

**8:01 a.m.****Tuesday, May 1, 2007**

[Ms DeLong in the chair]

**The Chair:** If we could all come to order here. I believe it's 8 o'clock. Our first item is the approval of our agenda. Does everybody have a copy of the agenda in front of them? Any proposed changes to the agenda? Could I have a motion to accept the agenda?

**Rev. Abbott:** So moved.

**The Chair:** Reverend Abbott has moved. All in favour?

**Hon. Members:** Agreed.

**The Chair:** Okay. That passed.

Number 2, we need to approve the minutes of our last meeting. You should have a tab in your book here for the minutes. So again we need someone to move to accept the minutes. Mr. Johnson. Any opposed? All in favour? Okay. Motion carried.

Next we do have to approve the revised schedule of the hearings because we did make a change to the timing of our meetings. We did go around and get approval from everybody, but we have to go through this process of approving at this meeting. Okay. Mr. Prins. Any discussion? All in favour?

**Hon. Members:** Agreed.

**The Chair:** Okay. That motion is approved.

As you can see, we're going to have two presentations today. I'd like to really make it clear that we are not actually making the decision today. What we're doing is collecting the information. We're having presentations made to us, and we are going to have the opportunity to ask all of the pertinent questions so that we are ready at the next meeting to be able to make the decision. So if we could call in our first presenters on CyberPol.

[Ms Armstrong, Mr. Bilodeau, Mr. Chipeur, Ms Lawson, and Mr. Wilms were sworn in]

**The Chair:** If we could come to order again, probably the first thing that we should do is introduce ourselves around the table here, even though we do have cards, so that you all know who we are.

[The following committee members introduced themselves: Reverend Abbott, Mr. Agnihotri, Dr. Brown, Ms Calahasen, Ms DeLong, Mr. Doerksen, Mr. Dunford, Mr. Elsalhy, Mr. Johnson, Mr. Pham, Mr. Prins, Mr. Rogers, and Dr. Swann]

**Ms Dean:** Shannon Dean, Parliamentary Counsel.

**Ms Hoekstra:** Jan Hoekstra, assistant to Parliamentary Counsel.

**Ms Marston:** Florence Marston, assistant to the Standing Committee on Private Bills.

**The Chair:** And if you'd like to introduce yourselves.

**Ms Lawson:** Kristen Lawson. I'm a legislative adviser at Miller Thomson.

**Mr. Wilms:** My name is Ian Wilms. I'm the chairman of the Calgary Police Commission.

**Mr. Chipeur:** Gerry Chipeur, lawyer for the applicants.

**Mr. Bilodeau:** My name is Steven Bilodeau. I'm a prosecutor with Alberta Justice, special prosecutions branch.

**Ms Armstrong:** I'm Kim Armstrong, executive director of policing and community safety with the Solicitor General.

**The Chair:** Thank you very much.  
Gerry, would you like to proceed?

**Mr. Chipeur:** Yes. I am here as legal counsel for the Canadian Association of Police Boards, and it is represented here today by the chairman, Ian Wilms, and also with him is Kristen Lawson. They are petitioners or applicants before this Legislature and in particular before this committee to present a bill. I'd like to turn the time over at this point to Ian to describe the vision for CyberPol and the reason for this application for a special act of the Legislature.

**Mr. Wilms:** Great. Thank you very much for your time, Madam Chair. I'd like to spend about 15 to 20 minutes, if I could, outlining what the whole issue is with regard to computer crime. It is probably the biggest hole in our public safety net today in the western world, and this is an issue that I personally have been looking at for about three years now. I'm going around the different policing jurisdictions in Canada, in England as well as the United States and talking to my peers around the world on this issue and trying to find out what they're doing and how big a problem it is.

I do have a handout in front of you. It all centres around the usage of the Internet and the growth of the Internet. It is just exploding in usage, and you'll see on page 2 there that the world-wide Internet population is about a billion right now. By 2010 it'll be up to 1.8 billion in usage, and this is mostly with China, India, and Brazil coming online and the millions of people that will be using it in those countries as well.

In Canada we're already very adept at using the Internet. In Alberta, of course, with the SuperNet coming online, all the rural areas are now connected with high-speed connectivity giving everybody access to this. Canadians have embraced online banking or are using it as an educational tool. Our children have adopted it. You'll see from the writings here that the largest usage, of course, is in that 18 to 24 years of age. So this is the problem. I know that why it's probably been ignored is that most of us didn't grow up with this tool. Most of us don't know the capabilities and how quickly it's been ingrained in our society, but I'll tell you that the youth of today are certainly embracing it, and unfortunately organized crime is also embracing it to their needs. Sixty-seven per cent of Canadian adults are using the Internet now, so it is growing.

**8:10**

Now, if you'll turn to the page with the graph on it, this is a study done by the IBM Corporation about two years ago. It was a global study, and it showed how crime in the western world is actually decreasing but that computer crime is going through the roof. Computer crime is using a computer to commit the crime or going over a network to attack another network. There are various definitions around the world defining it. That's another one of the issues I'll deal with in a few minutes, about the different ambiguities in the legal systems on defining computer crime. But, as you can see, physical crime is decreasing.

Now, I know that the graph is going down for physical crime, but also with changes to the Charter and disclosure legislation the burden is on our police officers to produce more evidence, and from

an administrative standpoint the workload has actually gone up. So while physical crime has gone down, their workload from an administrative standpoint is still going up. I don't think that's a reflection on their budgets going down or anything like that.

Okay. If you turn to the next page, in this one slide I tried to incorporate all the different criminal activity going on with regard to the Internet and cybercrime. We start in the top left-hand corner. Those are two terrorist organizations, of course, al Qaeda with bin Laden there. Al Qaeda has known for years the power of the Internet and use it regularly for doing reconnaissance on the Internet. If it's communication with their cells or if it's just advertising for more recruits on how to build a bomb and those types of things, they love the power of it. Scotland Yard just two months ago cracked a ring of al Qaeda in England that was planning to bring down the Internet to cause mass chaos to the financial systems over in England. So they do know the power of it. They do know the dependence upon our societies today of the Internet.

Look at just the BlackBerry going down last week and how much chaos that caused. When the networks go down, it shows the dependence upon it. I know that Mr. Cenaiko can't be here today because the navigation systems failed at Nav Canada. And who knows what caused that? But once again it shows the power of that and how everything was grounded for four hours, and that threw everything off-line with the dependence there.

The other organization. There's a Japanese fellow who did head up an organization called Aum, which was the largest terrorist organization in Japan. This organization is touted by the CIA as the terrorist organization that has embraced computer crime more than any other. They had upwards of 40,000 members at their peak. They're best known for the sarin gas attack in the Tokyo subway system in 1995. They actively recruit PhDs and masters in computer science to go after vulnerabilities in other companies' security systems to go and try to steal intellectual property from those companies. They themselves buy many software companies and develop software packages to sell to other organizations so that they can then go in through a back door to steal or take over command and control of the computer system. The CIA is keeping a very close watch on them, even though they've tried to rebrand themselves and take a new facet on life, I guess, not so extreme. But they still have billions of dollars in assets, so a very, very dangerous organization.

If you continue to the right there, you see the picture of the young girl looking at the computer screen. Child pornography is going through the roof, a \$2.6 billion industry. When we were over in London last summer meeting with our British counterparts who specialized in this area, a child exploitation operation centre that we went to, their comment to me was that there are upwards of 50,000 pedophiles online at any time 24/7. As Steve will tell you, these are predators that will wait six to eight months to try to go after your children. They have websites now where they can communicate to help basically say that what they're doing is okay. So they have chat rooms that reinforce their own behaviour in a positive sense, and that's fostering even more development of more pedophiles on the Internet. They have websites where they can learn how to talk like a young person: what the latest fads are, movies, or who the rock stars are, those types of things. They have legal defences online too. It's how they foster and grow. It doesn't create pedophiles, but it certainly – what's the word?

**Mr. Chipeur:** Facilitates.

**Mr. Wilms:** It facilitates more pedophiles in moving forward. Thank you, Gerry.

So a huge, huge problem, and I can tell you from meeting with the law enforcement officers in this country that it's something we're not keeping up with, by any stretch of the imagination.

The bottom left-hand corner, the picture of the blackout. We're just trying to demonstrate again our dependence as a society as a whole on computers and computer networks. If you look at your own life, everything is run and controlled by computers. The water purification systems, the controls in our dams, the software packages in your airplanes: all of this is run by computers these days. It's a massive integration into our lives today, and we're very dependent upon it.

Now, with the picture of China there what I was trying to symbolize was that the Chinese military has certainly understood the power of cyberwarfare. They've developed an army, navy, air force, obviously, and now they have a cyberwarfare division; that is, thousands of officers whose main goal is to find weaknesses in countries' defence systems so that they can exploit it at a later date. They're quite open about explaining this in their military journals. Many of their officers are reported as saying that this is the Achilles heel of the western societies today: their dependence on computer networks.

Once again, my comment about intellectual property – I know that we've got many cases of foreign jurisdictions hacking into computer systems of countries, of companies, trying to steal their intellectual property. As we all know, from a corporation standpoint that's really your gold, your crown jewels. If you're a biotech here in Edmonton and you lose your next formula and it's being replicated cheaply somewhere else, in a different jurisdiction, you're dead in the water. This is happening quite a lot now. It's something companies have to take quite seriously.

From my discussions with the Secret Service, their estimates are now that cybercrime has about a \$1 trillion impact on the global economy. Identity theft alone in the United States cost \$50 billion last year, and this wave is coming to Canada as well. We are certainly not immune. While we do not have the statistics in Canada to show the extent of it, the United States has done many of these studies, as has Great Britain and Australia. Canada has yet to do a major study on the impact of computer crime in our society, even though we are probably the most advanced in this area.

Moving on to the next page: cybercriminals versus law enforcement in Canada. This is basically my findings over the last three years of working with the different law enforcement organizations, just sitting down and talking to the technology experts in their departments, talking with the chiefs of police and talking to my counterparts around the world. In Canada out of 62,000 police officers we have 245 working in this area, and I would say that that represents half of 1 per cent, less than half of 1 per cent. The majority of these officers are strictly looking at the child pornography area. Those areas that organized crime is going after, whether it's ripping off the banks or ripping off high net worth individuals, is not being looked at.

I can tell you that the Mounties have about 160 of those officers. I was in Ottawa when the RCMP did the massive bust of the Mafia, and I think there were about 90 people from the Mafia arrested. Their comment was: our tech officers are now going to be fully committed to doing disclosure and forensics on those computers seized. There was so much information seized that they are basically doing nothing else for the next year or year and a half. So everything else is going on.

Now, in policing there are two main pillars you'll hear about. That's community-based policing and intelligence-based policing. Let me first talk about community policing. It's getting to know your community so that the community will come to you with their

issues, and you have a very good working relationship. That's really at the heart of community policing. Now we have the Internet, and the cybercommunity is where our children work. It's where we communicate. That is the virtual community, and I'll tell you that law enforcement is not in that area right now. We have no penetration into the virtual world, and this is a community we need to get into.

The other one is intelligence-based policing. This is, you know, understanding and finding out what is happening and using intelligence instead of massive manpower to figure it out and then allocating your resources appropriately. Unfortunately, at every crime scene now we're seizing a BlackBerry or a cellphone or a computer that is a treasure trove of information with regard to whether it's your dealer's information, all the different phone numbers of your contacts, or the offshore bank accounts that you're sending all your money to. This information is just sitting on these devices because we don't have the expertise or the capabilities or the technology to do proper forensics on it. So if you go around to any police department in this country, you'll find a room that's growing almost exponentially with dusty computers or BlackBerries or cellphones that are just sitting there because no one has the time to get to them. So think of the intelligence lost to law enforcement. It's incredible, actually, and something that we need to change dramatically and soon.

8:20

I talk about the money laundering in Canada, that there's \$5 billion to \$14 billion. That's a wide variance but still a massive number even if you take the minimum number, and I wanted to put it in because in my discussions with the federal government they say, you know, that Canada is taking a hard line with regard to money laundering. They said that \$5 million is what we're committing to the Edgemont Group, which is a large sort of centre of excellence that they're moving to Toronto. When you think of \$5 million over five years to tackle a \$5 billion problem, it's really a drop in the bucket, and that is not a serious initiative to try to tackle this. If we wanted to really have an impact, I think that it's going to take, unfortunately, a lot more money than \$5 million over five years to start tackling problems that are in the billions of dollars. It's really not a commitment that we find is effective.

Cybertip is sort of our national clearinghouse for computer crime. If you find that you're dealing with a pedophile on the Internet or you're getting one of these e-mail scams from Nigeria, you would call Cybertip, and they would take your tip and then pass it on to the appropriate law enforcement organization. Now, in my discussions with them on the front line, they feel that a lot of their cases are just heading over to law enforcement and going almost into a holding pattern, that basically nothing is moving forward. While they have some success stories, in talking to those law enforcement agents that actually are taking the cases from Cybertip, they're saying that they don't have the expertise to run with the majority of these cases that they're seeing. So, once again, it's just a clearinghouse, basically, for complaints.

The global nature of crime is making prosecution nearly impossible, and this is at the centre of the problem. I'll give you an example. For the last 100 years – let's say a bank is robbed, and we'll use the example of ATB – the Calgary Police Service would show up and try to apprehend the bank robbers, you know, just through surveillance cameras or witnesses or whatever. Now you've got a scenario where you may have the Russian Mafia hacking into a server in Germany, going through another server in Manhattan, which is then finally attacking the ATB network and stealing, you know, millions of dollars and sending it to an offshore account.

So you think of how many jurisdictional lines were crossed there and the different laws that are in place in those countries with regard to computer crime, and now you can understand why law enforcement is so confused, almost, as to how to prosecute some of these crimes. It takes months and months to get the warrants to seize those computers, and in computer time, you know, that's just not even in the same ballpark with regard to how quickly you need to move on these issues before a computer will be just wiped clean and all the data is gone. That is the number one problem. The law enforcement ship of 150 years has not changed course to catch up with how quickly society has embraced the Internet and the cyberworld.

What we're proposing to do – and it should be on the last page with regard to the CyberPol and the triangle picture and the picture of the security operation centre. When I came and pitched to the Standing Committee on Government Services and Justice last year, we talked about using best practices around the world. Why reinvent the wheel? So that's what I did. I went out there and talked with our colleagues. I went over to London and saw what they're doing in this area, as well, and to Washington and saw what the Americans are doing and came back with their best practice on if they could do it again differently, what would they do, and what kind of support would they need?

Everybody is quite unanimous, with regard to the law enforcement community and the business sector, that a global centre of excellence is certainly what is required. Bringing the different parties in from the different countries to actually work together to foster the relationships, to understand, to work together, to bring your own country's laws up to the level that everybody needs so that we're working on the same level playing field, to use the expertise of the private sector, working side by side with law enforcement and the academic world: that's the partnership that you need if you're going to have any chance of tackling this huge crime.

I'll tell you, organized crime has embraced this. I mean, this is where they see a treasure trove of cash for them. If you think about their typical customer set for drugs, if you're a criminal, would you like to deal with an unstable drug dealer in that facet or sit at home and hire the best technology expert and go in and hijack a bank or do a denial of service from an e-commerce situation and bring down a website and say: you pay me \$500,000 to an offshore account, and I'll let your website remain open for business? This stuff is going on right now, and I tell you that in my conversations with the Bankers Association in Canada, they're saying: we can't give this stuff to law enforcement because there's no capability to deal with it; that's why we have 180 private investigators working for the banks to try to deal with this, so if you could build something like this, we'd embrace it completely.

We need this type of partnership, with law enforcement working with the private sector who have the expertise in a P3 sort of arrangement, so the private sector can make some money at it as well, but law enforcement can come up to a new level of expertise. We need to come up with a new training program for our law enforcement officers. You find that most law enforcement officers who are computer crime experts have basically demonstrated a hobby of computers over the years, and it's no comparison when you think of the expertise that organized crime is hiring. With the money that they have, they can buy the best that money can buy from a technology standpoint.

So within this centre you not only have a security operations centre so you can see where all the viruses and the worms and the hackers are. The technology is out there, I can tell you that, in the private sector to give you that information. We started with, obviously, the Australians, New Zealand, the British, and the United

States because they already have security relationships in place to share data. They are the ones I have talked to, that if we could build something like this or have this certain entity, they would support it. They have already given me a verbal support at very senior levels in the different administrations. It's almost that standpoint: you build it, and we will come.

Now, this will be a partnership with an academic institute, as I mentioned. That's part of the research and development, so developing an IT security program or getting ahead of the technology because technology, unfortunately, is changing every day. You've probably heard of encryption before.

Encryption is one of the biggest problems law enforcement has to actually get into data because the criminals will encrypt the data, and it's almost impossible to break with this current computer programming we have. Quantum cryptography is the next great leap in computers that's going to be coming, and law enforcement will fall even further behind unless we can build those partnerships with technology firms or the academic world.

Law enforcement needs training right now on the new software programs that are coming out that can track pedophiles. I was talking to Paul Gillespie, who is a former Toronto Police Service member who is best known for writing Bill Gates to ask him and Microsoft to help him in tracing down pedophiles, if they could build a software program for him, and Microsoft did that. Paul Gillespie now goes around the world training other organizations on how to use this software to train law enforcement officers. He said that the need is so great in the world right now that he could run his own training facility 24/7, 365 because of the amount of officers there are in India and Thailand and China who have a huge need for this with child exploitation going on.

Forensics. I talked about the forensics issue with the need of seizing computers and BlackBerrys and cellphones and having no capability in Canada whatsoever now to do proper forensics on this information. The intelligence on this is incredible and putting law enforcement further behind the criminals by not being able to access this information. Of course, child exploitation: we need to focus on that.

Okay. I'm sure there are lots of questions.

**The Chair:** Usually the way we do it is we continue right to the end of the presentation, and then we take all of the questions. Is that all right with everyone here?

**Mr. Wilms:** Thank you, Madam Chairman. I've given the overview, and the reason today for the bill is to create the organization to move it forward to the next steps.

**The Chair:** So you're ready for questions, then?

**Mr. Wilms:** Sure. Yeah. Thank you.

8:30

**The Chair:** Before we move into questions, if we could call the officials from the departments for their comments.

**Mr. Bilodeau:** Good morning everyone. Thank you for inviting us to make representations. I'm here on behalf of Alberta Justice. I had discussions with Deputy Minister Matchett yesterday about this bill. I can advise the committee that, first off, what you've heard from Mr. Wilms is accurate. I'm a front-line prosecutor who has been doing cybercrime prosecutions for the last four years. As some of you may know, the Justice Department has taken cybercrime very seriously in this province. We were the first province to dedicate

resources to this, so we do take it seriously. I can confirm what Mr. Wilms says about the scope of the problem, so for that reason we support the thrust of where Mr. Wilms is going with this.

With respect to Bill Pr. 1 this establishes effectively the building to make it happen, and until we see a business case with respect to what's going to go on in the building, we can't offer our full support to it because we need to see what's going to happen inside of it. There are concerns, obviously, about jurisdictional issues. There are concerns about resourcing. Alberta Justice certainly doesn't have resources in its present budget to support something on the scale that you've heard Mr. Wilms talk about. So while we support this in principle, we can't go further than that until we see a full business case.

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

Ms Armstrong.

**Ms Armstrong:** Thank you. Before I begin, I would like to take the opportunity, Madam Chair, Mr. Deputy Chair, and hon. members, to thank you for permitting our ministry to make submissions regarding this initiative and for inviting me here today. We very much appreciate your willingness to consult with us, and I hope that my brief comments will be of assistance to you.

As you know, Premier Stelmach has committed his government to providing Albertans with safe and secure communities. As the ministry responsible for policing services, Alberta Solicitor General and Public Security is also committed to making this priority a reality. The challenge, however, is very much different today than it was a generation ago. New technologies have brought us expanded freedoms and opportunities. They have erased borders, fuelled economic growth, and brought humanity closer together.

All is not well, however, within the global village. In 2002 Ira Sager described the underground web.

... a place where ... thousands of virtual streets are lined with casinos, porn shops, and drug dealers ... It's the Strip in Las Vegas, the Red Light district in Amsterdam, and New York's Times Square at its worst, all rolled [up] into one – and all easily accessible from your living room couch.

Its instant, affordable, far-flung reach has fostered frictionless commerce and frictionless crime. Fraudsters can tap into an international audience from anyplace in the world and – thanks to the Net's anonymity – hide their activities for months, years, forever.

This is the world we now live in, a new reality that our Legislatures and police services must strive to manage. This will be no easy task, and we must move cautiously.

The petitioners have been lobbying government to establish a new body to fight cybercrime. This project first came to the ministry's attention last year, and since then the Hon. Fred Lindsay, Solicitor General and Minister of Public Security, has met with them and has committed us to working with the Canadian Association of Police Boards to develop a comprehensive business case for CyberPol. We will continue along that path and urge the petitioners to work with us in gathering input from all sectors and particularly our federal partners.

Ministry staff have reviewed Bill Pr. 1 and consulted with officials from Alberta Justice and Attorney General. While no substantive changes are being proposed, our staff have indicated that the wording of section 3, Objects, is not ideal. Currently this section describes the objects of CyberPol so as to include the co-ordination and advancement of the government response to cybercrime. This may be problematic. If Bill Pr. 1 were adopted in its current form, it would establish an agency independent of government, and for this reason we would respectfully suggest that it may be prudent to make

clear that CyberPol has no formal role in determining the government of Alberta's official response to cybercrime. We would respectfully suggest that this could be accomplished most easily by revising the section and removing the words "and government response."

Again, we very much appreciate your willingness to consult with our ministry regarding this initiative. I would be pleased to answer any questions once the presentations are done.

Thank you for your time and kind attention.

**The Chair:** Thank you very much, Ms Armstrong. Now we can move on to questions.

**Mr. Dunford:** I always find situations like this interesting from two perspectives. One is that we're elected to be stewards of taxpayers' money, so I'd like to hear some thought about: if we enter into this enterprise, what is likely to be the responsibility of the ordinary taxpayer, who may or may not ever be touched by this?

Secondly – and it's exacerbated a little bit this morning by observing some actions of the Edmonton Police Service as to their allocation of resources and what they think is important and, maybe, what they don't – from your presentation this would seem to be an area worth tremendous response and resources from all of the police boards around the world. I believe it's your responsibility that the numbers are as low as they are because you allocate the resources, if I understand it. So you're giving us an indication of what you still think is important, and this has yet to reach, obviously, a critical mass by your numbers.

That's fine, but in a democracy there are examples of where as individual citizens we give up our rights, and it's for the common good. I would use checkstops as an example of that. We have allowed ourselves to be stopped on highways and checked for various materials even though we are innocent of any, you know, particular crime, at least at that particular time. But we do that, and we're quiet about it because it's for a better good.

I'm curious. In all of the jurisdictions that you've been examining, what rights would I as an individual or what rights would my constituents as a collective individual be expected to give up in order to combat what I'm not questioning is a serious situation?

**Mr. Wilms:** Okay. The first one with regard to the cost to the taxpayers: that's going to be worked out, I think, in the next phase of the business plan. We want this to be a P3, a partnership with the private sector. We're expecting a lot of the funding to come from that avenue, and that's really our thrust right now. As Kim said, we're going to be working over the next six to nine months at least if this goes forward, with that next phase of developing a business case and understanding better exactly how we can best fund something like this.

**Mr. Dunford:** When you lean back and put your feet up on the desk, what do you say this is going to cost? What do you estimate?

**Mr. Wilms:** We have talked to architectural people, and I know from my own situation in Calgary where we're building a new police headquarters, the cost of that is \$400 million right now. So that's the ballpark you're looking in, if you're going to build it a Homeland Security or, you know, the high security standards that this would require due to the nature of it. We think that perhaps the risk, if there is any risk – you've got to make sure it's secure if our allies are going to send their police officers to work in such a facility. That's the number we're looking at right now that I would imagine. But as I said, I can't self-assure until the business case and the architects can fully vet all the different scenarios.

**Mr. Dunford:** Okay. And on restriction of freedom?

**Mr. Wilms:** Right now every country would have its own jurisdiction and stick to the same legal guidelines as they do today, and as the different legal communities work together to figure out what is the best way to operate in this new environment, new jurisdictions, each country's legal systems will take priority in changing the laws to be in compliance, and that'll always be done by the Legislatures. We'll make recommendations to the Legislatures, obviously, but it will be Legislatures' responsibility to change the laws in accordance with the recommendations we'll be bringing forward.

8:40

**Mr. Dunford:** Thank you.

**Dr. Brown:** Well, I guess, I'm going to ask a couple of obvious questions. First of all, why a private bill, and why not existing legislation for either a corporation or a nonprofit organization? Then I guess the second one would be the personal interest of the petitioners as opposed to the general interest of the public as a whole as a reason for it being a private bill petition. I have a couple of other questions, but if you could proceed on those.

**Mr. Wilms:** That one first? Okay. Gerry, do you want to talk about that?

**Mr. Chipeur:** Thank you very much for that question. The first part of that question relates to the need for a private bill, and the reason for that is because this is going to be a host. It's going to be, if you will, an empty shell in which a number of jurisdictions, both provincial/municipal and national/international, will be operating. If one were to incorporate, let's say, under the Societies Act or some other not-for-profit statute, you would immediately run into questions of the government of Australia and the government of the United Kingdom and others being responsible to an Alberta scheme instead of a special act created for a special purpose related to public safety. So it is the goal to create the most neutral host for this international and pan-Canadian group of police agencies. If one were to take a government department, you have the same kind of question about neutrality.

We believe that a special act of the Alberta Legislature is the closest thing to Geneva, Switzerland, that we can get. Geneva, Switzerland, is a place where the international bodies go to work together to solve problems that are cross jurisdictional. We believe that a special act is the best way to allow all of the different jurisdictions to work together without being subservient to any of the jurisdictions that are involved. You may say: well, this is then going to be, you know, subservient to the Alberta Legislature. In a sense it would, but the Alberta Legislature would be creating a law, and if there was going to be any regulatory response, it would be the actual regulatory bodies that are involved. For example, police forces that would be involved in the CyberPol centre would operate with each other by way of contract or internationally by way of treaty to work with each other to achieve the objectives of the centre.

This bill is really an empty vessel. There's no financial requirement from the government of Alberta. There's no regulatory requirement. All of those issues, whether any money goes in, whether any actual regulatory powers are ever exercised, whether anyone's rights are ever brought into question, will be as a result of actions taken after the fact by way of treaty or contract to achieve this objective. It truly is a unique circumstance. What Alberta would be saying as a Legislature if it were to pass this bill would be: we're prepared to host whatever it is that is negotiated by the various

jurisdictions that have responsibility for public safety. Nothing more. All you're saying is: we're the host; come and be our guest if you choose.

The second part of the question related to the – maybe you can just repeat it again?

**Dr. Brown:** The personal interest of the petitioners as opposed to the public at large.

**Mr. Chipeur:** In the past the practice has been before a Legislature like this that citizens petition for the creation of this kind of body. We are doing this solely on behalf of the Canadian Association of Police Boards. That entity would not typically be recognized by a Legislature because it's a national organization, so individual citizens have to come forward as a matter of public interest. There is in the act no ability to share in any dividends, profits, or anything like that. This is totally public. Once it is created, you'll see that the Canadian Association of Police Boards and the Canadian Association of Chiefs of Police will be the sole governors that will choose the other public bodies that choose to participate in the governance of this.

We did not want to go beyond that because it would then presume the participation of any particular government, and until a government chooses to participate, we can't include them. But there is a provision in the act that says that once a government chooses to participate, the two associations, the two governors can then vote to bring them in and put them on as governors as well. So the governance process would go forward by way of agreement, each government choosing – if it chooses. I mean, you could pass this and then every government could look at this and say: "You know what? The feasibility study tells us it can't be done; therefore, we aren't participating." If that happened, this would just die a natural death like railway bills passed a hundred years ago. But if they choose to participate, they would be there, and they would have the governance role that they choose to have in this particular entity.

**Dr. Brown:** Just a couple of follow-ups on that. Given that your jurisdiction or your mandate, the whole concept of this thing, obviously transgresses provincial boundaries and whatnot, why would you not either proceed with a federal corporation or a federal petition? Secondly, given the fact that it's international in scope, why wouldn't you have sort of a concept of something like Interpol or IATA, the International Air Transport Association? For these bodies that are international bodies there's a collective quasi-treaty between countries that would set up such an organization and mandate the co-operation in them.

**Mr. Chipeur:** I'll let Ian answer the question about Interpol because he has in fact had discussions with them. The reality is that in order to move forward, the Alberta government and Alberta as a province seem to be a wonderful place to host this. It's not necessary. It may not be. But it seems to those who have been looking at this to be a good place to be. So that's why Alberta.

Why not go through the United Nations? I can tell you it would probably take 10 years before we'd even begin to make progress if we went through the United Nations. Federally, the federal government is not doing private bills like they used to do them. It would take an extremely long period of time at the federal level. It's a minority government, so that's another reason.

Finally – and I'm going to go back to my Switzerland analogy again – Alberta is like Switzerland in the sense that it is not a nation. If it creates the corporate shell in which this is housed, then no other nation can say: oh, well, this is Canada, and therefore we are

somehow subservient to Canada in this. This is, in fact, an entity that's been created by a local jurisdiction in which the centre may be hosted. That's the logic, not that it's Canada and that the U.K. and Australia and the United States are somehow saying: okay, Canada now is responsible for our security.

It is our hope and desire that this corporate organization would actually be neutral with respect to all of those jurisdictions, and they would come in and participate as they chose and not participate as they chose without losing any of their international or national sovereignty.

**The Chair:** I think we should move on.

Mr. Prins.

8:50

**Mr. Prins:** Well, thank you, Madam Chair and presenters. This is a very interesting and intriguing subject, I think, whose time has come to do something about it.

What you're dealing with here are terrorists, petty criminals, vandals: a whole range of nasty kind of people, I guess. But the global nature of this thing and you guys wanting to concentrate this CyberPol into one facility creates another dilemma, I would think. Maybe I'm wrong, but with the concentration of services all these people would be trying to hack into your facility so that at the same time as you were fighting everybody, they'd know exactly who was fighting them. Would that not create a dilemma? If you have all this concentration of firepower in one place, the hackers are just going to set up another series of buildings right next to yours or somewhere in some country shadowing what you do. Do you see this as a risk or a problem? What are you going to do about that?

**Mr. Wilms:** It certainly would be a risk, and it would be a target, but I can tell you that the goal would be to be the most secure facility in the world. Working with partners – you know, the American NSA or the British MI5 in that area – who have very, very good skills in this area, we would make it the most secure. While it would be the headquarters and the brain trust of the whole thing, there would be virtual partners you'd have out there as backups in other, smaller centres, but this has to be the catalyst to get people changing and moving in this area to focus on computer crime. I hope that addresses it. It will be extremely secure, and that's huge, the threat of hacking, of course. It'll be a feather in their cap if they could probably hack in or something like that, but all we can say at this point, again, is that, you know, we'll be taking every precaution we can think of to make it as secure as possible.

Now, we did talk to Interpol with regard to this. I talked to the secretary general. Interpol has two people working on computer crime in their whole organization – we're working on getting formal letters from Interpol – and they said: "Please, please do something about this. Run with this. We support it. We haven't gone into this area. We know this is the future of crime. If you could run with something like this." I think that the comment was made earlier that if you deal with the United Nations or those bigger organizations, sometimes their bureaucracies are so big and cumbersome that to get something like this moving would take years and years and years, so that's another reason why we are going this route.

Kristen, do you have anything to add to that?

**Ms Lawson:** Yes. I wanted to kind of address Dr. Brown's question in terms of personal involvement. One of the reasons I became really excited about Ian's proposal of CyberPol is because for many years I worked for an online company called Talk City. What that company did was facilitate and moderate online chat and discussion,

so we would have authors, politicians, all kinds of people come online and chat with our guests. It was also peer-to-peer communication.

Now, one of the fundamental principles of the company was that it was to be a well-lit environment. To that end, one of the things that we tried to do and struggled to do, and not on a monthly basis or a weekly basis or even a daily basis but an hourly basis, was to protect those people who came online and wanted to dialogue with each other and people like yourselves. On a daily basis we had users contacting us because they were victims of fraud. Quite often these were victims of fraud that were multijurisdictional, a person in Canada having given personal information to somebody in the United States or in another country. We were also constantly berated by online attacks, whether that was denial of service attacks, whether that was people coming into the chat rooms using what's called a flood bot, which is basically just public mischief.

The other most common problem that we found on the site was in our teen communities, and our teen communities without a doubt were the largest community that we had online. That was with adults who would come online, fearless, and had no problem saying: I'm a 45-year-old man looking for a 13-year-old girl. They would come right out and say that in the chat rooms. We spent the majority of our time not moderating discussion but removing people from the chat network, from our servers who were doing these things. This was 10 years ago that I started doing this job. I did that for six years, and it never improved. It was very difficult to encourage people to go to the police. The police quite often did not have the resources, the capability, or the understanding to deal with the crimes that were being committed online.

One of the things that was quite shocking to me and one of the things that I think is really exciting about CyberPol is the idea that we could also have a preventative role in crime. After the Columbine massacre we were contacted by the FBI as a company because it was brought to our attention that the Columbine shooters had been chatting online using our servers, so we were all instructed to go through our logs to try and identify, perhaps, anything that could have led up to the shooting. These are things that we know go on all the time today in terms of young adults, children, terrorists using the Internet as a means to plan and communicate, and these are things that have been going on for at least 10 years if not longer now. So I think it's vital that we don't wait another 10 years or another 20 years to catch up with the people who already have a 10-year or 15-year head start on the technology side.

**The Chair:** Thanks very much, Ms Lawson.

We've still got another bill to go through after this one, so I think we should try to tighten up things a little bit and also try to keep our questions more focused on the actual bill.

Our next questioner is Mr. Johnson.

**Mr. Johnson:** Thank you, Madam Chair. I want to thank the presenters for the very informative presentation here. I had no idea of the extent of cybercrime, and this has been very informative for me, a very serious situation. You talked about best practices at one point and that you had, I guess, travelled around to other countries to observe what's going on and to look at their best practices. I'm just wondering: as you look at a global initiative here, which countries may bring the most to the table?

**The Chair:** I don't know how we do this, but I do think that we have to sort of really concentrate on the bill rather than on how this would all proceed in the long run. I don't want to cut down discussion too much here, but somehow we have to redirect a little bit in terms of trying to get at what we're doing with the bill. Go ahead.

**Mr. Wilms:** I'd welcome taking questions after the fact. If there are specific questions about cybercrime and best practices, I can deal with that on an individual basis. I have no problem with that.

**The Chair:** Thank you.

Mr. Pham.

**Mr. Pham:** Thank you. Listening to your presentation and reading the bill, there's little doubt that what you would like to do is very important. However, I have some concerns after hearing your presentation today. Mr. Chipeur earlier talked about a need to have a private bill. He would like it to have some special power that the normal way of incorporating a corporation cannot give you. My understanding is that the Private Bills Committee deals with matters that don't have a wide public impact. How do you deal with that, and what do you want to do at the same time? That's number one.

Secondly, when I look at the wording of the bill, I agree with Ms Armstrong that the words "government response" included in your objects is probably inappropriate because you're a private corporation, and for you to assume that you can co-ordinate and advance the government response is unreasonable.

The third question that I have is in terms of what you propose in here. Under section 6 you have 10 directors, and then you propose two founding members, Ian Wilms and Kristen, who are both here today, and then you have another two representatives who can be nominated by either the Canadian Association of Chiefs of Police or the Canadian Association of Police Boards. Right? I assume that, Ian, since you are already on the police board, the police board representative could be you, then.

9:00

So given that and if you go to section 6, you say that, well, by resolution of 75 per cent of the directors, if the police association doesn't nominate anybody, then two-thirds of the board can decide who will be sitting on there. I assume that in this case, because you are already one of them, two-thirds means that you and Kristen can, basically, appoint all of the other eight committees, right? So you can hand-pick them.

Because you are restricted with the 10 positions only, in your presentation earlier you said that this is shared, and whoever wants to participate will be invited to the table. So you will pick and choose as to which ones you want to be at a table. You are dealing with several jurisdictions here. In Canada you already have 10 provinces, you know, several territories, and a federal government. Do you have more space for other people if they come to the table, like 52 states from the U.S., for example?

So those are my questions.

**Mr. Chipeur:** Three very good questions. Let me answer the first one with respect to the position of the Attorney General and the Solicitor General. We accept that criticism, and we agree with the proposed amendment. So that's number one.

Number two, we do believe that this is private at this time because no government has made a commitment in this area. In a sense we have to be this neutral, white-bread, if you will, just plain, private company that's going to do some feasibility studies because at this point in time all we have is two associations that want this to happen. Those associations are not government. They in fact are related to government; they're not government. Therefore, this can only be done, we believe, by a private bill. But we do believe that the Legislature should have direct control over it because it does have some public policy aspects. But there will be no money spent and no political or governmental commitment to this unless and until

the model that is studied actually is feasible and works and is adopted by the appropriate ministries who are accountable to the public.

So I agree with you that this cannot be a matter of public policy. It has to be private. At this time it is private, and by going through this private bill process, we're not looking for special powers. What we're looking for is a unique vehicle for a very unique idea, and we believe that this balances those interests that are out there and makes it possible for this to happen sooner than if we chose any other vehicle to get the job done.

Then your final question with respect to board membership. You're right. At this point in time it will be these two individuals that make the decisions, but the reality is that any government that chooses to participate is going to put conditions on their participation, both with respect to money as well as governance. And this is open ended so that we can have that participation. But we don't want the board to be that big that it will become a rubber stamp. So, yes, we've limited it to 10.

That means, in our view, that only the main police organizations in the world and in Canada would be involved. You would not see each province coming in. You wouldn't see every jurisdiction in Canada, all the different municipal police boards. It will be a matter of negotiation and identification. If we do come to the point where we do need more and there's a good public reason for that, it may be that we come back to the Legislature and ask for an amendment. Right now we don't anticipate that. We believe that by contract or treaty we can give each of those participating police forces the opportunity to have the kind of input and impact they want.

Remember that what this really amounts to is a time-share of a supercomputer. At the end of the day we believe that business, industry, government will be able to create the largest crime-fighting computer in the world to be the engine that runs this centre. The different countries of the world will come in and send their officers and their academics to utilize that computer to fight crime in their own jurisdiction. So we're trying to create a way in which those organizations can participate without being subservient to the host country but at the same time protecting their own information. I mean, if you think of Colorado and the mountain that they have down there near Colorado Springs, in there you have Canadian and American computers working together to protect all of North America. That's the kind of idea. We're not putting this under a mountain, but we are creating the same kind of co-operative approach to the fighting of crime that the U.S. and Canada currently do in that mountain in Colorado.

**The Chair:** Ms Calahasen.

**Ms Calahasen:** Well, thank you very much, Madam Chair. First of all, I can understand the reasoning as to why you want to be able to do something of this nature. My concern is that as a provincial Legislature we deal with provincial objects, I guess you could say. You're talking not only with the provincial; you're also talking about the national. I guess this is Mr. Pham's issue as well, about the international scene. So my question is: what kind of protocols are you looking at to be able to deal with the national and the international scene? Although you have tried to explain that to some degree, when you're talking about the objects of what the province can do under a private bill, it does not meet the need of what you're trying to do. So I guess that's my big question.

**Mr. Wilms:** Yeah. Well, we have talked to many different stakeholders at the different levels. You know, the RCMP is committed in Alberta to work with us at that level. You could almost put this

at many different levels, but Alberta is regarded in the law enforcement community as very well run from a law enforcement standpoint in the international community, mainly from our success at the G-8 in Kananaskis, where we gained a huge vote of confidence that we do things well. People know Alberta and almost trust us to do things well here from a law enforcement standpoint. So when we proposed Alberta as putting this bill forward through my different law enforcement colleagues across the country and also in England and in the United States, they immediately said: that would be a great place to put it. Alberta should be a leader in this area, and that's why we've gone down this route for sure. That's one of the major initiatives.

**Ms Calahasen:** Madam Chair, just on this point. You're talking about a facility, a building at the moment, but you're not talking about what you intend to do within the facility and those protocols that would be required for you to be able to meet that jurisdictional issue. So my question is: how do you intend to deal with something of that nature? I think Justice and the Solicitor General as well mentioned that issue.

**Mr. Chipeur:** I think you've hit the nail on the head. We are asking for a legal structure whereby effectively Alberta can choose to be the landlord. Period. That's it. That's all that's going to happen is that Alberta may choose to use this model to be the landlord for police forces from around the world. It doesn't have to. It might choose to go a different direction, but it might choose to do this after we do a feasibility study. But all of those issues about protocol between governments, that's going to be totally the government. The government will be in total control of that. We have no role there.

In fact, once we've created this and created the governance, effectively we're going to bow out once the governments have agreed amongst themselves how they're going to operate. At the end of the day, the parents here probably won't have a role at all. If things go well, it will be the RCMP, it will be the government of Canada, it will be the government of the United Kingdom all through treaty and contract that will have agreed to do this.

If we don't do the feasibility study right now and show why this can work here, then it will never happen because no one government has the ability to finance this. But if you get all of the governments together, then they can finance and make it happen. We believe that it can and it could work right here in Alberta, but it will only happen if the governments choose. You are making no commitments with respect to any of those issues here today. All you're doing is saying that there's a legal structure for a landlord to stand up and operate, but only if it chooses to.

**Ms Calahasen:** Thank you.

**The Chair:** Reverend Abbott.

**Rev. Abbott:** Thank you very much. I agree with my colleagues. I think your presentation was excellent, and this is a much-needed centre. I'm very, very supportive of it, but again I have to agree also with some of my colleagues that say that this may be beyond our constitutional jurisdiction. My one simple question is this: what are you going to do if we say no?

**9:10**

**Mr. Chipeur:** Here's the reality: if you say no, it will then go back to a government to run with. The fact is that 10 years ago the G-7 Finance minister said that we needed a centre like this. In 10 years nothing has happened. There has been no progress.



The reason for that is that every jurisdiction can only focus on its own matters. If Canada started doing things for Australia, the taxpayers of Canada might properly say to the Public Safety minister: "Why are you worried about Australia? That's Australia's problem." If Alberta started doing this for all of Canada – in other words, if the Solicitor General's department started spending time and effort on that – then you'd say: "Well, why is Alberta doing that? That's Ottawa's responsibility." So what we have seen is no action.

What you have is the Canadian Association of Police Boards, who stepped up to the plate and said: "We're ready to act. We're ready to take leadership only on the issue of feasibility studies to determine whether this makes sense." We need an entity that is not the Association of Police Boards to do this, an entity that will look at this for the purposes of creating this.

But if this isn't done through this means, it really does mean that it's back into the public policy realm. What we've seen so far is that if it's in the public policy realm, then there are so many different jurisdictions in the world that it just gets bound up in bureaucracy. It's not that bureaucracy is a bad thing; it's a good thing because it keeps us from doing the wrong thing. But we're saying that those public policy decisions can be made through the proper bureaucratic mechanisms as long as this entity stays totally private and just facilitates the study that will then let those bureaucratic mechanisms make the right public policy decisions.

So I would disagree with anyone that would characterize this as a matter of public policy today. It is only public policy to the extent that it is a Legislature creating a legal entity that might work with government. Think about this: private hospitals, private schools, private organizations of all kinds have been incorporated through this Legislature and later on have been funded by government, have been in fact taken over by government and operated as a government institution.

Really, that's all we're saying right now. In the area of policing this entity is offering to take the lead and do something that we don't think any one government can do on its own right now, but we do agree that eventually this will be solely a government operation, once government has made that decision and if they make that decision.

**Rev. Abbott:** Thank you.

**The Chair:** Mr. Lukaszuk, please.

**Mr. Lukaszuk:** Thank you. Perhaps I can offer a little bit of what I hope to be a constructive criticism and then ask you a question. Having listened to the questions, the nature of the questions, my first observation and what I was thinking over the last few minutes is that I think you're here prematurely. You're asking for a decision that will have a profound effect, if successful a worldwide effect, and you're asking this group of legislators to make a decision to enable you to do whatever it is that you're going to do.

But I must honestly tell you that even though in principle, at face value, what I'm hearing is encouraging and I think there is a need for what you're asking for, I think I would be irresponsible either voting for it or against it based on the amount of information that I have before me right now. I'm simply not informed well enough to be able to make an educated decision one way or the other. I would hate to have to vote against it and kill something that perhaps and likely has a great deal of merit in it and should pass, nor can I with conscience vote in favour of it and put Albertans in principle, one way or another, on the hook not knowing what the outcome and the actual cost will be.

You're asking us to put in place, give birth to an entity and then: we'll come back and tell you what this entity is and what it does; trust us. It puts me in a very peculiar position because I do think that if I investigated this matter without prejudicing it, I would probably find more attributes than flaws with the concept. Now, not wanting to sound like a homer, but when I look at section 6(3), the constitution of the board, why the city of Calgary and University of Calgary? If you want this panglobal entity and you're comparing yourself to Geneva – and I think Alberta could now be in the leagues of leaders of other nations or continents – why would you not put it in a place where government actually resides, where the decision-makers are, in a government centre? Just a question, now, because your structure of the board is peculiar to me if that's what you're aiming at.

**Mr. Chipeur:** I think maybe you have a typo on the board. I think you may have one of our original drafts.

**Mr. Lukaszuk:** So should I read that Calgary is to be replaced with Edmonton throughout the bill?

**Mr. Chipeur:** If that's what it takes. No, in fact, it was revised significantly through input from both federal government and provincial government discussions. In fact, it may not even be based in Alberta. I mean, there's no requirement in this bill that anything happen, whether it's based in Alberta or even in Canada, so that concern is addressed.

We would certainly welcome the opportunity to provide you with a fuller document that addresses some of the questions that have been raised this morning so that you can have the answer and you can responsibly know that there is no necessity for government involvement or funding as a result of your vote. Any government involvement and any funding would be solely a decision that the government would make as government later on because it wanted to, because it had done some studies and determined that it wanted to go in a particular direction.

But let me go even further and suggest that we believe that at the end of the day the only way for government to tackle this problem in an efficient way, in other words a taxpayer efficient way, is if each country of the world were to build one of these and then solely and exclusively only use their own centre. You're talking about probably \$50 billion whereas we think for that same \$50 billion price – you can do it for maybe one one-hundredth of that, \$500 million, here. Then, to be crass, this is a time share. In other words, each government comes in and uses it only for that amount to the extent that they have resources and choose to use it.

We'd love to be able to explain some of that in a fuller document, but I would caution the committee that to the extent that we do predict the future, it is purely a prediction, and all we can say is that what's on this piece of paper is the creation of a legal entity that has no government support, no monetary support, no taxpayers' support, and the only way that it will have any of those three is if a minister who is responsible to the taxpayers through the budget process makes a decision to commit government politically or financially to this.

So I think we're open to doing more, but at the end of the day if we give you more, it can only be guesses about the future. It can't be a commitment because no government has committed to this whatsoever.

**The Chair:** On this same point, Reverend Abbott?

**Rev. Abbott:** Madam Chair, just for clarification because I don't see

it here in the bill – it's probably here, but I don't see it – who actually owns the centre? The board of directors owns it?

**Mr. Chipeur:** Well, that's a very good question, and that's a question that is left absolutely open right now. For example, if it was put here on government of Alberta lands and there was a lease to the centre from the government of Alberta, then the government of Alberta would own it. If it was sitting on federal lands, maybe the federal government would own it. There's no necessity that we answer that question right now, and we purposely left it open because we don't know who is going to own it. Those are all subject to negotiation and agreement. Again, I understand the importance of that question, but we can't answer it right now because if we did, then all of a sudden we would be talking about public policy instead of just a private initiative to try to move this issue forward.

9:20

**Mr. Doerksen:** I'll be quick. I'm very much in the same headspace where Thomas was in terms of the questions on how to decide on where to go with this, and I keep going back to the question that we always talk about "we." I don't know who "we" are. I see a Mr. Ian Wilms, who is president of the Canadian Association of Police Boards. I'm not sure if you have the sanction of all those bodies. That's not been evident to me. The bill talks about an Ian Wilms, chair of the Calgary Police Commission, so I'm not sure who you are in fact representing, whether it's yourself or a body or whether that's sanctioned.

Then there's a Kristen Lawson, who's with us today, also on the board, who suddenly seemed to control this whole entity. Yet we keep talking about the collective "we." So this is the problem I'm having: I'm not sure who's driving this and whether this legal entity is really the one that's necessary.

**Mr. Wilms:** Yeah. I am the chair of the Calgary Police Commission, and I have the endorsement of the Calgary Police Commission to work forward and move this forward. Now, the Canadian Association of Police Boards. That's the collective of all the different police commissions that oversee all municipal policing in Canada, so about 30,000 police officers that we govern. I'm the president of that organization as well, and we have voted as an organization at our annual general meeting to support this concept. Because I think it was Mr. Dunford's point earlier, you know, that it's the board's responsibility to come up with a solution here, and what you're seeing today is our best solution from a municipal policing standpoint.

We've also gone and talked to the RCMP, got a signature from the RCMP that they also think it is the right thing to do. We've gone to the chiefs of police, so we have a letter of support from the Canadian Association of Chiefs of Police. That's all the chiefs in the country, from Quebec, from the Maritimes, wherever, also endorsing this concept, and all of them are saying the same thing: this is the way to go; this is exactly what you have to do or else you're going to get bogged down in too many other jurisdictional issues and government bureaucracy. I don't mean to be derogatory there, but this is the way to go.

**Mr. Doerksen:** You know, I'm going to take your word for all that, but, I mean, there's nothing that's demonstrated that to me at this point in time.

**Mr. Wilms:** Okay. I can provide the letters.

**Mr. Doerksen:** But speaking to the bill, why wouldn't you say that

the president of the Canadian Association of Chiefs of Police is a board director, not Ian Wilms, because Ian Wilms can change, right? So why aren't you identifying those kind of – to me that would give this bill a whole lot more credence than what it currently has. I mean, maybe it's a legality that I don't understand. But that's just so you can know where my headspace is at.

**Mr. Chipeur:** Mr. Doerksen, I think that's a great idea, and I can tell you that we're here to try to work with the committee to come up with the best approach. I think that suggestion, and if there are other suggestions, makes this more consistent with the views of the committee on governance. We have struggled to try to come up with the best approach in terms of governance, but that doesn't mean the work is done. So that suggestion that you've just made, I can tell you, we would agree to immediately. Furthermore, if you had others that would create better governance, that is our struggle: to try to find something that will allow governments to opt in but at the same time provide governance immediately for the due diligence process. Our general operating theory has been that government will only operate on the basis of contract and treaty so that no money, no public monies, and no public participation will happen without the express written agreement of the participating bodies.

If it can be said and provided for in a way that's better than what we've done, we're all for it because we want to provide very good governance that will facilitate this without tying it to one government because once one government gets involved – and this is just a reality – all of the other political issues relate to that government. So if Alberta did it, anyone who had a bone to pick with Alberta would then try to trade off something here for something they wanted from Alberta somewhere else. If it was the Canadian government: well, Alberta will do it, but, you know, what about Quebec? If Canada does it: well, what about the United States, and what about Great Britain? So we wanted to create an entity that truly was private, that all of those other political issues would be set aside and the only issue on the table was policing.

**The Chair:** Mr. Lougheed.

**Mr. Lougheed:** My questions have been answered satisfactorily.

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

Mr. Agnihotri.

**Mr. Agnihotri:** Thank you, Madam Chairman. Cybercrime, there is no doubt, is a very important issue. It's crucial for public safety and law enforcement. I had a few questions in the beginning, but most of the questions have been answered already. I have one question left. I think it is very important. You know, still the public will consider this centre as a private entity. Why would the provincial government go private institution, I mean, rather than police territory? There is one side, the police territory, and you're asking for a private centre or private entity. Why?

**Mr. Wilms:** I believe, sir, because policing is changing, and this is going to be the new direction that policing is going to. It's going to be these partnerships of the private sector, academic, and law enforcement working together. It is the only way we're going to be able to properly manage the crimes that we're seeing today and for the future going forward. This is our best recommendation.

In London with regard to the child exploitation centre you have Microsoft and representatives from Google working side by side with a law enforcement officer, working side by side with a child psychiatrist. That's the new team going forward. That's the way

we're going to have to do it, and that's why we're structuring it like this, in the private sector.

**Mr. Agnihotri:** Why do you think people will support your centre rather than enforcement agencies in this country? I mean, they have more trust in federal agencies than, I think, a centre like you are proposing.

**Mr. Chipeur:** The idea, I think, at the end of the day is that there will be an RCMP seal over the door and that no one will get in or out of this centre without the RCMP's blessing. At the end of the day, if the RCMP were to do it at the federal level, then the question would be: "Okay. How does that work with the fact that the province hires the RCMP to do policing here?" But if it was the provincial government that was doing it, well, how would that relate to the fact that the RCMP are also a federal agency operating federally?

So in order to get rid of those questions about who's the boss, who's in charge, we said: let's create an entity in which everybody can come to the table, all the different levels of government. Remember, everybody is going to be government at the end of the day. Even the Microsoft staff that come have to be special constables, so no one is going to be coming in without that control. But if we start off by saying that there is one organization that is the lead – it's the RCMP provincially versus the RCMP federally, or it's the Calgary police versus the Montreal police – then immediately everybody's going to be thinking about that jurisdictional battle.

We're trying to create a boardroom table that everyone can sit around and hash through all of the issues that we've heard here today. They're real issues. But if there's one jurisdiction that is the boss, if you will, then immediately all of the baggage that goes with that interjurisdictional relationship is on the table, and we would like to leave it off. By doing it as a private entity that is associated with two publicly appointed entities – and we're happy to restrict it to that, as Mr. Doerksen has suggested – we believe that you will be able to achieve those objectives.

So I think that there is an opportunity to make sure that your concern about this being totally public – we believe that as well. But to begin, it can't be associated with any one of the policing organizations. Otherwise everyone will say: "Hey, Calgary, that was a great idea. You fund it. When you build it, we'll come along, and we'll join you."

**Mr. Agnihotri:** But my concern is civilians interfering with police territory.

**Mr. Chipeur:** If the police don't want to do this, they'll tell us to get lost. And I think you've heard today that the two major organizations that are involved in law enforcement are willing to talk. The RCMP have a letter of support. They're willing to talk. So every major police organization in Canada, every major law enforcement organization in Canada, has given us a letter saying: we want to talk about this; we think this is a centre that needs to be done. We're prepared to provide you with all of that background, all of the letters of support, all of the research that's done today. We'd really welcome the opportunity to provide those letters so you can see that there is a desire to go down this road, and we just need to find the best way to do it. We think this is the best way, but we're certainly open to counsel.

9:30

**The Chair:** Mr. Lukaszuk, did you have something on this?

**Mr. Lukaszuk:** Just on this topic. Maybe this will reframe our thinking. Tell me if I'm off base. What you're really asking us to do is akin to what the United States Congress did a few decades ago when they decided to donate a plot of land in New York City and build a building now known as the United Nations to which you invite the world and other jurisdictions to operate out of on interjurisdictional issues. It's probably owned by the government of the United States, but the government of the United States has no extra powers of authority over what happens in that building. So what you're asking us to do is put you in place, give you authority to build this structure that will invite the world to work from on interjurisdictional issues. Is that what it really is in a nutshell?

**Mr. Chipeur:** Yes. Except all you're doing right now is creating the piece of paper. We have no power to do that unless the government takes the step. What you've described is the endgame, but if you vote this bill, you will not be voting that. All you'll be voting is that we have a chance to talk to government about, maybe, that vision. Yeah. Let's create a headquarters in Edmonton that is just like the United Nations in Manhattan. So I agree with you.

Believe me; we faced that criticism about, you know, picking a city. It just happened to be that's where Ian was. We chose Calgary because that's where he lived, but we then immediately faced that criticism in our first meetings in Ottawa, saying: what about Ottawa? So we said: uh-oh, we'd better take that out. So we took it out, and obviously an initial draft got into your hands.

**Mr. Lukaszuk:** Now I know what you're thinking.

**Mr. Chipeur:** Yes.

**Mr. Agnihotri:** Why don't you be part of the federal law enforcement? I mean, did you try to talk to the federal government first?

**Mr. Wilms:** The RCMP is with us on this one, but remember that the RCMP is only about a third of the law enforcement in this country. The municipal actually represents the majority of it, and it's all cross-jurisdictional.

**Mr. Agnihotri:** It's very complicated. If they agree with this, you are part of the RCMP. Why did you come here and try it here, you know, as a private bill? It's very complicated to me. I don't understand it.

**The Chair:** We've got one more question, from Ms Dean.

**Ms Dean:** Thank you, Madam Chair. I have a couple of housekeeping matters that I'd like to address with Mr. Chipeur. We've had some correspondence because I've requested some form of evidence for the committee with respect to the assurance that the Canadian Association of Chiefs of Police and the Canadian Association of Police Boards are in support of being named as governors in this bill. Now, typically what's provided is something in the form of a certified copy of the minutes of the annual general meeting where this matter has been discussed. So I guess on behalf of the committee I'd be looking for something like that with respect to those two entities.

My other comment is that I think that there is an issue with respect to the objects of this proposed entity in terms of whether it's appropriate to incorporate provincially given that the Alberta Legislature can only incorporate an entity with provincial objects.

**Mr. Chipeur:** Can I answer that last one first? We believe that the provincial object is to be the host, the landlord, so that that's the end of it. Anything that's international will be Foreign Affairs and RCMP and those. They will deal with all of those issues. We are not asking for any treaty-making power whatsoever. We are just saying that this is a host. If at the end of the day the government chooses not to host it, then we don't even have that issue. So I agree with you that there is an issue, but we are not asking for this centre to be anything other than a geographic place

On the issue of the objects we agree with the suggestions from the Solicitor General, so you can make that change. In my view, we can right now agree to Mr. Doerksen's suggestion that the members of the board be the designates of these two entities, and we will undertake to file with you evidence of the approval and consent of these organizations to serve as governors. Then I think there was one other issue. Well, if there is another issue that I'm forgetting – in number 3 to take out "government response."

So we are hereby requesting and agreeing with the suggestions that have been made, and we also undertake to provide you with evidence that we have the support of the police organizations that we have referenced here today so that you know that if you move in this direction, you are facilitating them. This is not to be critical of each of those organizations, but they will be the first to tell you that they are so understaffed and underfunded. Not that it's a criticism of those who are funding them, but they have so many crimes going on out there, they can't meet that. For them to then be expected to be the lead on this and to devote the time and energy of individuals at the beginning when you have volunteers like Mr. Wilms, that is willing to do this on a volunteer basis – I think it just doesn't make sense to say, "No. It has to be done by people who are paid a salary" when you have volunteers that are ready to step up and do this kind of co-ordination of the due diligence process, which may at the end of the day determine that, no, government shouldn't do anything in this area. We're just saying that we're at that catch-22 of we want to look at it, we want to do it, but government is not yet convinced that it should be done, so therefore they don't want to necessarily spend the time and resources and take it away from crime-fighting in order to get the job done.

**The Chair:** Mr. Doerksen, very quickly, please.

**Mr. Doerksen:** That begs a very, very quick response because we talked about allocation of resources. Look at your own chart, which shows physical crimes going down and cybercrime going up. Certainly, you guys should be reallocating resources to where the growth in crime is more prevalent.

**Mr. Chipeur:** And if you say yes to this, we will have a billion dollar centre to do just that.

**The Chair:** Mr. Chipeur, if you could possibly make sure that we get those documents as soon as possible. It will be next week when we've got to meet, so we've got to see those documents before that time.

**Mr. Chipeur:** With the indulgence of the chair and the committee we will also provide you with some written responses to the questions that have been raised so that you will have the comfort we believe you need to ensure that constitutionally, legislatively, policywise, everything, we're consistent with your mandate.

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

**Mr. Wilms:** Thank you for your time.

[The committee adjourned from 9:38 a.m. to 9:44 a.m.]

**The Chair:** If we could call the meeting back to order, I'd like to quickly do our introductions again.

[Mr. Chipeur, Ms Dean, Ms Lipinski, Ms McGuire, Ms Patton, and Dr. Reinhardt were sworn in]

[The following committee members introduced themselves: Reverend Abbott, Mr. Agnihotri, Ms DeLong, Mr. Doerksen, Mr. Dunford, Mr. Lougheed, Mr. Lukaszuk, Mr. Prins, Mr. Rogers, and Dr. Swann]

**Ms Dean:** Shannon Dean, Parliamentary Counsel.

**Ms Patton:** Marilyn Patton. I'm director of the Campus Alberta Quality Council Secretariat, Advanced Education and Technology.

**Ms Lipinski:** I'm Peggy Lipinski. I'm a legislative consultant with Advanced Education and Technology.

**Dr. Reinhardt:** I'm Dan Reinhardt. I am the director of the Crest Leadership program.

**Mr. Chipeur:** Gerry Chipeur, lawyer.

**Ms McGuire:** Deborah McGuire, legislative consultant, Alberta Education.

**Ms Towns:** Maureen Towns, director of legislative services at Alberta Education.

**Ms Marston:** Florence Marston, assistant to this committee.

**The Chair:** If you'd like to proceed, we'll try to get ourselves through this one a little faster than the last one.

**Dr. Reinhardt:** Yes. In view of the time I will be short and just invite people to respond as soon as we get into it.

I am very pleased to be able to talk to you about the Crest leadership program. Of particular interest for me is the fact that when you study leaders over a lifetime, typically the best offering that the leader is able to provide is after age 40, so that's the particular emphasis of this Crest leadership program. Most educational programs are dealing with younger, emerging leaders, and that's great. There's next to nothing that is targeting the mature or mid-life leader, yet it's in the decades of the 40s and 50s that big changes come to people's lives personally, physically, and vocationally, and if we can help people make the transitions right at that juncture, their best years are ahead of them. But the statistics are that most people plateau after 40, and some derail. The vision we have for the Crest leadership program is to help people with that mid-life shift so that we can see people revisioned, re-energized, and contributing even more effectively to society.

As far as who I am personally, I have received my bachelor's degree at Barnard College in the States. I earned a master's degree from Jerusalem, and I did a doctor's in leadership just about seven years ago. So my interest has really ramped up over the experience of my life. As I look around, I realize that every sector needs leaders, yet we've had a hard time being able to develop them. What we have here in the Crest program in the last five years is that

we've had 150 people go through various aspects of the training, and we are very encouraged with what we see. The board at this point would like to ramp this to the next level, which is why we're here with this committee today.

I think each of you does have a brochure that describes what we're doing in what we're calling our certificate in leadership program and then also an executive summary, which fleshes out some more of these details.

So perhaps that's an adequate introduction, Madam Chair.

**The Chair:** Thank you.

Mr. Chipeur.

**Mr. Chipeur:** Yes, Madam Chair. In the interest of time let me just go directly to the comments of the two departments that we received by letter and indicate to the committee that we accept the criticism of the bill provided and that we agree with, in particular, the specific amendments proposed by the Ministry of Advanced Education and Technology. With respect to Education, in order to address the issues that they have raised, we propose to drop the word "education" wherever it occurs in the bill and to drop the reference to "secondary education."

There is no intention for this centre to be focused anywhere but on the mid-life career person, an individual at mid career, if you will. There is no intention to do any high school or elementary school training, and there is no intention to be involved in teaching teachers, if you will. We do not intend to have any interaction with the School Act or with issues that would relate to the Ministry of Education. We acknowledge that the act as currently worded would in fact create concerns along those lines, and therefore we accept that criticism.

Thank you very much.

**The Chair:** If we could move on to Ms McGuire.

**Ms McGuire:** Actually, I believe Ms Towns will be addressing the ministry's concerns.

**Ms Towns:** Thank you, and thank you for inviting Alberta Education to respond to this bill. We've had the opportunity to review the bill and to discuss it with counsel and with the petitioner. Our concerns, which were raised in a letter to Ms Dean as Parliamentary Counsel, were that the bill initially addressed the parent establishment of a secondary school and that this school would establish a separate education system inconsistent with the School Act and the related regulations and policy with respect to the act. In addition to the inconsistency, legislation already exists which allows for the establishment of private secondary schools or alternative programs. The petitioner and counsel in our discussions have indicated that they will remove the reference to secondary schools, that there was no intention to establish any sort of privatized school or anything of that nature. We are comfortable with that and grateful for the opportunity to have open dialogue.

We also indicated in our letter additional concerns that the legislation already exists which allows an organization to incorporate and, in addition, that a private bill generally is to affect a few persons or a corporation, individuals or a group, and is not one that's relevant to the population as a whole. Also, generally private legislation is used when there is no other remedy. We're not satisfied that this is the case, but we would acknowledge that this, perhaps, is more legitimately the concern of Alberta Advanced Education and Technology, so I'll leave these issues to their representatives.

**The Chair:** Thank you.

Ms Patton.

**Ms Patton:** Thank you, Madam Chair, and good morning. The Ministry of Advanced Education and Technology shares Alberta Education's concerns about Crest Leadership Centre using the mechanism of a private act to incorporate since a private bill is to provide a remedy where no other remedy exists. Other legislation is available to accomplish this such as the Societies Act or the Business Corporations Act.

Prior to 2006 divinity programs from private religious institutions or entities could be designated for federal student loan financial assistance if the institution were incorporated under a private act of the Alberta Legislature. This was removed in June of 2006, so the reason for incorporation under a private act no longer exists in terms of being eligible for federal student financial assistance.

This proposed legislation seems to give the centre authority to offer various postsecondary programs that may fall under the jurisdiction of the Ministry of Advanced Education and Technology. A private act that incorporates the centre and gives it various powers related to the offering of programs and granting of degrees, certificates, and diplomas may give a false appearance to students and others that the programs being offered by the centre are recognized and authorized by the government of Alberta.

The Post-secondary Learning Act in 2004 stipulates that all degree programs other than degrees in divinity must be approved by the minister. These programs are approved only after a system co-ordination review by the ministry and a quality review by the Campus Alberta Quality Council. Once approved, these degree programs are then monitored by the council. Hence, our concern is that students or employers might assume, if this bill were to be passed, that the degrees offered by this centre have been also subject to that approval and review process.

The broad wording of the bill suggests that the centre has the authority to grant degrees and programs other than divinity without the ministerial approval, which is, of course, not the case. There is no indication that the degrees they offer or propose to offer are designed to prepare individuals to work in a religious organization, a requirement for such degrees to be considered as divinity degrees and, thus, fall outside the scope of the Post-secondary Learning Act.

Further, divinity degrees must be given names that do not confuse these degrees with those that must be approved by the minister. These requirements are included in the approval of programs of study regulation under the Post-secondary Learning Act.

9:55

As well, the wording of the bill does not make it clear that the centre has no authority to offer vocational training, another type of program that falls under the ministry's authority in accordance with the Private Vocational Schools Act. Vocational programs must be licensed by the ministry.

So, in conclusion, the ministry is concerned about using the mechanism of the private act to incorporate the centre in the first place; however, should the committee decide to allow it to proceed, there are a number of recommendations we would make related to the clarification in order to address our concerns about the type of programming.

**The Chair:** I guess we'll just go on to questions, although I thought that you had something more to say at that point.

**Ms Patton:** Yes. In the letter that we provided, we suggested, for example, revisions to section 5(a) to clarify that the centre's

authority to grant degrees is limited to degrees in divinity and by stating the powers of the centre. Did you want me to read through these?

**The Chair:** Could you, very quickly?

**Ms Patton:** Sure. By stating that the powers of the centre include the power to provide instruction in degree programs in divinity, and in certificate and diploma programs in leadership studies, education, arts, science and other fields as the Board may from time to time determine and, where required, these programs have been approved in accordance with provincial legislation.

Then there's similar wording that would be needed for section 3.5.

The other issue is that we would appreciate revision to clarify that the divinity programs are indeed preparing individuals for work with a religious organization and that the nomenclature of those degrees would not be confused with those that are approved by the minister.

**The Chair:** Thank you.

I guess we can move on to the questions, then. Reverend Abbott, please.

**Rev. Abbott:** Thank you. From looking at your handout here, it looks like you're sort of trying to marry a religious educational institution such as a Bible college or a seminary with front-line leadership, you know, business education sort of stuff. So it sounds to me like you're kind of going where maybe other groups have not gone before. I'm guessing that's why you're here. This is new. I'd like you to explain, if you could, Dr. Reinhardt: just what is it that you see? What kinds of degrees or what kinds of certificates or what kinds of diplomas are your students going to have on the other end of this thing? If you could do that.

Then, secondly, it appears from what I've been reading here that you've been doing this for a few years now. If you are, how is it working now, and what are you sort of incorporated under now?

Finally, it looks like you have a not-for-profit section here on page 2, 4(1) of the bill. Just state for me, if you could, if that's the case. Is this a not-for-profit? How would it compare to, say, a Bible college versus, say, a business school?

**Dr. Reinhardt:** Well, let me start with the last one. It's not for profit, so clearly there's a charitable and not-for-profit purpose and positioning of this.

As far as what we're doing, the brochure in front of you is the certificate program that describes what we do with our training programs. It targets people who are at this mid-life time, and yes we are open to anybody participating. Religious organizations send their leaders, we have businesspeople in the program, we have people from different charities, so we are an open program which does allow people from both elements to participate because we see that leadership really is beyond just business or just faith-based things. It has to do with culture in general, so we open it up that way.

So it's different from a Bible school in that we're talking about leadership in mid-life, and most Bible schools are for young, emerging leaders, so it's not a Bible school. We don't even really teach Bible things. We're teaching leadership things. There is a faith element to it, but it's not the main purpose of what we're doing. We're teaching leadership skills.

It's not a business school totally in that business schools really focus on the hard science of business. What we're doing in the Crest certificate program is that we are working with the leader, so giving

leadership from the inside out. The leader is developed, and additional skill sets are given. We envision that this leader then will be able to apply that to the business that he's in or the religious association she's involved with. It's the leader that we're developing.

**Rev. Abbott:** Are you existing now? If so, what kind of certificates are you granting?

**Dr. Reinhardt:** We have just a certificate from our charity. It's not accredited with any degree-granting ability. We do not have that power, and we're not exercising that power.

**Rev. Abbott:** So you are in existence now? You do have a facility where you're training leaders?

**Dr. Reinhardt:** Yeah. We don't have a facility; we meet in resorts and different places. We're operating as a charity.

**The Chair:** Thank you.

**Mr. Doerksen:** I have no fundamental issues with what you're trying to do; in fact, I'm supportive of it. I would ask you to clarify Mr. Chipeur's comments to what we heard from Advanced Ed. I think in your comments you said that you accepted their criticism and would make appropriate changes. Is what you referred to what she referred to and vice versa?

**Mr. Chipeur:** Well, I don't want to speak for her, but I will say that we accept all of the criticism from both departments except that – and this is the one exception – we do believe that there is an important reason for this to be done by this Legislature as opposed to under the Societies Act or the Business Corporations Act. Let me just get to that question right now. This is not like a business school, where we're going to make a profit. There's no profit here, so we can't go under the Business Corporations Act.

We do want to associate with bible colleges and universities, university colleges across Canada and in the United States to provide their leadership component. We're in discussions, and I'll ask Dr. Reinhardt to explain those discussions, but the idea would be that this would be the leadership institute associated with a number of different colleges. Therefore, we want to deal peer to peer, as most other universities have in the past in Canada.

Colleges and schools like this for the last hundred years in Canada have been incorporated by special acts of this Legislature. It doesn't have to continue to be that, but we think it is the most appropriate because the idea of a society suggests that it's of local focus and that it is a group of local individuals who have come together in a society. Our biggest concern is that under societies laws it's actually easy to lose control of it. Look at what happened in Toronto with the Humane Society, where a group of animal rights protesters came in and literally took over millions of dollars in assets through attending an annual meeting because that's how societies operate. So we don't think a society fits what is happening here with this individual coming up with this idea, operating as a charity and now wanting to go into the educational realm.

There's no doubt about it; we want to get in there. But we accept the criticism that we don't have any degree-granting status yet, and we will only have it if we have enough substance to meet the accreditation requirements of whichever institution, whether it's U.S. or Canadian. We don't want to make any representations otherwise. So we will put in whatever language is necessary so that no one could be misled that this is anything other than a piece of

paper that says: you completed that course of study, and you get nothing else from it other than the satisfaction of whatever you learned during that time.

So I think the only differences I can see – and I'll of course let the ministries speak for themselves – are: do we need to do this? At its fundamental level, no; we've been doing it for five years. Would it be an advantage for us when dealing with institutions in the United States and Canada? We believe yes. Would it be a safer corporate model for us? We believe yes because it doesn't fit perfectly into either the Societies Act or the Business Corporations Act.

**The Chair:** Mr. Chipeur, could you also clear up at this point this whole thing about the degree in divinity?

10:05

**Mr. Chipeur:** We are willing to accept exactly the wording that the department has put on. So to the extent that we are associated with a divinity school, that might be something we would do. We're not saying that we would, but to the extent that we did associate with a divinity school and there was a divinity element, we would participate in that. We are in discussions with divinity schools. So the wording that they've put forward is acceptable and, in our view, desirable. On the other hand, we aren't doing divinity degrees right now, and we would only do them in conjunction with and as an adjunct to a current program.

We like the wording that's been proposed. We like the limits that have been placed upon us. We think they're appropriate. You know, I have to plead guilty here. It's just lawyer exuberance that put in language that was broader than I should have without thinking about the implications of the broader language. We're happy to have a very tight limitation on the extent of the powers that this Legislature would give to us.

**The Chair:** Ms Patton, did you want in on this?

**Ms Patton:** Just one part for clarification. There are various other mechanisms for incorporation, as I mentioned. For example, Taylor University College and Seminary, which offers both regular degree programs approved by the minister as well as divinity programs, is incorporated under the Societies Act. Alliance University College in Calgary is incorporated under the Business Corporations Act. Both are nonprofit, of course.

**Mr. Chipeur:** By the way, we acknowledge that, and we're not arguing that point. We think that there are advantages to us going this way rather than what those two organizations chose, but at the end of the day it's a policy decision that this committee has to make, and we defer to your judgment. What you have are two universities that have chosen a new model. You have a hundred years of history where this model has been the way to go, and if we're left with only those options, we'll live with them. But we think that as we deal internationally and as we deal with others across the country, this platform that you've offered to others in the past is a desirable way to go.

**The Chair:** Thank you.

Mr. Dunford, you had a question.

**Mr. Dunford:** Well, maybe a comment more than anything. You know, I think it's important that we find the proper vehicle for this because I agree with the whole initiative in the sense that leadership is not within you; it's something that's given to you, and therefore this honour that's been provided is something that you can learn how

to do better. So I don't know. The arguments are getting a little subtle for me here. Your point of the Ontario experience with the Humane Society is, I believe, real, so it might come down to a business corporation or a private bill. I'm open on that question. We've got to see you move ahead on this, though, in some manner.

**Mr. Chipeur:** Just on that, we would lose our charitable status if we went the Business Corporations Act route, so from our perspective that would not be an acceptable choice.

**Mr. Dunford:** So is anybody disputing that from the departments?

**Ms Lipinski:** No, we're not. We're just saying that that's another avenue that could be chosen. There's also part 9 of the Companies Act, which allows a nonprofit organization to function in other provinces, not just in Alberta, if you're worried about it just being Alberta based. That could operate federally. We're just saying that there are other avenues, and we understood that a private bill is really the vehicle when there's no other remedy available.

**Mr. Dunford:** Well, why don't we change that? Why don't we make private bills another opportunity for people to express their ingenuity and enthusiasm? That's all I want to say.

**The Chair:** Reverend Abbott.

**Rev. Abbott:** Just on this point, and I guess I'm asking Marilyn for the answer on this. Let's say, you know, a group from the U.S. comes up here and runs a seminar or runs a couple of weeks' course or something like that. What kind of status or recognition do they have, or what do they have to receive from us in order to have license to do that?

**Ms Patton:** As I'm very basically involved in degree programs, I'm going to defer to Peggy.

**Ms Lipinski:** I've had some involvement with the Private Vocational Schools Act and the private vocational training regulation, and there's a definition of when something is considered a vocation. At the moment under the regulation it has to be something that's more than 40 hours or a certain monetary amount.

I did look briefly at the brochure, and it sounded like it was three day sessions over a certain number of days. It came out to more than 40 hours, so I was curious as to whether the current programming is licensed under the vocational schools act and whether you've approached our ministry about that. Anybody coming into the province and offering that kind of program that under the act and the regulation falls under the definition of vocational training must be licensed in order to carry out those programs in our province.

**The Chair:** Did you want to respond to that, Mr. Chipeur?

**Mr. Chipeur:** Only in the sense that we agree. We would agree with what's been said, and we'll take it to heart. We'll do an analysis, and we'll probably be giving them a call real fast.

**The Chair:** Okay. And time is of the essence because we do have to meet on this next week, so I would be very interested that we get something back as soon as possible.

**Mr. Chipeur:** We'll turn something around on all of these right away. You'll be then left with just a policy decision at the end of the day. You've been doing this for 100 years. Do you want to do it

now, or do you want to say, “No, we’re going to end that policy of incorporating by way of special act these kinds of institutions,” and leave them to the other options that are out there? It really is a policy decision. There’s no law that forces you to go one way or the other.

**Ms Towns:** Madam Chair, a question was asked about the department’s response to the charitable versus noncharitable status. With respect to Education, as indicated, we don’t really have a position, but I am confused as to whether we’re talking about charitable and noncharitable versus nonprofit.

**Mr. Chipeur:** Good question. We are both. We are not for profit, but we also have a charitable status for the corporate entity, which is a not-for-profit entity. So we are not for profit and charitable. It might be that you might only be not for profit and not charitable, but in our case we are both, and you have to be not for profit in order to make an application to the Canada Revenue Agency to be designated as a charity.

**The Chair:** Thanks very much.

**Mr. Doerksen:** Under part 9 of the Companies Act if you’re a nonprofit, are you ineligible to be a charity?

**Mr. Chipeur:** No. Part 9 is an option. The Societies Act is an option. The Business Corporations Act is an option. There are other options out there, and I do not take any issue with the representations by the department on that subject.

**Mr. Doerksen:** You just said that under the Business Corporations Act you would lose your charitable status.

**Mr. Chipeur:** Yes. We would lose it there but not under part 9.

**Mr. Doerksen:** Not under part 9. Okay. Thank you.

**The Chair:** Thank you.

I believe that’s the conclusion of our session here. I think we’ve got one more thing that we have to cover on our schedule.

Mr. Chipeur, thank you very much for coming in.

Our seven that are left here, if we could have just a minute. One question: is there any other business? No other business?

Could I have a motion from somebody to adjourn? Thank you. All in favour? That’s carried. Thank you.

[The committee adjourned at 10:15 a.m.]