as an information item. If there are questions on it, we can certainly deal with them, but my understanding is that this amount is pretty much consistent across all the committees. Any questions, comments on the budget?

Okay. That concludes the orientation portion of the agenda. Please interject as we go through if you have other questions or background information that you require.

The next item on the agenda is an overview briefing on the bill. The deputy chair and I took a bit of liberty here in planning for this meeting. The bill is very dense, as we said earlier. We will expect that you'll want a full technical briefing on the bill, and we won't have time for all of that today. We thought as a guide in your study of the bill prior to the next meeting, it might be helpful just to have an overview of it provided by the department, so that's what we're proposing to do for the next portion of this meeting.

With us today we have Brenda Lee Doyle, the director of the office of the Public Guardian, Ministry of Seniors and Community Supports, and Cindy Bentz from the Public Trustee's office. Cindy, you're a lawyer, I believe, with Justice and the Attorney General.

I'd like to invite you to please come up to the table. What I could suggest to the members is to maybe go through the presentation first, and then we'll have an opportunity for questions afterward.

Thank you. Go ahead.

**Ms Doyle:** Thank you, Mr. Chairperson. It's an honour to be here today. Cindy and I were working together on our presentation. I think everybody has a copy of it. Our goal was to spend about 20 minutes providing you with some information at a fairly high level and know that we'll come back and do a much more detailed, technical presentation later.

So just walking through the slides. The purpose of the presentation is to give an overview of the legislative review process and talk about the consultation that we did from 2005 to 2007 and also to talk about some of the major provisions in Bill 24. The next one is to talk about some additional information that you may want to hear in terms of the technical presentation. We'll be keeping notes. If you have some questions or you need more information, we'll be making sure that that's available the next time.

On to the second slide. Just to tell you, when we did the legislative review, we did it for two acts, the Personal Directives Act as well as the Dependent Adults Act. The Personal Directives Act has been around since 1997, and it allows people to plan ahead for a time when they may lose their capacity. It's really a fairly simple piece of legislation around empowering people to plan ahead. The Dependent Adults Act had been around since 1978, and that was legislation whose primary purpose was to allow for court appointments of guardians and trustees. It was for the people who didn't plan ahead for a time of incapacity and for Albertans who couldn't plan ahead because of childhood disability, injury, or illness.

*1:30*

On to the next slide. The reason the two pieces of legislation were reviewed together is because they deal with similar matters. They are about the capacity of the person as well as what decisions need to be followed up. Personal matters are in the Personal Directives Act and in the Dependent Adults Act. The Dependent Adults Act also deals with financial matters. The government saw that it was important to make sure that there is a consistent approach to both pieces of legislation when we were reviewing it.

It was an MLA-led review. Cindy Ady, who is the MLA for Calgary-Shaw and now the Minister of Tourism, Parks and Recreation, led the review from 2005 to 2007, and then Mary Anne Jablonski, the MLA for Red Deer-North and now the Minister of Seniors and Community Supports, brought in the changes to the Personal Directives Act and provided leadership for the Dependent Adults Act.

Two parts. It's a partnership effort between two ministries, Seniors and Community Supports as well as the Ministry of Justice. We've been working together, Cindy and I, for the last three and a half years on this project, so we're really pleased that we're here today.

On to the next slide. As we went about the MLA review, Cindy Ady gave us direction to research across the country as well as the world on different legislative models. There's been a lot of legislative reform in the western provinces in Canada as well as in England, Scotland, and Australia, so we looked at each of those pieces of legislation to see where we wanted to go. The Dependent Adults Act, when it came into place in 1978, was cutting-edge legislation. It led to a lot of major reforms across the world, but because it's 30 years old, a lot of other pieces of legislation have moved on and made significant improvements.

How the consultation was held: there were five phases. On June 10, 2005, three years ago, there was a public survey that was available online, and written copies of the survey were made available in libraries and government offices across Alberta. People had the opportunity between June and August to provide their feedback. The survey looked at both the changes to the Personal Directives Act and the Dependent Adults Act, and you'll notice from the copy that we had 3,600 Albertans who provided feedback. We were extremely pleased to see that level of support, particularly over the summer period of time.

We also, then, had 11 public meetings across Alberta in the fall of 2005. Meetings were held in Grande Prairie, St. Paul, Edmonton, Red Deer, Calgary, Medicine Hat, and Lethbridge, and they were very well attended. We provided an overview of the legislation, and then we asked the public what had been their experience using the acts. We heard a lot of information around the need for more protection, the need to balance autonomy.

Turning to the next slide, after we finished our public meetings in November of 2005, Cindy Ady gave us the direction that we needed to tell people where we wanted to go, to provide people with some

proposals for the legislative change to both acts, so we prepared a discussion guide for stakeholders and sent that out to stakeholders. It was also online for the public, and we provided a very detailed one.

We then held 43 stakeholder sessions in Calgary, Red Deer, and Edmonton. Those stakeholder sessions were based on interest groups. We had physicians come to a group. We had doctors come to a group. We had long-term care professionals, advocacy organizations, ethics groups. We had private guardians and trustees. So very extensive consultation where we told people: "Here's where we're thinking of going. What do you think?" We got a lot of feedback through that process. We had about 456 Albertans who provided feedback during that process, and that was in January of 2006.

Next we wanted to hear directly from the people who are most impacted by the legislation, so we organized through an external consultant, Catholic Social Services, to have 10 sessions across the province for dependent adults and self-advocates. Self-advocates are individuals who don't have a guardian but may have capacity limitations. We heard directly from them on: what was the impact of having a guardian or a trustee, and what would they like to have happen differently?

Moving on to the next slide, we also then organized a western round-table. The western round-table was where we brought in officials, other public guardians and trustees, from Ontario, Manitoba, Saskatchewan, B.C., the Northwest Territories. We had judges from B.C. who came. We also had constitutional lawyers. What we did was we took some of the major proposals that we had heard in the stakeholder process and walked through them with them and talked about service delivery: how are you carrying out some of these roles in your own jurisdictions? That was extremely helpful.

Based on all of that consultation process, there were 4,300 Albertans who provided feedback during this process. The heart of our whole legislative review has been the consultation. We have gone back each time to make sure that there was a report that was publicly available on our website. As well, all of the recommendations were put together as a final recommendations report. That was given to government in the fall of 2006 and approved, and it was publicly released by Minister Greg Melchin in 2007.

I just wanted to talk on the next slide a little bit about how we have staged the legislative review. Because of the magnitude of the change that we were looking at, we staged it in two ways. The first stage was the Personal Directives Amendment Act, 2007, which was introduced in the spring session of the Legislature last year as Bill 40 and then received royal assent in December of 2007. Right now we're ready to proclaim that act on June 30 of this year. We did the Personal Directives Act first because we felt that that was simpler legislation with less involvement in the court system. We wanted to take more time to make sure that any changes to the court system were carefully thought out and researched. So stage 1 we are in the process of implementing.

Stage 2 is where we are at right now, which is Bill 24, the Adult Guardianship and Trusteeship Act. As part of the process we looked at whether or not it would be changes to the Dependent Adults Act that we would be looking at or a repeal and replacement. What you see before you in Bill 24 is a replacement act. The idea is that the Dependent Adults Act will end and the new act will go forward when it's proclaimed. It's with your committee for review, and we're very pleased with that.

Now to go on to what are some of the major provisions in the act in the next slide. It accomplishes four major principles. The first one is that it modernizes guardianship and trusteeship. What we heard from the public is that guardianship and trusteeship is very

necessary, that it just needs to be brought into 2008. What we've done is we've taken some of the sections that were in the Dependent Adults Act and modernized them.

The next one is that we heard very much in the consultation that people wanted to have more choice about their decision-making tools, and they wanted to have it available on a timely basis. You'll notice on the next couple of slides that I talk about a continuum of decision-making choices.

The third one is the idea of adding protective safeguards. What we heard is that the Dependent Adults Act was very empowering legislation at the time, but it didn't add a lot of protection for people after they'd lost their capacity. You'll notice that in Bill 24 we've added some screening provisions for decision-makers as well as interventions, when to step in if there's harm.

*1:40*

The next major change is the change of the legislation title. We've moved from the idea of dependency around dependent adults to a much more inclusive process – adult guardianship, a trustee being the tool – the language of the people who are spoken about. What was before a dependent adult is now called a represented adult. The idea is that it's more inclusive and that there is participation by the adult.

Another major change from the Dependent Adults Act to the Adult Guardianship and Trusteeship Act, Bill 24, is the inclusion of guiding principles. Many of the legislations from across Canada as well as in the British Isles include guiding principles, and this is to provide guidance to the public as well as to the courts for situations where it's not clearly spelled out in legislation. These guiding principles that you have before you were very well researched and consulted during our process to see if they were the right ones to provide overarching guidance.

The first one is the presumption of capacity. The adult is presumed to be capable. It means that if a person has a disability, you don't automatically think that the person is incapable because they have a disability. You have to do an assessment of capacity to determine if they're incapable. So everyone is presumed to be capable.

The second one is that a person's method of communication is not an indication of their incapacity and that efforts must be made in order to facilitate that communication, so the idea of interpretive services or whatever is needed to make sure that the person is able to participate.

The third principle is really an autonomy principle. It's the idea that you go for the least intrusive approach as opposed to going for the most formal approach. You start to look at the continuum. So least intrusive, but it has to be effective.

The fourth principle is really around how decisions are made whenever there is a substitute appointed, and that is in the best interests. The idea is that the person has to make decisions as if the adult was capable. So you look at the wishes of the person that they would have made when they were capable or their values and beliefs. That is a shift away from kind of a more paternalistic approach to much more focus on the individual.

On the next slide – it's a MIDI slide – is the continuum of decision-making choices. The continuum is based on the capacity of the individual. The first choice on the continuum supported decision-making authorizations. That's for a capable person. That's a person who may need just some assistance in their decision-making. It could be a person, maybe, who has a disability. It could be someone for whom English is not their first language. They sign a prescribed form naming up to three people who can have access to their personal information, can attend appointments, and can assist

in their decision-making. We see that as a fairly informal tool that will help a lot of people. We had a lot of advocacy associations who provided written submissions saying that they wanted this type of tool. It's also available in the Yukon.

The next on the continuum is for people who have been assessed by a capacity assessor as having a significant impairment. It could be a person in early stages of Alzheimer's who is starting to have problems but are not yet incapable. This choice is through a court order. The co decision-maker being appointed through court is available. The screening is there. The idea is that once the order is in place, the adult and the co decision-maker make decisions together. The adult and the co decision-maker have to both consent to the order.

Next on the continuum is when a person has lost their capacity. That is for a person who has already been assessed. Guardianship is for personal matters, and trusteeship is for financial matters. That hasn't changed too much. So those are for incapable people.

The next part of the continuum is for personal matters. It's for a person who doesn't have an agent and doesn't have a guardian but then is assessed as being incapable of making a decision because of, it could be, illness or injury. So it could be someone taken in via a car accident who comes into emergency, and their health care provider knows that there's no formal appointment and can go to the next of kin to make a decision for a period of time. That's for health care and temporary residential, and we've built in a lot of protections around that process.

The next slide is around court applications. One of the main points that we heard when we went to the public meetings, from private guardians and private trustees, is that when they had to apply to the court, whether it was for the initial application or for the review, they found it cumbersome. There was a lot of paper. We have a self-help kit, but people found it difficult to do. Many have gone to lawyers to assist in that, and there are a number of times that they have to go to the clerk of the court. People found it a cumbersome, somewhat intimidating, and expensive process, and they asked us to simplify it so that it would be more user friendly in ease of application. Those are some of the provisions in that you'll notice. There is a new review officer in Bill 24 to assist members of the public coming forward with an application. The public body then takes it on to provide the input through the application and also provides the notification.

Another change in Bill 24 is that it allows that bridging from childhood to adulthood. What we heard from parents who have children with developmental disability is that they've been making decisions up until the point that they're 18, but after 18 they have to have a formal guardian appointment, and then they're scrambling to try to get the order in time. This provision allows that an application can be made while the person is 17, but it doesn't come into effect until the person's 18th birthday: that smooth transition.

Then, on the next slide are the new suitability requirements we have introduced. What we heard is that the courts and members of the public were expecting that there had been some screening process for suitability to make sure whoever is coming forward as a guardian or a trustee was going to be able to take on the role well. In this legislation we have the idea that the review officer would receive some information from the applicant around criminal records checks and character reference so that that could be assessed and provide information to the courts.

The other one is that we had heard from dependent adults during the consultation that they felt left out of the court process, and they wanted their views to be heard. One of the roles of the review officer would be, actually, to personally meet with every person that there is an application for, either for co decision-making, guardian-

ship, or trusteeship, to find out their views, views about the proposed decision-maker, and also views about the order.

The next slide. We also heard when we went out to rural areas in Alberta that there seems to be a shortage of access to capacity assessments. People were wanting to make sure that when they needed to have either a guardianship or a trusteeship order that there was an easy method to receive a thorough capacity assessment. One of the recommendations is to increase the accessibility of capacity assessments by expanding the list of professionals who would be able to do capacity assessments. We had quite a bit of consultation on that.

Also, we heard that it was important to have a more standardized, consistent approach to capacity assessment, so we had a subcommittee of a number of colleges who worked on our capacity assessment model. We also heard that people needed to have information about capacity assessment and be referred. So those are some of the changes around capacity assessment.

The next slide is about protective measures. We had heard that for adults who do not have a decision-maker but have evidence of incapacity, there are times when people need to step in quickly. What we have proposed in Bill 24 is that there's an ability to get into court very quickly on a temporary guardianship or trusteeship order if there's significant risk of harm to the adult. That is that if there's an issue in terms of either their physical, mental, or significant financial loss, there can be an application to court without some of the notice provisions. Those temporary guardianship and trusteeship orders are only for 90 days. The idea is that once things settle down, then there can be a proper application to court.

#### 1:50

The next slide deals with adults who already have a decision-maker, so this would be represented adults who have a guardian or a trustee. What we heard is that there are times, not very often, that there is a need for an intervention. These are the temporary protective orders. That's the ability of the Public Guardian to be able to take an application to the Court of Queen's Bench to apply for an order to remove an incapable person, a represented adult, to a place of safety. The criteria for making that application is very, very high. It has to be a very serious harm situation to take that forward where you would remove a person to a place of safety. The Public Guardian then would act on a temporary basis of 30 days as a guardian until the situation report could be brought back to the court. Other provinces have similar measures. We don't expect it's going to be used very often, but we felt it was important to include it.

Another process that is a protective measure is the ability of an interested person to be able to make a written complaint. The written complaint could then be investigated by a complaint officer and an investigator. What we are anticipating is that those are going to be public bodies, the Public Guardian and the Public Trustee. This is where the person is concerned that the co decision-maker, the guardian or the trustee, is not following the order, they're not completing the duties of a decision-maker, and it's causing physical or mental harm to the incapable person.

That's the criteria in the act. Then there's a screening process to look to see if it meets the criteria, and if it meets the criteria, an investigation process where a person would go out, interview the relevant people – the adult, the decision-maker, the health care providers – look at records, and then come back and have a report. The whole investigation process is built on a restorative model to try to get people back on the right foot because most people who are taking on these roles are very good citizens. It's a difficult job. We want to be able to help them to get back on the right track, so there are a number of remedies in the act for that.



The next slide deals with court reviews. One of the things we heard when we were in the consultation process was that people were wanting very much that there were adequate safeguards so that the adult could trigger a review or an interested party could trigger a review and take it back to court to see if there had been a change in the capacity of the person, say, if they got better and they wanted to be able to go back in quickly or if there were concerns about the actions of the decision-maker. We've left it that the court has a lot of discretion around triggering a review by any interested party.

We also have built in with the capacity assessment, which is the foundation of the process, that if a capacity assessor is recommending a review in a certain period of time, then the court must require a review. That's the idea, that a person that maybe had acquired a brain injury or had a stroke and the capacity assessor is saying that they're incapable now and they need a decision-maker but that later on they may be better, so a review should be happening in a certain period of time.

Now I'll turn it over to Cindy.

**Ms Bentz:** Thanks, Brenda Lee. I will take just a few minutes and provide you with some of the major proposed changes in regard to the trusteeship provisions of the new act. Please remember that trusteeship deals with finances, so that's what my five-minute presentation will be about.

What I thought I would do is break it down for you in terms of five areas. First of all, who can appoint a trustee? Who can be a trustee? The next one is dealing with: what's the authority when a trustee is appointed? The fourth area that I'll touch on is: who looks over the trustees, and what's their oversight? The last one has to do with compensation of trustees.

To begin with: who can appoint a trustee, and what are the changes in that regard? Well, under the current act, the Dependent Adults Act, there are really two ways that a trustee can be appointed. The court can do it. There's another specialized way of doing it, and it's called the certificate of incapacity. Really, what that is is if a person is a resident in a designated facility, such as Alberta Hospital Edmonton, two physicians can fill out a form, called a certificate of incapacity. They send it over to the Public Trustee's office, and the Public Trustee is automatically named as the person's trustee.

Now, we had some concerns about that way of doing it. First of all, only the Public Trustee can be appointed in that fashion. We had concerns about whether or not family members were being asked as to whether or not they would like to be the trustee first. The Public Trustee, who I am, is to be the trustee of last resort, right? We don't want to be front and centre. Secondly, in terms of trusteeship within the province there are informal mechanisms that might be more appropriate in some circumstances that may not have been canvassed.

On that basis we've put into the bill that there will be no more certificates of incapacity. The only way that somebody can be appointed as trustee, including the Public Trustee, is by way of the court. The court will be the one to appoint the trustees in the province. What's going to happen is that the ones that are existing – we have 1,700 certificates of incapacity right now out in the province – will be eventually turned over and become court orders. But that will take us some time because there are almost a couple thousand of them.

In terms of the next section: who can become appointed as a trustee? Well, under the current legislation it can be a private individual that can be a trustee, it can be a trust corporation, or it can be the Public Trustee's office. That hasn't changed under the new legislation. What has changed is that under the Dependent Adults Act, if you are a nonresident of Alberta, you couldn't be a trustee.

Under the new legislation we have said that a nonresident individual can be a trustee, but there are some protections put in place in that regard for nonresidents. That's the major change in that regard.

In terms of the third area, the authority of trustees, currently under the Dependent Adults Act there are really two lists in the legislation. One you automatically get. The court gives it to you if you're a private trustee. The second list: you have to ask the court specifically for that authority.

Under the current legislation you aren't allowed to give gifts on behalf of dependent adults without the court's approval. Under the proposed legislation a trustee will have the same authority as the represented adult had if they were capable. There are going to be a few exceptions; for instance, the sale of real property. That's a major decision, and we believe that the court should be involved in those types of major decisions. In Bill 24 there has been put a provision that trustees will have limited discretion to give gifts on behalf of represented adults. So that's been a change.

In terms of oversight: who's looking after the represented adult in terms of the trustee? Well, under the current act what happens is that when the court makes the court order appointing a trustee, they say that within six years you must review that court order. They also say: trustees, you must come back with an accounting of what you've done over the last several years. A two-year review period is usually what's done.

As people have looked at the Dependent Adults Act, the accounting provisions are complex, and they're confusing. Under the new provisions what we have done is that in terms of the accounting the court will have the discretion as to when trustees come back, but we're really trying to simplify the process in terms of how the accounting will be done. In terms of the court order itself, the review of it, the court will have the discretion as to when it is required to come back to be reviewed.

The last item that I thought I'd talk very quickly about is fees for trustees. What happens now? Well, the court makes the determination as to what is the appropriate amount of fees for trustees. Under Bill 24 what we thought would be helpful for trustees is to have a fee schedule set out in the regulations to give guidance. Trustees could use that as a guide for compensation, but they would still have to go back to the court and say, "Court, do you believe this is appropriate?" and the court would okay it. If they don't want to follow that schedule, then they could go back to the court and say: "No. I would like to take this much as compensation."

That is my five-minute review of trusteeship provisions under Bill 24.

**The Chair:** Thank you both very much.

We have some time now for questions on the overview presentation.

**Mr. Vandermeer:** If we could go right back to the fee for trustees. Do you have a dollar amount or anything?

2:00

**Ms Bentz:** We are planning to put that fee schedule into the regulations, which have of course not been developed yet. Other jurisdictions have done that. I think Ontario has it, and what we are planning on doing is looking around. The Public Trustee has a fee schedule as well that we would use as one of the factors, but right now it hasn't been determined what that would be.

**Mr. Vandermeer:** Thank you.

**Mr. Denis:** Mr. Chair, can I get put on the list?

**The Chair:** Yes, sir.  
Mr. Dallas.

**Mr. Dallas:** Thank you, Mr. Chair. My question goes back to the discussion on capacity assessment and the issues around accessibility for rural Albertans to these services. You speak to expanding the list of professionals that could conduct these assessments. Can you elaborate on that a little bit and comment as to whether any compromise in the ability to appropriately conduct those assessments would result from those changes?

**Ms Doyle:** Thank you. Currently physicians and psychologists are the only ones under the Dependent Adults Act who can conduct capacity assessments. When we did our consultation, we heard that there was a need to expand it to registered nurses, registered psychiatric nurses, social workers, and occupational therapists. One of the protective provisions to make sure that everyone is assessing capacity in the same way – if you're allowing multiple professions, people look at it in different ways – was the idea of having a standard model, that everybody would be trained and certified for capacity assessments.

**Mr. Dallas:** Just a clarifying point. The requirement, then, would be that not only would you be a member of those specified professions, but you would have been certified under a separate procedure in terms of your ability to do the assessment.

**Ms Doyle:** Yeah. It's in the regulations where we talk about kind of the guidelines and the training and the certifications, but the intent was that people would get additional training. When we were in the consultation process and we were talking to physicians, physicians were saying that they already have a process around capacity assessment. Whether or not physicians would be certified, I think that that's still open for discussion.

**The Chair:** Thank you.  
Jonathan Denis, please.

**Mr. Denis:** Yes. Thank you very much, Mr. Chair. I just wanted to draw the committee's attention to the new investigation process triggered by a written complaint. My question is: who can initiate this? Who is defined as an interested person? Secondly, is there a process to weed out frivolous complaints, or does it automatically, then, just initiate the process when there has been a complaint?

**Ms Doyle:** Thank you. You'll notice that in the definition section of Bill 24 "interested person" is identified. That is a public body, either the Public Guardian or the Public Trustee, or any person who is 18 years of age or older who is concerned about the welfare of a person who has a co decision-making, guardianship, or trusteeship order. It is anyone in the public who is interested in the welfare.

**Mr. Denis:** So not just a blood relative of somebody who may not be included in a legal relationship like that?

**Ms Doyle:** That's right. It's expanded beyond that, so it could be friends. In the investigation process, which is in section 76 of Bill 24, there is a process where once a person has made a complaint, it does go in to a complaints officer. The complaints officer looks at the complaint that has been provided – it has to be written and signed – to see if it meets the criteria under subsection 76(2). "A complaints officer may refuse to refer a complaint to an investigator if the complaints officer considers that the complaint is frivolous or

vexatious." The idea is that you look at the complaint to make sure it meets the criteria in the legislation.

**The Chair:** Any other questions?

**Ms Notley:** I'm wondering just by way of overview – I mean, I'm assuming we'll get a lot of information about your consultations and all that kind of stuff. I have a whole schvack of documents where I want to know when we can get copies of them. But do you see this new bill expanding the number of people that would be covered by what was previously the Dependent Adults Act, or do you see it being static, or less?

**Ms Doyle:** I think the different decision-making tools in the act will allow more people to have informal help before a guardian is appointed. People may have a supported decision-making agreement where they didn't have it before. Some people who may have had a guardian may in the future have a co decision-maker instead. But we also know that Alberta has an aging population and that some of the demographic changes. When we did our estimates around how many Albertans may apply through the legislation, we think that it's probably on balance, that people will go for an informal tool where they can and that the need for a guardian and trustee will probably be relatively constant, other than an aging population.

**Ms Notley:** How many people are currently covered under one of the provisions of the Dependent Adults Act as it exists?

**Ms Doyle:** The Public Guardian acts for about 1,900 dependent adults, where we're the guardian of last resort. There are about 8,500 private guardians in the province, so those would be family and friends who have taken on that role.

**Ms Bentz:** The Public Trustee acts for approximately 3,000 dependent adults in the province. That's 1,700 certificate of incapacity adults and another 1,300 by way of a court order. There are an additional 3,000 private trustees in the province.

**Ms Notley:** Does the Public Trustee overlap with the guardians?

**Ms Bentz:** Yes, to some extent they do.

**Ms Doyle:** Not all but some.

**Ms Bentz:** I just want to add that in terms of the bill and what we see as changing is that we are trying to make it have the balance between protecting the adult but also getting family and friends involved so that the process isn't so complex that they just give up on it: allowing for nonresidents, helping them with the accounting provisions, that type of thing that traditionally has been seen as somewhat of a barrier to becoming a trustee or to remaining as trustee.

**Ms Notley:** Then the last question I had. I'm sure most of this will be answered when I get a chance to look at all of your consultation reports. With respect to the New Protective Measures slide that you had, where an adult who shows evidence of incapacity has no other decision-maker at this point and the 90-day thing, how does that differ from the situation that we have now?

**Ms Doyle:** You currently can get temporary guardianship and trusteeship orders, but there isn't a time limit in the Dependent

Adults Act, so one of the measures that we have is to try to make it as simple as possible by revamping the court process. The idea with these temporary guardianship and trusteeship orders is that they would get into court very quickly, probably within the same day or two days.

**Ms Notley:** So they are treated differently because they are temporary?

**Ms Doyle:** Yes, and there's urgency because of the risk to the person.

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

**Dr. Sherman:** In modernizing this, once the guardianship and trusteeship papers are filed, where are they kept? Is there any provision or recommendation for them to be kept in the electronic health care record? From the front-line health care worker's point of view, patients come in, and many times documentation is filled out and filed but it's not accessible when you need it at the time.

**Ms Doyle:** In the act there is an establishment of a registry. The intent is that the registry would be with the Public Guardian for the orders and that people could access the information. It was more around keeping track of the orders. We weren't anticipating that all that information would be on the electronic health record because some of the information on trusteeship may not apply to the health care providers.

**Dr. Sherman:** It may be helpful for the decision-makers. This is an issue. Health care is a major issue. We have an aging population. It's an issue that front-line providers face, at least to be able to find out who the decision-makers are, who the guardians are, to make the decision on whether to carry on with life-saving measures or not. I would make a recommendation that as the electronic health care record matures and as we have a province-wide record, that information be placed on there.

**Ms Doyle:** Thank you.

2:10

**The Chair:** Any other questions on the overview?  
Bridget Pastoor.

**Ms Pastoor:** Thank you. Yes, I have one. How does this tie in with mental health, with the community treatment orders? That is sort of a separate issue. It's actually the person that's under the temporary order, but I can see an overlap in that question.

**Ms Doyle:** I think there is a connection. With the community treatment order, if a person is at risk of harm to themselves or others and it's under the Mental Health Act, I think these temporary orders around guardianship are around kind of the appointment of someone formally to make some decisions that wouldn't be psychiatric necessarily. It could be physical; it could be around money issues. But I definitely think the two legislations are compatible together. We've been looking at the bill very closely.

**The Chair:** Okay.

If I can make a couple of comments that may be helpful. It occurs to me that there is some significant overlap between some of the provisions in this bill and the Mental Health Amendment Act of last year and the Health Information Act. I know that, speaking for

myself, I'm going to have a number of questions clarifying, you know, where the provisions in one act end and where the other begins.

I guess the second reason I mention this is that the regulations under the Mental Health Amendment Act are now under development, and that will set out in practical terms the rules around the issuance of community treatment orders – the specific process, the question of who may issue a community treatment order – and there's provision there for it to be other than a physician in specific circumstances. So there are probably a range of things here that we might want to consider. In that vein, then, I just wondered if you'd be in agreement if, in addition to officials from these two departments, as a committee we asked for an official from Health and Wellness to be available to us as well. Does that seem reasonable?

**Ms Doyle:** I think it's a good idea.

**The Chair:** So with your agreement, then, as the deputy chair and I make arrangements for the technical briefing, we'll work that in as well.

Are there any other questions on the overview?

**Mr. Olson:** I just have a question about residency requirements. I'm thinking that in the old act there is a residency requirement for trusteeship. There's still a residency requirement, kind of, or at least it looks like the court has to be satisfied – we're talking about Alberta residency here – so the court may appoint an individual who's not ordinarily resident. There's kind of a bias against nonresidents. Then in terms of the co decision-maker there is not a similar kind of bias there. I don't see any reference to that same kind of a qualification, and I'm struggling with that a little bit.

In my own experience lots of times people have very close family who are outside of the province, and in these days there's electronic management of banking and so on. I understand the reason for wanting them to be Alberta residents because they're an easier target if they screw something up and they maybe have assets here that we can get at. I know that there is a reference to the bonding requirement, but my experience is that it's very unsatisfactory in terms of getting bonds. That's not easily done, and it's expensive, and it's giving net worth statements and all kinds of stuff. I'm just wondering: what was the input that you got from people through the consultative process?

**Ms Bentz:** What they said to us in those consultations is that they felt they wanted that to happen. They didn't go specifically to saying that there should be bonds. In the subsection – I think it's sub (6) – it's saying, you know, that the court can dispense with that, right? But, as we know, often that doesn't happen within the courts. They're pretty reluctant perhaps to do that.

**Mr. Olson:** Well, I can remember the one time I tried to do it. The judge essentially said: get out of my courtroom.

**Ms Bentz:** Yes. That's correct.

**Ms Doyle:** There is no residency requirement and never has been for a guardian, and we intend that to be the same for co decision-maker. It doesn't matter where the person lives.

**Mr. Olson:** That's always struck me as a little bit ironic, that we've got to look after their money, but in terms of the person we're more laissez-faire. Just a comment.

**The Chair:** Thank you.

That concludes the speakers list that I have. We do have a number of other items on the agenda and some decisions we have to make. If you're in agreement now, on our behalf I'll thank both of you very much for providing the overview, and we'll look forward to the technical briefing on the bill at our next meeting.

**Ms Doyle:** Thank you very much.

**The Chair:** Thanks very much.

We'll move, then, please, to item 5 on the agenda, Decision Items. There are a number of decisions that we need to make today in order to set the wheels in motion to proceed with our work over the next few months.

The first item we need to discuss is public input options for this committee in the review of the bill. I think, as we discussed before, there are a number of options open to us, including written submissions; oral presentations to the committee, which others might call public hearings; public meetings under the new part of the temporary standing orders this year.

I wanted to just try to have a discussion here about the feelings of members. The deputy chair and I did meet on this before, when we were briefed on the bill. There has been an extensive amount of consultation done on the bill over the last couple of years, and I think part of the presentation this afternoon gave you a taste of that.

One of the options that we had discussed – and this is just to put it on the table for discussion – was, given the extent of the consultation to this point, the idea of perhaps placing an advertisement inviting written submissions from members of the general public, stakeholders with a specific interest, on the bill for the consideration of the committee and then with that providing the option for the committee to invite anyone who makes a written submission to come and make an oral presentation to the committee as well and to leave it as broad as that.

One of the other approaches that could be used and has been used on other bills is for the committee to ask staff for its assistance in compiling a stakeholders list – and I think that might be useful to us in any event – and then inviting specific stakeholders from that list to come and make a presentation to the committee as well.

I guess the point I'm trying to make is that in this particular situation there's been a lot of broad-based consultation that's been completed, so we might have a little more latitude than we might normally in terms of how much analysis we have to do of individual stakeholders and whether or not we would want them to appear. I just sort of put that out for your consideration.

I did query the department staff about anyone that may have not had that much opportunity to have input. There are two groups that were identified. One is members of the bar, perhaps through the Canadian Bar Association, Alberta chapter, because no one would have had the bill, of course, until it was tabled in the House.

The other group that was mentioned were physicians. Although I think the College of Physicians and Surgeons was involved in some of the conceptual design of the bill, again, they're just seeing the bill now for the first time. Perhaps nurses as well, another group that could be considered if the committee decided they wanted to invite specific groups.

I'll just sort of throw it open and ask for any feedback on the idea of the advertisement.

2:20

**Mr. Dallas:** Thank you, Mr. Chairman. I would just call on the committee to exercise a note of caution with respect to the strategies around advertising and soliciting feedback. Not that we want to

deter that, but I think what we have to be very careful of is not to undermine future processes with respect to consultations on major initiatives such as this particular bill. If we signal to the public that the early work that's taken place over the last three years is not of significant merit or value and the real opportunity that you want to take to make a case or an appeal would be at this committee level, I think we would be doing considerable disservice to the processes that preceded. I wonder if we might contemplate focusing on those areas where perhaps there's stakeholder interest of specific interest to the committee. But the idea of inviting stakeholder groups that have already expended considerable energy in presenting, dialoguing, providing input to this process to come and repeat the process perhaps might not serve the interest as well as we might think.

**The Chair:** Ms Notley.

**Ms Notley:** Yeah. I, of course, just came from a different committee this morning. I'm not sure if anyone here was on that committee. In that committee, where we were also looking at a very thick piece of legislation, the very quick consensus was: well, there were two and a half or three years of consultation, and we can't possibly make a decision about whether we do public input or not public input until we've actually seen what that looked like, until we've seen the stakeholder list, until we've seen the reports of the consultation, that kind of thing.

To some extent I think there's some merit to that. I'm not sure who the stakeholders were that were consulted with. I'm not sure if there was anybody on this committee who was on the previous committee that MLA Ady chaired. I don't know how much, if any, controversy there was in terms of the different positions or, you know, advocacy statements that were made. I really don't know.

So then I also don't have a sense of whether this finished product is something that the participants had some idea was coming or if this represents a decision on one side of two opposing issues. You know what I mean? If it is, say, for instance, the latter, which I don't know – maybe it's not the latter – but if it is that, then probably there would be a desire for there to be another kick at the can because the people that were consulted didn't know that it was going to look like it does. Maybe that's not the case, but I think that notwithstanding the breadth of the consultation because we don't know the substance of it, we don't have reports of it, all that kind of stuff, it's kind of difficult for us to make a decision about how much further we would go.

In terms of the proposal of the chair and vice-chair about the advertisement and the written submissions I did note that in here there were some focus groups with 45 currently referred to as dependent adults. I'm not sure whether the process you're suggesting might negate their full participation in terms of: write up written submissions, and then we'll meet with you after we get your submission. That would be my concern as well.

**The Chair:** Any other comments?

I just want to say in reply to Mr. Dallas that the idea wasn't to throw the whole thing open again. Maybe the staff here can help me out a little. The committee's proceedings are public proceedings, and my understanding was that it had been the practice in the past at the beginning of a review that a very general advertisement would be placed basically to notify the public that the bill was under review by the committee and then just providing a funnel or a pathway for people to provide information. That's a lot different from the process of identifying individual stakeholders and soliciting presentations to the committee, which I think might, if I could say, be the situation that might more lead to the concern that you were expressing. That was the only intention behind that idea.

**Ms Sorensen:** I'll supplement that. Last year, when we did the public consultations, it was a very generic ad that was, like Mr. Horne said, simply letting the public know what we were looking at. I also would like to add to what Ms Notley was saying, in that it's very difficult to say if there are any gaps in the consultation that was already done without being able to see what those results were. But once we do get a look at that, I mean, there's nothing saying that we couldn't advertise in such a way that it says, "This is to supplement the extensive consultations that have already been done," so that people who have already submitted work know that we're not trying to forget what they've done. We're not asking them to resubmit their work – we already have that – but for those who may have gotten missed: please put your submissions in.

**The Chair:** Dr. Massolin.

**Dr. Massolin:** Thank you, Mr. Chair. If I could just add to what Rhonda has said. There was certainly the approach to the public, but we also had a targeted stakeholders list in concert with that approach for the solicitation of public consultation that we did with a variety of committees. We put together a stakeholder list that was vetted by the committee and then sent out letters asking for their input, so we did that as well.

**Ms Pastoor:** Could I get a clarification on that? When you did that, had this much extensive consultation preceded that particular committee or not?

**Dr. Massolin:** Well, it depended. In one case, in the Government Services Committee, there was fairly extensive consultation in terms of Bill 2, on the Conflicts of Interest Act, but not any, really, consultation in terms of the Lobbyists Act, Bill 1. So it depended.

**Ms Pastoor:** Okay.

**Dr. Swann:** It's David Swann in Calgary. I misunderstood what you were saying there, Philip. What was the connection to the Lobbyists Act and the Conflicts of Interest Act?

**Dr. Massolin:** Mr. Chair, in Government Services Committee we studied two bills, Bill 1 and Bill 2. The second, Bill 2, had considerable public consultation prior to it being referred to the committee last time; however, that was not the case with Bill 1, the Lobbyists Act. So those are just two ends of the spectrum, basically.

**Dr. Swann:** Yes. Thank you.

**Dr. Massolin:** You're welcome.

**Dr. Swann:** While I've got the microphone – it's David Swann in Calgary – two things. One, I don't know whether the others on the end of the telephone had the PowerPoint presentation, but I couldn't find it.

**Mr. Fawcett:** Yes, I did.

**Dr. Swann:** Okay. I'll have to get some help then in finding that. I had a PowerPoint presentation from a Sherry Miller from Mainwood Legal Services, which was, I think, part of a background document. I'll be in touch again about the other and why I couldn't find it.

I support what the chair and co-chair are suggesting about consultation and the need not to go extensively into more public

consultation but selective appearances based on specific submissions that may add something material to the extensive research that's already been done.

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

If you'll allow me, I'll just sort of try here to help us narrow the discussion a bit so we can make the decision. I think what the deputy chair and I are proposing are three things. One is this general advertisement that we discussed just advising the public that the committee has the bill under consideration. The second would be for us to request Dr. Massolin and his group to provide us with a list of stakeholders that you may have identified who would have interests specific to the bill. Then the third, which I would undertake on the committee's behalf if you like: I think we should ask the department for a list, if that's available, of the individuals and groups that were consulted in their consultation process.

I was provided with a report here, the Legislative Review of the Dependent Adults Act and the Personal Directives Act. This is from January of 2007 as part of the background that was given to me to prepare. I can't find that list in there, but we could certainly inquire with the department if it's available. Then, hopefully, comparing the two lists, seeing what comes back from the advertisement, and with the benefit of a bit of time for all of us to read this in a bit more detail: those three actions might help us get the information we need.

**Ms Notley:** I'm wondering because I wasn't sure of how much information we would anticipate getting back from the staff, and I had made some notes as I went through it, just looking at the consultations: the stakeholder consultations, the dependent adult and self-advocate focus sessions, the consultations with the western provinces, and the round-table.

2:30

To be honest, I would be interested in finding out if there are reports of each of those or summary documents of those rather than, sort of, seeing the final document. If we're talking about significantly limiting at this point – and fair enough; maybe that's reasonable – the amount of additional consultation we do, before we do that, I'd really like to get some kind of interim document. We have the final report, but I don't know how that reflects what the stakeholders said originally, so I'm wondering if the ministries are able to provide us with summary documents of the various consultations that they did.

They had, for instance, the public survey with over 3,600 Albertans participating. Was there a compilation of those results? The 11 public meetings: were there minutes taken? Were there notes taken? Again, the focus session with the dependent adults themselves: I'd be very interested in hearing, you know, any kind of summary document, that kind of stuff. Because otherwise it's difficult for us on the committee to really know how that feeds into the final report. I mean, the final report is important, but in order for me to make a responsible decision about ongoing consultation, I need to know the answer to that question.

**The Chair:** I'll put that on the list for the department.

If that approach seems reasonable, we should probably get a couple of motions on the record here. Again, I'll try to be really specific. The first item we would decide on is the placement of the general advertisement. Comfortable either way, of course. It's up to you, but one option would be for you to authorize the chair and the deputy chair to work with the staff to get the advertisement out. Alternatively, we could leave it until the next meeting, and we could have a draft of the advertisement come back to the committee. The

only consideration there is that there's going to be a number of intervening weeks. If we're going to invite submissions, we're going to have to state some kind of a deadline for folks to have them back to us.

Rhonda and Melanie, did you want to address this now, or did you want to wait? I know you're on the agenda here as well.

**Ms Sorensen:** Well, I think just based on what you're saying, if we can get a consensus from the committee on what their wishes are, then we can meet any of those wishes. Yes, we can come up with some specific recommendations in terms of where to place the ad, what the ad content will be. Whether that goes simply through yourself and the co-chair or whether it comes back to the committee is up to the committee.

**The Chair:** Perhaps this would be a good time. Could you just talk about what the past practice has been with how you place the ads, where they go, that kind of thing?

**Ms Sorensen:** Certainly. I don't know that there's a set template for what committees have done. However, some committees have chosen to place a black-and-white ad, I would say, about half the size of an eight and a half by 11, just to give you an idea because the size does affect the cost.

Some have gone in just the nine dailies in Alberta, which are – oh, I hope I don't miss any – two in Calgary, two in Edmonton, Medicine Hat, Grande Prairie, Fort McMurray, Lethbridge, and Red Deer. Then I'm not going to list the hundred plus weekly newspapers. We generally go through the Alberta Weekly Newspapers Association, where weekly newspapers are under an umbrella. They hit mainly the rural areas. I would say – again, don't quote me verbatim on this – that a weekly campaign would probably run around \$35,000 for that size of an ad, and the dailies would be about \$10,000.

Again, the template for the ad was fairly consistent. It simply said that we were looking to solicit some input from the public on a bill. We'd have the key message saying what we were wanting to solicit information on. Then there was a disclaimer on it that this committee may decide now or at a future point whether or not some of the submissions may be made public. That needs to be made clear in the ad, that people may come forward and say, "I do not wish my submission to be made public," so that we know at that time not to go posting it on a website or anything.

The ad itself is generic. It just gives a deadline and is asking for anybody who has any interest in this topic to please forward a written submission. I believe the ads also said that the committee may hold public hearings in the future and if the person making the written submission wished to appear at a public hearing, to please let us know in their submission as well.

Does that clarify what any of the questions might have been?

**The Chair:** Questions?

**Mr. Dallas:** Well, just a quick comment, and then I am prepared to make a motion if you would receive that, Mr. Chairman. Just a bias towards trying to use print media to reach all Albertans and supporting the idea of engaging those weekly newspapers in carrying that message. I would be prepared to make a motion that the committee delegate to the chair and deputy chair, working with staff resources, to execute an advertising message relative to the consultation that we desire to have with Albertans with respect to this bill.

**Mr. Quest:** What would an example be of the last time you ran a campaign like that? What was it for?

**Ms Sorensen:** Well, there were four policy field committees that ran last summer. I can't remember which might have been the most recent. For example, the recycling regulation had quite a widespread interest to all Albertans. I believe we had the written submissions; as well, we had public hearings in Edmonton and Calgary. Bills 31 and 41, which we were kind of discussing, could have some implications on this. We also did a similar ad campaign. I believe – Shannon, you may have a better recollection – it went weekly and in dailies as well. Essentially, when you get your written submissions, you're going to get some sort of idea as to whether or not there's a need to do the public consultations. It may also kind of give you a target area, in which case your advertisements for the public hearings would be more targeted to the area where you plan to hold them.

**Mr. Quest:** Do you remember what kind of response you got in that one example?

**Ms Sorensen:** Not off the top of my head, but I could definitely get you some statistics. Phil might have some idea of the numbers. It was significant, especially on the recycling regulation, I recall.

**Mr. Massolin:** Yeah. I mean, just off the top of my head I can give you ballpark figures. Certainly for that Resources and Environment issue that Rhonda mentioned on the recycling regulation we had in excess of 115 written submissions and had on the order of about 20 oral submissions, I believe, all told, around there, in Calgary and Edmonton. The other committees: the response was a little less but still fairly significant. I believe that with Bill 31 we had around 50 to 55; in terms of public hearings, oral presentations, yeah, 15 to 20, I'm guessing. So those are two examples. With the Lobbyists Act, Bill 1, we had, I think, around 50 written submissions as well. But I would like to mention as well that these targeted stakeholders were also asked to submit a written submission and asked if they wanted to participate in the oral hearings as well, so we combined both: the public hearings along with the stakeholders.

**Mr. Quest:** I'm just wondering about the value of, we said, about a \$35,000 campaign.

**Ms Sorensen:** If you're to hit all the, I would say, 110 to 120 weekly newspapers, then yes.

**Mr. Quest:** Okay. Well, I'll wait for Cal's motion, but I would suggest that we do something on a little lower budget than that based on the response we may or may not get on this one compared to the ones you're talking about.

**The Chair:** Thank you. Before I completely fall apart here in my role as the chair, we have a motion on the floor. Motions in committee do not require seconds. Is there any further discussion on the motion? Ms Pastoor.

**Ms Pastoor:** Yes, thank you. I know where Mr. Quest is going to go, so I'll maybe jump in ahead of you. One of the big problems with what this bill is to address actually happens in the rural areas because they are isolated in many terms. That's why I think that the \$35,000 would be very well spent: to make sure that we get it out to those weekly newspapers, that will tend to be more in the rural areas.

2:40

**The Chair:** Ms Notley on the motion.

**Ms Notley:** Yes. I'd just like to clarify that the ad that would go

would be structured in a way to keep the option open for public meetings if we chose to go that way.

**The Chair:** Absolutely.

**Ms Notley:** Okay. That's good.

**The Chair:** Yeah. It wasn't the intention to do one and not the other.

I just want to ask for some clarification before the clerk reads back the motion. As part of this motion, then, are we providing direction that the ad would be placed in both dailies and weeklies? Do you want to leave that to the chair and deputy chair based on the discussion? I'd just like you to clarify that, please.

**Mr. Dallas:** It's not contained in the motion, Mr. Chair, and it wasn't my intent that the committee direct the media strategy. My intent was that that responsibility be delegated to yourself and those that you consult with.

**The Chair:** The motion by Mr. Dallas would be that the standing committee authorize the chair and deputy chair to approve an advertisement on behalf of the committee.

**Mr. Olson:** I have a question, Mr. Chair. You had highlighted the fact that we have a \$73,000 budget for advertising. We could potentially be looking at \$45,000 if we advertise in the dailies and the weeklies. I guess my question is, you know: is that reasonable in terms of this one project for this year, or do we have to keep some powder dry? What's the expectation in terms of our work for the coming months?

**The Chair:** Okay. I'm going to ask the staff to answer that.

**Ms Sorensen:** Thank you, Mr. Chair. Last year when the policy field committees met, they didn't have the same provision as they do this year in that there could be other issues that come up throughout the year. They had a specific mandate that they fulfilled during a specific time. But the \$73,000 that was budgeted – and Corinne may want to correct me if I'm wrong – is part of a larger envelope, so it can be shifted around. The \$73,000 budget was based on one consultation on one bill. For example, like you said, if we did the weeklies and the dailies now, it would be \$45,000. That would leave enough to do a targeted campaign if you chose to do public consultations at a later date. If you went beyond that and had another bill referred to you during the fall session, then that might be something that you would need to address at that time.

**The Chair:** Does that answer your question, Mr. Olson?

**Mr. Olson:** Yeah. Thank you.

**Mr. Quest:** I'm going to support the motion but strongly suggest that you look at, you know, line rate and distribution and all those things that need to be looked at to make it a lot less than \$45,000 just for this one bill.

**The Chair:** Mr. Vandermeer.

**Mr. Vandermeer:** Yeah. I would agree with Mr. Quest. It seems like an awful lot of money. In an electronic age isn't there some better way that we could post advertisements and information?

**The Chair:** Would you like to speak to that?

**Ms Sorensen:** Sure, Mr. Chair. I mean, it really is up to the committee as a whole to make this decision. Advertising definitely reaches a mass market very successfully. Certainly, we usually draw people towards our website, where we have a plethora of other information; however, not everybody and particularly those who may be following this issue have Internet connections and are computer savvy. If we are hitting the rural areas, a lot of the rural connections don't have Internet access either, which certainly is cheaper. Now, the one strategy that we probably would recommend also to supplement the advertising is a news release that would also go out to all the media, which does not cost anything but is also not guaranteed to run anywhere.

It's six of one, a half-dozen of another. If you want to guarantee that your message is getting out, then advertising is usually a pretty, I guess, dependable way to make that happen. Granted, it is expensive. There are other ways of getting the message out, but they're not as concrete.

**The Chair:** Did we answer your question? We'll take the comments around the scope under advisement.

If people are comfortable voting on the motion, we'll call the question now. Those in favour? On the phone.

**Dr. Swann:** Yes.

**Mr. Fawcett:** Yes.

**Mr. Denis:** Yes.

**The Chair:** Opposed, if any? Motion carried.

Before we go on – I realize that I'm not following strictly the order here – is there anything else on the topic of communications, Melanie, that you'd like to talk with the committee about? Either of you?

**Ms Sorensen:** Mr. Chair, if I may, I think we've touched on everything. Just to let the committee know, we typically do provide measurement results from the website so that you can also see the results of the ad campaign. For example, if we're advertising and asking people to go to the website, we'll be able to show you how many people actually took that action. We'd also be looking at news releases and anything else that the committee may need in terms of communication support. We're here to help.

**The Chair:** Thank you.

Any further questions on communications? We will have more decisions to make at the next meeting is my understanding. I don't want anyone to be concerned that we're, you know, locking ourselves into everything at the initial meeting.

Then I'd just like to finish up on the piece regarding stakeholders, which we talked about earlier. Consistent with what's been done in most other committees, I mentioned earlier, the research folks have prepared a list of potential stakeholders that the committee should be perhaps considering in terms of who they contact, even just, I guess, from the point of view of awareness of who the stakeholders are. This bill is quite broad, and the stakeholders are numerous. The suggestion here through a motion would be that

the committee direct the research co-ordinator to compile a draft stakeholder list for review and approval at the next meeting. I just invite discussion on that or a motion.

**Mr. Olson:** I'll make a motion to that effect. I like your words.

**The Chair:** Okay. Mr. Olson moved. Any questions or clarification required?

**Dr. Swann:** David Swann in Calgary. I don't know if I missed it, but interprovincial comparisons or international comparisons: do we have any of that?

**The Chair:** I was just coming to that, actually, as soon as we dealt with this item.

**Dr. Swann:** Okay.

**The Chair:** On this motion, then, those in favour? Those on the phone.

**Mr. Denis:** Aye.

**Dr. Swann:** Aye.

**Mr. Fawcett:** Yes.

**The Chair:** Opposed, if any? Carried. Thank you.

Dr. Massolin, I just invite you now if you have any comments, and if in your remarks you could speak to the interprovincial comparison as well.

**Dr. Massolin:** Absolutely. Thank you very much, Mr. Chair. I just wanted to give you a brief overview of sort of the research section, what the research staff will provide this committee throughout. I think you all understand our nonpartisan role, that we represent the committee as a whole, not individual members. You've heard that before, I'm sure.

The other thing is that we will provide support to the committee throughout the committee's proceedings right to the report-writing stage. One of the things we've done already is to provide news clippings, and that's available on the internal website. Any issues that come up with respect to this particular bill from the jurisdiction of Alberta and other jurisdictions, including international ones, we've tried to capture, and you can read about them there.

The other thing we can do, as has already been discussed, is to assist in preparing the stakeholders list, which we'll undertake to do. During the public consultation phase we will assist in summarizing the written submissions and the public hearing information as well to abbreviate it, to make it more manageable, and to analyze it as well. But of course we can take direction as that comes up. We'll provide other research support as need be throughout the entire committee process here.

2:50

In specific, I'd like to talk about this cross-jurisdictional comparison because I think we're at that stage now where committee members would like to hear about what other jurisdictions are doing in this area. I would like to get some feedback from the committee as to whether or not that's desirable. I think we've heard some things from one of the members already. The other thing: if it is desirable, I presume that we'd be able to consult with the department to talk about what they've done in terms of preparing a cross-jurisdictional analysis because I know that they do that themselves. If that would be okay with the committee, to share information with them so that we can strengthen and co-ordinate our approach here, I would be grateful as well.

I'll leave that back to you, Mr. Chair.

**The Chair:** Any discussion on this?

I think, just if I want to make sure I understand, then, you're suggesting that rather than reinvent the wheel, the department's going to have a lot of information on both topics, I guess, both the stakeholders and the interjurisdictional comparison and that. So rather than just simply do it within the resources of the LAO, you would draw on previous work that has been done by the department.

**Dr. Massolin:** Yes. To work in co-ordination with them but certainly to present our own list – there's no question about that – but also, as you say, to identify some of the salient issues when it comes to the cross-jurisdictional comparison. I think we can, you know, profit from a discussion or two with the department officials in that regard, to strengthen what we present to the committee, and with the stakeholders as well to look at some of the information that's already been prepared, the reports that have been drafted as well, just so that we can come up with as focused a stakeholder list as possible.

**The Chair:** Thank you.

**Mr. Olson:** I was just wondering to what extent there has been or would be any consultation with the Institute of Law Research and Reform. I know that they've done a lot of work on comparing with other jurisdictions. For example, I remember reading reports on the Powers of Attorney Act and the Personal Directives Act, so it seems to me that might be a good place to start.

**The Chair:** Comments on that? The answer is that some people may have thought about it. Nothing would have been initiated by the committee. I guess it's a question for the department as to whether they'd initiated anything with that particular organization, whether they got a brief from them or whatever the case may be. Does anyone know?

**Mr. Olson:** It's a question I probably should have asked when the presenters were here. I don't know.

**The Chair:** Well, we'll be sending a memo on a few topics, so we'll add that to the list, if we could.

At this point – that doesn't preclude bringing them forward later – are there any other research requirements members feel that we might have in our review of the bill? Any other types of reports or specific questions that you would like answered that Philip could begin work on now?

**Ms Notley:** Yeah. Just as I said, I've already talked about the whole issue of having the summary of the consultations, but, again, from the other committee they were talking about a three-column comparison, I think. We should have something like that which sort of compares how this act compares to what was there before so that we can tell what we're changing on a more broken down basis. Then the other thing, to add a fourth column, which would deal with the Mental Health Amendment Act so that we could see how what we're talking about doing here interacts with that. That would be a request.

**The Chair:** Anything further for research requirements?

**Dr. Massolin:** Sorry, Mr. Chair. Just to clarify that, my understanding is that a three-column document in addition to the fourth column would come from the department itself, right?



**The Chair:** The government would have to make a decision. If I'm thinking of the same document that you are, which is used in the preparation of legislation prior to tabling, the government would have to make the decision, I think, about whether a specific internal document that had that kind of analysis could be presented to the committee. I don't know the answer to that question, and I'm not the person to answer the question. We'll make the inquiry.

**Ms Notley:** I think it was the committee this morning that did formally make the request, and it was indicated that that would be forthcoming as kind of a standard thing. Just for your information.

**The Chair:** Yeah. Okay. But to take your point, it's the analysis that that kind of a document provides, it's the usefulness of it that's the issue, so we'll attempt to get that.

Anything further?

Just to ask for some guidance here, is it necessary that we have a formal motion on all of these research items? We have consensus on that. We've built a list as we've come along. By all means, if you think of other things, please bring them forward at the next meeting or get in touch with myself prior to the next meeting.

Okay, we're about four minutes away from the end of the time that we agreed upon. Perhaps this would be an appropriate time to ask if there's any other business, then, any other items.

Have we confirmed a meeting for July 9? I believe we've budgeted from 1 till 4 p.m. for that meeting. The focus of that meeting would be the detailed technical briefing from the department. I think the idea is to break the bill into its apparently four or five distinct component parts and go through each one and then after each section have an opportunity for question and discussion by the committee.

I guess that in addition there will be some more decisions for us to make around consultation. We may have heard from some individual groups by that point who are interested in presenting to the committee, so the committee will make those decisions at that time.

Speaking informally to many of you – I haven't had a chance to speak to Ms Notley about this yet – we were hoping that if the meeting was of sufficient length on July 9, we would perhaps be in a position where we did not need to meet again until early in September. But I guess we'll need to assess that at the time of the next meeting and just see how far along we are. I know, talking informally with many of you, we were hoping to do as much as we could in June and July and then have an interval in August and then come back in September.

**Ms Notley:** Maybe, then – I was going to mention this before, but I didn't – could we ask that we get all that research material that we've just identified, as much of it as possible, in advance of the July 9 meeting in the interests of being as productive as possible at the July 9 meeting?

**The Chair:** Yes.

Any other questions? Any other business?

I want to thank everyone for your patience as we went through the orientation and your patience with the chair. The deputy chair and I will work on the matters that were delegated to us. I thank the staff very much for all the work that went into preparing for this meeting and look forward to seeing you all July 9.

**Mr. Denis:** Thank you again for letting us attend by teleconference.

**The Chair:** Thank you.

I need a motion for adjournment.

**Mr. Denis:** I so move.

**The Chair:** Okay. It's Mr. Denis. Thank you. All in favour?

[The committee adjourned at 2:59 p.m.]





