



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Public Safety and Services

Wednesday, June 18, 2008
10:05 a.m.

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Standing Committee on Public Safety and Services

VanderBurg, George, Whitecourt-Ste. Anne (PC), Chair
Kang, Darshan S., Calgary-McCall (L), Deputy Chair

Anderson, Rob, Airdrie-Chestermere (PC)
Brown, Dr. Neil, QC, Calgary-Nose Hill (PC)
Calahasen, Pearl, Lesser Slave Lake (PC)
Cao, Wayne C.N., Calgary-Fort (PC)
Jacobs, Bryce, Cardston-Taber-Warner (PC)
MacDonald, Hugh, Edmonton-Gold Bar (L)
Notley, Rachel, Edmonton-Strathcona (NDP)
Sandhu, Peter, Edmonton-Manning (PC)
Woo-Paw, Teresa, Calgary-Mackay (PC)

Also in Attendance

Klimchuk, Hon. Heather, Edmonton-Glenora (PC)

Bill 10 Sponsor

Anderson, Rob, Airdrie-Chestermere (PC)

Solicitor General and Department of Public Security Participants

Matthew Barker	Manager, Peace Officer Program, Private Investigators and Security Guards
Bill Meade	Executive Director, Special Projects Branch

Support Staff

W.J. David McNeil	Clerk
Louise J. Kamuchik	Clerk Assistant/Director of House Services
Micheline S. Gravel	Clerk of <i>Journals</i> /Table Research
Robert H. Reynolds, QC	Senior Parliamentary Counsel
Shannon Dean	Senior Parliamentary Counsel
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Communications Services
Melanie Friesacher	Communications Consultant
Tracey Sales	Communications Consultant
Philip Massolin	Committee Research Co-ordinator
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

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[Mr. VanderBurg in the chair]

The Chair: Good morning, everyone. I'm George VanderBurg. I'm the MLA for Whitecourt-Ste. Anne. I'd just remind members that the *Hansard* folks will operate the mikes remotely, so you don't have to push any buttons. I'd also ask you to turn off your Black-Berrys and cellphones. It interferes with the meeting process and also interferes with our microphone system.

I'd ask that we do self-introductions before we start the meeting.

Mr. Anderson: Rob Anderson, MLA for Airdrie-Chestermere.

Mr. Kang: Good morning, everybody. Darshan Kang, MLA for Calgary-McCall.

Mr. Jacobs: Broyce Jacobs, Cardston-Taber-Warner.

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

Mr. Reynolds: Good morning. Rob Reynolds, Senior Parliamentary Counsel, Legislative Assembly.

Dr. Massolin: Good morning. I'm Philip Massolin. I'm the committee research co-ordinator, Legislative Assembly Office.

Ms Sorensen: Good morning. Rhonda Sorensen, manager of communication services, Legislative Assembly Office.

Ms Friesacher: Good morning. I'm Melanie Friesacher, communications consultant with the Legislative Assembly Office.

The Chair: Folks, you're going to have to speak into your mikes a bit – you've got a chairman that has some difficult times with people speaking quietly – if the members can. Okay?

Go ahead.

Mrs. Kamuchik: Good morning. Louise Kamuchik, Clerk Assistant, director of House services, Legislative Assembly Office.

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

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

Ms Woo-Paw: Good morning. Teresa Woo-Paw, Calgary-Mackay.

Mrs. Klimchuk: Good morning. Heather Klimchuk, MLA, Edmonton-Glenora, Service Alberta.

Mr. Cao: Wayne Cao, Calgary-Fort MLA.

Ms Rempel: Jody Rempel, committee clerk with the Legislative Assembly Office.

The Chair: Thank you, everyone. Do we want to go around the room? There are a lot of people here that are guests, and I'd just ask you to stand and say your name and who you're representing. We'll start right here. Go ahead and introduce yourself.

Mr. Metcalfe: Okay. I'm Keith Metcalfe. I co-ordinate the meeting rooms for the committee meetings.

Mr. Decore: My name is Mike Decore. I do research for the Alberta Liberal caucus.

Mr. Despins: Hi, everyone. Andre Despins with government members' research.

Mr. Mulligan: Hi. I'm Brock Mulligan, and I'm George VanderBurg's assistant.

Miss Stewart: I'm Katrina Stewart. I do research with Philip.

Mr. Meade: Good morning. Bill Meade with Solicitor General and Public Security.

Mr. Barker: Matt Barker, Solicitor General and Public Security.

Ms Anderson: Carol Anderson. I work with Heather Klimchuk.

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

Ms Dean: Shannon Dean, Senior Parliamentary Counsel.

Ms Sales: Tracey Sales, communication services with the Legislative Assembly Office.

Mrs. Sim: Liz Sim, managing editor of *Hansard*.

Mr. Lisac: Mark Lisac. I publish the newsletter called *Insight into Government*.

The Chair: There are three others back there. Come on. We want everybody to be introduced.

Ms Powell: Joyce Powell, *Hansard*.

Ms Tkachuk: Shirley Tkachuk, *Hansard*.

Mr. Brewer: Roger Brewer, *Hansard*.

The Chair: Thank you.

We'll move on to the approval of the agenda. I'd ask that someone please move the agenda as circulated. Member Woo-Paw. All those in favour? Carried.

Rob Reynolds is going to give the presentation to the committee on the mandate roles of the committee. After Rob has presented his view on things, if there are questions, please make note to me, and I will make a speaker's note. We won't have questions until after the presentation.

Rob.

Mr. Reynolds: Thank you very much, Mr. Chair. It's a pleasure to be here at this first meeting of the policy field committees this year. It's tremendous that this is the second year that we've had policy field committees, so there is some appreciation of the process and what they do by the members who were here for the last Legislature. It's encouraging to see that they are becoming part, if you will, of the Legislative culture of Alberta, and people are gaining familiarity with the process. Of course, you're the shepherds of the process with respect to your service on this committee.

Let me just start off by referring to your mandate, which is set out in temporary Standing Order 52.01(1). All the things I'm going to be referring to are provided in a handy little document entitled Mandate: Standing Committee on Public Safety and Services that

Ms Rempel put together and put on the website. In any event, your mandate relates to the areas of aboriginal relations, government services, government organization, personnel administration, expenditure management, revenue, justice, policing, and public security.

At the present time you have a bill that has been referred to this committee, Bill 10, obviously, and it was referred to the committee by way of an amendment to a motion for second reading on May 21, 2008. Just to read that:

Bill 10, Security Services and Investigators Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Public Safety and Services in accordance with temporary Standing Order 74.2 and that the committee report the bill back to the Assembly no later than the fourth week of October 2008.

That's your specific task, if you will, that has been referred to you by the Legislative Assembly.

I just want to speak briefly about the powers, rights, immunities of committees. Some of you have heard this before. Just let me know if you stop listening before I stop speaking. In any event, what you are is a committee of the Legislative Assembly, which is different than a committee of government. As a committee of the Assembly you have all the powers, privileges, rights, and immunities that flow to you from the Assembly. For instance, witnesses are, if you will, protected when they provide testimony to a committee of the Assembly in the sense that that cannot be used against them in any other proceeding that may arise. Admittedly, that's not really an issue with the committees we have here, but you may have read about such circumstances in Ottawa with respect to people providing testimony before a committee and possibly facing criminal charges for what they say. Those proceedings rest entirely with the Assembly.

Of course, as members you have immunity for what's said in a committee as you do in the Assembly. You cannot be sued for defamation, not that you would be, of course, not that anyone would even think about that. You're immune from that by virtue of parliamentary privilege in section 13 of the Legislative Assembly Act. Speaking of the Legislative Assembly Act, under section 14 committees have the ability to summon witnesses. That is not something that I ever recall a committee having to do. Basically, people know – or witnesses are reminded – that you have that authority, and generally speaking when they're invited, my experience has been that people attend the committee should you wish them to. I don't know if that will be necessary with respect to this bill, but I'm just advising you of that.

I should also point out that witnesses before the committee enjoy the same immunity with respect to defamation that you as members have. That fosters the democratic principle of openness and the free exchange of ideas and full disclosure, if you will, and that's protected by centuries of parliamentary privilege. If anyone is interested, I could go into the history of that later, perhaps not at the committee meeting. In any event, those are the basic privileges of the Assembly and, of course, the powers that you have, primarily, as I mentioned, summoning witnesses.

I just want to touch briefly on some of the duties that you have been assigned under the temporary standing orders or that policy field committees in general have been assigned. I'm referring once again to the mandate document you have, which has excerpted sections from the temporary standing orders. Of course, the policy field committee shall review any bill referred to it, and that's what you're going to be doing. We'll speak about that in a moment.

You may review any regulation, amendment to a regulation, or prospective regulation within your mandate. That's something that hasn't been done yet by a policy field committee. A minister hasn't

referred a regulation. Last year the issues surrounding the beverage container regulation were referred to a committee, and they conducted an inquiry. So it was the issues surrounding the regulation. An order of the Assembly that a bill regulation or some other subject matter stands referred to a policy field committee takes priority over any other hearing or inquiry. The point is that if you undertook other activities, the bill that has been referred to you would have to take priority because that's an order from the Assembly.

10:15

Something else that this policy field committee may do is review annual reports of departments, agencies, Crown-controlled organizations, boards, and commissions. Temporary Standing Order 52.05 lays out some of the things that you may look at if you examine an annual report. Of course, under 52.06 you "may conduct a public hearing on any Bill, regulation or prospective regulation under review" or, of course, with respect to an inquiry should you undertake one.

Now, something that was added this year that wasn't in the previous temporary standing orders was 52.08, that "a Policy Field Committee may hold public meetings on any matter within its mandate." That's just a little different than an inquiry. We can go into that later if the chair wants or if it becomes an issue, but a meeting isn't necessarily an inquiry. It's just hearing from the public. Of course, when you report, the government has 150 days to respond on matters other than a bill. When you report a bill, obviously the process is a little more immediate in the sense that the Assembly takes the bill under consideration or it doesn't, whatever you recommend.

I just want to touch briefly on the scope of review for what you're about to undertake. Bill 10 was referred to the committee while it was before the House on second reading. That means it has not received second reading. That means that the Assembly has not agreed with the principle of the bill. Therefore, we look at this as a bill that's referred to the committee after first reading, mainly because it hasn't received second reading yet. So that's the logic there. It's a little different in the sense that some of the bills that have been referred to committees have been referred immediately after they've been introduced. I believe the film classification bill, that's going to Community Services, was subject to a motion immediately after the bill was introduced. This was an amendment to the motion for second reading. I believe I indicated that it talked about temporary Standing Order 74.2 and required you to report back to the Assembly no later than the fourth week of October.

Now, the function of the committee on a bill after first reading is a little different than after second reading. After first reading you consider the subject matter of the bill. You're not looking so much at the particular wording of it. That's why when you report at the end, your report could be a little broader than after second reading in the sense that you can look at things, if you wanted to, that may be a bit outside the scope of the bill. The other thing is that, of course, you can recommend that the bill not proceed if that's your desire.

I should tell you that the report also looks a little different in the sense that a report on a bill after second reading – at least, this is what we did last year – contains specific amendments that the committee was proposing to the bill. It looked like, well, not a piece of legislation, but it had the amendments written right into it. There was a report that was made last year on Bill 41 that was referred to the committee after first reading, so it hadn't gotten second reading. The report there was more, if I can use the term, descriptive. The report didn't contain specific amendments in the sense that they weren't written out in amendment form; they made suggestions. Of course, it's subject to the will of the committee, as are all of the

decisions, but that's the sort of report that I believe you'd be looking at, one that's more descriptive.

I won't bore you – I won't bore you anymore, I should say – but under temporary Standing Order 74.2 it talks about what the committee recommends after first reading. It states:

The committee may conduct public hearings on the subject matter of the Bill . . .

So you're not tied to the actual contents; it's the subject matter.

. . . and report its observations, opinions and recommendations with respect to the Bill to the Assembly.

Then the other part of that is:

Upon the concurrence of a committee report that a Bill be proceeded with, the Bill shall be placed on the Order Paper for second reading.

Assuming that you recommend that it proceed or you have some suggestions as to what might be improved or not, the Bill then proceeds to second reading. The bill, if it passes second reading, would then be sent to Committee of the Whole, at which time amendments could be considered. The difference is that when a bill is sent to a policy field committee after second reading, when the committee reports on that, the bill goes immediately to Committee of the Whole. You don't even have to have a vote on the committee report; it just goes immediately to the Committee of the Whole. That's why for what I can call the second reading bills there were actual amendments included in the committee's report. If that's a little confusing, it may become clearer as the committee evolves and as you consider a few more things.

Mr. Chair, unless there are any questions, I won't take up any more time. Thank you very much.

The Chair: Thank you. There are no questions, so you don't have to take up any more time. We'll move on.

Ultimately, you know, the quick summary, members, is that since this bill has only received first reading, after our deliberations we have the opportunity to recommend that it proceed, recommend that it not proceed, and we can offer some advice as well to the Legislative Assembly. Coles Notes.

As well, with the committee orientation we have committee support, Jody Rempel. Jody will offer administrative and procedural assistance to the committee. If you're not able to make a meeting, I want you to notify Jody. Jody, there's a process for members absent that can have someone in their place, right? What's the right process?

Ms Rempel: Yes. You can make a substitution, whether it's for a specific meeting or a certain duration or discussion of a particular topic. We will need written notice 24 hours in advance, and that should go to the committee chair and the Clerk of the Assembly.

The Chair: In other words, she's our go-to person.

Melanie, wave your hand. Melanie is also here. She is with the communications co-ordinator with the Clerk's office. She'll manage the advertising, media relations, and anything else we might need as far as communications. We also have Rhonda. Rhonda, wave your hand. Rhonda Sorensen is the big boss up there, the manager of communications services.

You just heard from Rob Reynolds, and Philip, the committee research co-ordinator, and his staff are here, who are available to provide us with any services the committee requires.

Jody, anything else we need on that?

Ms Rempel: Perhaps just one other thing I'll mention since we did bring up the substitutions is also that our rooms here are set up to allow you to attend via teleconference if you'd like. But, again, that is something I need to be made aware of a few days prior to the meeting so that we can make all the necessary arrangements.

The Chair: In the past, too, we've had witnesses provide evidence to a committee of the Legislature via teleconference, and it worked quite well, I think, Rob, last year on Bill 1 and Bill 2.

10:25

Mr. Reynolds: Yes, I think it did, Mr. Chairman.

The Chair: So that's also there.
Member MacDonald.

Mr. MacDonald: Yes. Thank you, Mr. Chairman. For clarification, please. Any Member of the Legislative Assembly can attend this committee, participate in the proceedings, but they just cannot vote on any matter. Is that correct?

The Chair: That's right, and that would be the case with Minister Klimchuk, who is here today. Open and transparent, right?

Mr. MacDonald: Right. Glad to see it.

The Chair: Okay. We'll move on to the committee budget. A copy of the proposed committee budget in the amount of \$144,000 was distributed through the committee's internal website. The budget covers pay to members, travel expenses for meetings, and hosting meetings. The largest portion goes over to Melanie and to Rhonda, of course, you know, for the work that they're going to do in allowing everybody to know what we're up to. Right? Okay. Any questions on that?

Jody, anything else?

Ms Rempel: I think we're good.

The Chair: This budget also matches what has been approved for the other committees of the Legislature.

We're going to move on. It's fortunate for us that a member of our committee is also the sponsor of Bill 10. I'm going to turn the floor over to you. You have a PowerPoint presentation?

Mr. Anderson: I do.

The Chair: How long do we expect that to take?

Mr. Anderson: Twenty minutes.

The Chair: Twenty minutes. So if you want to fill up your cups of coffee and have a two-minute break before we start. Then I'll just reposition myself. Again, members, I'll set up a list for questions after the presentation. Thank you.

[The committee adjourned from 10:27 a.m. to 10:32 a.m.]

The Chair: Okay. MLA Anderson, are you ready to roll?

Mr. Anderson: Absolutely.

The Chair: Let's go.

Mr. Anderson: Good morning, everybody. I'm Rob Anderson, parliamentary assistant for the Solicitor General and Minister of Public Security. I'm here today to speak about Bill 10, the Security Services and Investigators Act. Here with me today, by way of quick introduction, are two individuals that can help with questions afterwards: our executive director in Sol Gen, Bill Meade, and Matthew Barker, who's the manager from the public security standards and evaluation branch.

By way of background the security and investigative industry has a vital role in enhancing public security in Alberta. The current legislation is more than 40 years old, so it's out of date. Obviously, as our population grows, our safety and security needs in Alberta grow as well, and there is a need for greater co-ordination, we've found, in communication as well as collaboration between police and security and investigator services.

The security industry is playing a very large role in the safety and security of Albertans. Currently our Solicitor General – I'll refer to it as Sol Gen – licenses 6,800 security guards, 142 security guard companies, more than 550 investigators, and 190 agencies in Alberta as well. Also, we have 1,200 licensed locksmiths and 2,900 individuals who use vehicle entry tools as part of their job.

Now, what we've done in preparation of this bill is that in 2000 the MLA review of policing recommended that a comprehensive review of the private security industry be conducted. In the spring of 2005 our colleague MLA Len Webber began a 17-month review, including 40 stakeholder meetings and 240 submissions. It was a very thorough process. Stakeholder meetings included many with security guards, private investigators, locksmiths, tow truck companies, police services, armoured car companies, insurance companies, and national security organizations. We also received input from representatives from restaurants and hotels, shopping centres, and educational institutions as well as citizens.

We released a consultation paper and then received additional submissions and held more meetings after that. We released a final report and recommendations in March of 2007.

Basically, what Bill 10 does is it clarifies the role and responsibilities of security guards and investigators, strengthens screening and qualifications, improves accountability with audits and inspections, streamlines licensing and the renewal process, increases safety for people working in the industry, ensures that civil rights and liberties are protected, increases communication between the industry and the Solicitor General, and creates safeguards for the public who access or come in contact with the security services.

Under Bill 10 a licence will be required for any sector that significantly impacts public security and safety. This licensing, we hope, will strengthen industry standards.

I'd like to take you through some of the proposed changes. We felt that there was a need to broaden the definition of an investigator to reflect today's responsibilities and duties, so Bill 10 defines an investigator as anyone who seeks information about accidents; property damage; incidents, including causes of fires, crimes, offences; allegations of crime; conduct, actions, or reputation of a person or organization; the location of missing property; or someone who conducts surveillance activities. Basically, any investigator that is investigating any of these things would fall under this bill.

In-house security guards are not covered by existing legislation, which was a big hole that we felt we needed to fill. Currently security guards may arrest and detain individuals. They may use batons and handcuffs. They can hold people in unregulated cells and are accountable solely to their employers. We thought that that needed to change. Bill 10 will clarify the roles and responsibilities of in-house security guards. It will improve accountability, increase co-ordination with police services, better protect, as I said, civil rights and liberties, and make Alberta's legislation consistent with jurisdictions across Canada who already have such legislation in place.

With regard to guard dog security services, currently there's no training that exists for guard dog security services. Bill 10 will license companies using security guard dogs for intrusion and tracking. Bill 10 will also create training standards to ensure that the handler must be trained to manage the dog and that security dogs must be under control at all times.

With regard to loss prevention personnel and what these are, these are plainclothes individuals that are put into stores to detect shoplifters and people like that breaking the law in the store. Currently these people are not licensed. Under Bill 10 they will be licensed. Of course, again, the main purpose of the licensing is to ensure proper training and increase the safety for employees as well as the public.

With regard to burglar alarm companies, Bill 10 will license companies that respond to alarm systems. It will help screen out individuals who want to work for these companies for criminal gain. Again, obviously, these types of individuals would have very sensitive information about people's homes and of their security codes, those types of things. We want to make sure that the people involved with these responsibilities are competent and don't have criminal backgrounds, et cetera.

With regard to locksmiths, since the 1970s Sol Gen has licensed locksmiths under the Criminal Code to use automobile master keys. The definition under the code, though, we find is quite limited and does not accurately reflect the roles, responsibilities, or tools used by a locksmith. For example, it does not outline the screening criteria to become a locksmith. Licensing will clarify these roles. It will clearly define the screening criteria, and anyone who installs, maintains, and repairs mechanical and electronic locking devices will be licensed. There is an exception. Retail key cutters who duplicate common keys would not need to be licensed, so you can go to Wal-Mart or wherever and get your key copied. That wouldn't fall under this act.

With regard to automotive lock bypass tools, since the early '90s through the Criminal Code the Sol Gen has licensed those who sell, purchase, or are in possession of automobile master keys, which include vehicle lock bypass tools. Bill 10 will clearly define criteria for individuals who sell, purchase, or possess these tools. The Criminal Code requires only the sale of tools to be tracked, whereas under Bill 10 business owners will be compelled to track these tools permanently.

10:40

Exemptions. There are several exemptions, and the reason for these exemptions basically is that they're already handled under existing legislation – some federal, some provincial – so we wanted to make sure we weren't duplicating unnecessarily. Sectors that are already regulated or subject to stringent standards in these areas would include lawyers; insurance adjustment companies; insurance agencies; financial institutions; the armoured car industry; door supervisors, security staff, or bouncers who work in bars, licensed establishments, or casinos – those already fall under Sol Gen – security consultants who provide advice only. Volunteer security guards at community events: we didn't want to create unnecessary paperwork for, you know, just a volunteer wanting to help out at a community event.

Licensing requirements under Bill 10 for individuals and agencies will be changed as well. Bill 10 makes changes that will improve and simplify licensing for individuals. Under the current legislation individuals are licensed to work for only the agency that employs them. They cannot take their licence from company to company or be employed by more than one firm at the same time under the same licence. Employees who move to another agency need to apply for another licence. It's very redundant. Under Bill 10 individuals will be licensed by the Sol Gen. Licence holders may work for more than one employer or change jobs without having to reapply for a licence. Applicants may be licensed for more than one sector. For example, you could have a private investigator who's also a loss prevention officer. Now, they would need to inform the licensing

agency of their different employment and such, but they wouldn't need to reapply for another licence.

Licensing requirements. Requirements for companies – and we're talking about the companies, not the licensees – seeking a licence: they must be Canadian citizens, there must be a complete criminal record check, and they must confirm liability insurance, develop a code of conduct, and pay a licensing fee. With regard to individuals wanting to obtain a licence, they must be at least 18 years old with photo ID. They must be Canadian citizens, or – this was an omission on here – they could also be permanent residents. They need to pass a criminal record check. There has to be confirmed completion of any required training. Licences become valid when the individual is hired, and the licence is activated after the employer confirms with Sol Gen that the individual has been hired.

Now, a lot of these – for example, Canadian citizenship and residency – will be put under regulations. The reason for that is because the law is somewhat unsettled in this area in that the Supreme Court could say that, for example, not only are you to allow citizens and permanent residents to have the ability to be licensed but perhaps those on permanent visas. There's a lot of uncertainty in this area. We thought that rather than having to come back and change the legislation, we'd put it under the regulations and deal with it when and if the time comes that other things are required.

Ongoing licence requirements. Bill 10 clarifies the type of information security companies must provide to Sol Gen. This will include the changes in the company address or in ownership or management, in licensed staff. Every incident that may impact the public has to be reported such as the use of a weapon or any injuries that may have occurred or deaths, obviously, and charges against a licensee. Also, there needs to be ongoing disclosure regarding whether licensed employees are required to carry batons. Licensees must report to the department any charge, conviction, or any changes in home address. Those are for the licensees, that latter part there.

There is a complaints process under Bill 10. This is meant to provide a consistent approach to handling misconduct allegations. It provides a more structured and transparent public complaint process. How it will work is that the licensing agency will review all complaints. All complaints made against security personnel must be reported monthly to Sol Gen. If the complainant is dissatisfied with the outcome, Sol Gen will review the complaint. If warranted, charges could be laid and licences could be suspended or cancelled, and then agencies or individuals that have their licences cancelled by Sol Gen may appeal to the Law Enforcement Review Board.

Monitoring and powers of inspection. The effectiveness of Bill 10 depends, of course, on effective oversight. It will increase Sol Gen's ability to monitor compliance. It will increase the authority of Sol Gen to investigate concerns such as misconduct or lack of compliance.

With regard to uniforms and weapons under Bill 10 all licensed security guards must wear uniforms. Security vehicles will be marked. Uniforms and vehicle markings must be approved by Sol Gen. The reason is that we want the public to clearly understand the difference between police and security services. Sometimes the look of uniforms or the look of the security cars can be quite close to a police automobile, and we want to make sure that there's a clear understanding of the difference between the two. Security guards who have received proper training will be allowed to use batons and handcuffs, but security guards will not be allowed to carry firearms.

Licence renewal. We want to streamline the licence renewal process, so renewals will be staggered throughout the year. Current licences all expire on December 31. We're trying to make it a little bit more efficient by staggering them throughout the year. Compa-

nies with clean records for three years may reapply for licences every three years. We're rewarding good behaviour. Individuals will renew their licence every two years.

Currently Sol Gen can suspend, cancel, or refuse to renew a licence, but Sol Gen has minimal authority to monitor agencies and personnel or address and reprimand unethical practices. Therefore, ensuring compliance with current standards is very difficult for that reason. Bill 10 will give Sol Gen authority to decline an application or renewal if it's not in the public interest, if the applicant has been charged with a criminal offence or has breached the act, or if reasonable grounds exist that the applicant won't conduct business in accordance with the law or with integrity. That would be if they had made a false statement on their licence application or something like that. If the company or individual is denied a licence renewal or if the licence is cancelled, it must be returned immediately to Sol Gen.

Appeals. Currently the Law Enforcement Review Board hears appeals when licences are cancelled or suspended. Under Bill 10 the licensee will file an appeal to the director of law enforcement first before going to the LERB. This is consistent with the process outlined in the Police Act.

Penalties and fines under Bill 10 will be increased to be consistent with other Canadian jurisdictions with similar legislation. The maximum fines for individuals have been increased to \$5,000 and for companies to \$250,000.

In conclusion, it is felt that this proposed legislation will better reflect the new realities of the security investigator services industry in Alberta. It strengthens standards and requirements. It clearly defines roles and responsibilities. It improves accountability and training, promotes confidence in the industry, and benefits the security industry and the public, but most importantly it will address the safety and security needs of the public.

With that, I'll turn it over for questions. Bill and Matt will be helping me out with this as well.

The Chair: Thanks, Rob. That was very thorough. I would encourage the other committees to follow the same procedure. It gets everybody up to speed very quickly.

Questions?

Ms Calahasen: A few questions: one to Rob and then one to the chair. Relative to the bill itself could you tell me: has there been an assessment done of the training cost that would be associated with some of the areas that you're recommending?

Mr. Anderson: A good question. Bill, has there been any of that?

Mr. Meade: Certainly, we know from the Peace Officer Act some of the costs, but part of the specifics will still be worked out in regulations, so we won't be able to cost those out until we get into that specific detail.

Ms Calahasen: The other question I have for you, Rob, is: if we are going to be doing all this regulation and making sure that people have to follow those regulations, then does that mean that we have to be looking forward to associations being formed so that they can self-govern, or is this going to be governed by Sol Gen?

10:50

Mr. Anderson: We want to keep this within Sol Gen, but there will be a separate licensing agency set up, if I'm not mistaken.

Mr. Meade: If I could on the first point. Some of the various industries do have associations, but partly the nature of this business,

especially the private investigators, is that they tend to be very private and small shops. Although we looked in that direction, we found there really wasn't a body that could legitimately play that function, so it was felt that it was appropriate for the Solicitor General to play the role of the licensor.

Ms Calahasen: It does cost money when there are associations formulated as a result of us doing some regulatory functions or creating those kinds of regulations to occur with associations or even individuals or private agencies. I guess my question, then, on a follow-up to that, Mr. Chair, is: how are we going to make sure we address that prior to us making a decision?

Mr. Meade: If I could, just to clarify, the intent would not be for the associations to play that role. The costs would be to government, and we would propose in our budgetary cycle, if this bill was passed and the regulations were passed, to address the role and the cost of licensing. We currently do that in the Solicitor General, so it wouldn't be a new cost. It might be an additional cost, though.

Ms Calahasen: Thank you.

Mr. Chair, Mr. Webber mentioned that he did some reports. Is it possible that we can access those reports and any information that was done as a result of this specific bill?

The Chair: Our able-bodied Jody will have those in your next agenda package. That's a good point.

Ms Calahasen: Excellent. Thank you.

The Chair: Member MacDonald.

Mr. MacDonald: Yes. Thank you. I have a copy of Mr. Webber's report if anyone is interested.

My first question I think is covered under in-house security guards. Where will campus police be covered under this legislation? The reason I ask that question is that the AG flagged some tactics that they were pursuing at the University of Alberta that were not in the interests of the public. Where would campus police be included in this?

Mr. Meade: If I could, Mr. Chairman. There are two types of security personnel on our universities and colleges in Alberta now. One gets their authority through the Peace Officer Act. That's specific to the University of Alberta. Most, however, would be under this act, so those who receive licensing under this act as opposed to the Peace Officer Act would be governed by the rules of this proposed bill.

Mr. MacDonald: Okay. Thank you very much. My next question is regarding the exemptions. Could you please tell me if the investigative office or the agents of the WCB would be exempted from this legislation?

Mr. Meade: That's correct.

Mr. MacDonald: Then who would regulate or control their activities?

Mr. Anderson: My understanding is that they would be exempted under the act.

Bill, do you have something to add?

Mr. Meade: They'd be exempt. I don't have the specific authority of what would offer their ability to do that investigative work, but it wouldn't be under this act.

Mr. MacDonald: It wouldn't be under this act. And the same would apply to insurance agents?

Mr. Meade: Yeah.

Mr. MacDonald: They're at large, I could say?

The Chair: As is.

Mr. MacDonald: As is. Okay. Thank you.

My last question is regarding the regulations. There are two sections in this bill that initiate regulations: the Lieutenant Governor in Council and also the ministerial regulations. Mr. Chairman, will we be provided with any draft regulations for our discussions at this committee?

The Chair: It wasn't the intention. Are there draft regulations available?

Mr. Meade: No, Mr. Chairman. We would normally conduct a consultation on the regulations after the bill made it through.

Mr. MacDonald: Okay. There are some regulations in there that are going to identify and, I would say, be specific on a code of conduct. I would be much more comfortable if we had an idea of what that code of conduct was going to be.

The Chair: Rob Reynolds, maybe give me some advice. Normally, you know, regulations don't come ahead of legislation, but you're the one with the law degree here.

Mr. Reynolds: Yes. Thank you. The regulations do come, generally speaking, after the act is passed because usually after it's passed, then I believe the work starts on the regulations. That's done by Legislative Counsel, not us.

With respect to this, there is the power for the government to refer a prospective regulation to the committee. Barring that, it would be difficult for the committee to look at the prospective regulation because it wouldn't have been referred to it, so you wouldn't have seen it. But the government could do it if they so chose.

Mr. MacDonald: Mr. Chairman, I stated "draft regulations" in my question, so if there are any drafts of those proposed regulations, that's where I'm coming from.

The Chair: Right.

Mr. Anderson: Just quickly on that, hon. members. The reason we didn't regulate the insurance agencies as well as these others, as I said earlier, is that we really tried to look at what would be duplicative and if there was already legislation or regulations in place that were doing the job or if the bodies themselves were doing an adequate job of it; you know, for example, the Law Society of Alberta in the case of lawyers. We just didn't feel that there was a need to add more paperwork and duplication to the process, so that's kind of the reason for the agencies not being included.

The Chair: Thank you.

We'll move on to Member Woo-Paw.

Ms Woo-Paw: Thank you. I have four questions. How many can I ask now?

The Chair: Ask them.

Ms Woo-Paw: Okay. The first one is a process question. I presume that the initial consultation process was for assessment, so we get a picture of how things are being operated now and what is needed to be addressed. The next step: if we are going to have any kind of public involvement, would that be to invite the public to respond to the bill?

The Chair: Again, we'll have that in our discussion of item 6.

Ms Woo-Paw: Okay. So it's to be determined?

The Chair: Yeah.

Mr. Anderson: There was a lot of consultation, though, with the public.

Ms Woo-Paw: Yeah. That's why I'm asking.

Mr. Anderson: As I said, there were actually two consultation processes. There was an initial one, and then after there were some first recommendations made. Those kind of went out, and then there was another consultation process. It all involved the public and security firms and all sorts of people.

The Chair: Member Calahasen asked for the reports that have the details on that, and we will make sure that it's in your next package.

Ms Woo-Paw: Okay. Thank you.

I would like to know where these off-duty officers fit within this bill. Where do they fit?

Mr. Anderson: Well, that's a good question because off-duty officers are actually not permitted to work as security guards, to be licensed under this act currently. That is not because of this act. It's because the Police Act keeps them from doing that. Right now they can't be licensed under this, but it's not because of this act. It's because of existing legislation.

Ms Woo-Paw: Currently when they work for bars, they carry guns and wear their uniforms and drive the police vehicle.

Mr. Anderson: Well, that's different. Bill, maybe you can explain that.

Mr. Meade: Sure, if I could. When a police officer receives authority to be a police officer, they receive that authority 24 hours a day, seven days a week. Our authorities are lower than that, so they can't step down. If you receive authorities under this proposed bill, you only receive those while you're working. So if the police officer is in doing something for the local mayor and council or doing something outside of that, they're actually hiring them as police officers, not as a security officer.

Mr. Anderson: You can actually hire additional police officers, and there's actually a way of hiring police officers into an area. A company can say, "There's this event" or, you know, "We're having trouble with crime down here."

Ms Woo-Paw: So they're not really off duty?

Mr. Anderson: They're not off duty.

Mr. Meade: Police officers: their authorities are never off duty.

Ms Woo-Paw: Even though they're paid by the business?

The Chair: That's right.

11:00

Mr. Anderson: It's like an overtime program. They ask the police agency for additional help. They pay for that, and then they'll send them. But they're not accountable to the company. They're still police officers.

Ms Woo-Paw: They report to the company.

Mr. Anderson: That's not my understanding.

Mr. Kang: They are there for special events security. That's what they call them. You have to go through the respective police department to get them. They don't come through a security company.

Ms Woo-Paw: Well, I've read the policy in Calgary.

The Chair: Okay. Carry on.

Ms Woo-Paw: So it's not very clear.

My second question is: how would the new bill, if passed, improve the relationship between police and the security and investigative sector?

Mr. Anderson: Well, there are a couple of things. The most important, I think, is the reporting requirement. You know, if there were any injuries, if there were any deaths, if there were any complaints: all those things have got to be reported now whereas in the past they weren't. That will obviously help police with investigating crimes and certain events that occur.

There is also the co-ordination issue. Before, the roles weren't really clearly defined. Security personnel could, quote, unquote, arrest somebody or take someone into custody and stick them in a holding cell. There were blurred lines there. Well, now they have to immediately inform the police, who come out and handle it appropriately. Those would be two examples.

Ms Woo-Paw: My last question. Maybe it's not here; maybe it's just a related question. In order to help to ensure equitable access to the complaint and appeal process, what kind of financial or linguistic support would there be to support people so that they could actually exercise their complaint in the appeal process?

Mr. Anderson: I'm going to have to refer that one to Bill or Matt.

Mr. Meade: The current process is probably somewhat lacking on some of that, for sure. It wouldn't be part of the bill, but certainly in terms of the processes the language barrier is there for some. We try to help those out that are identified. The challenge is those who don't identify. That would be a challenge when the bill, if it's passed, is implemented.

Ms Woo-Paw: So something that would be looked at by the ministry later. Thank you.

The Chair: That's it, Member Woo-Paw?

Ms Woo-Paw: Yes. Thank you.

The Chair: Ms Notley.

Ms Notley: Thank you. I have three general questions. Under the area that talks about handcuffs and batons and then excludes firearms, I just want to clarify: is there some mechanism through which tasers are also excluded?

Mr. Anderson: Bill, is that under a firearm?

Mr. Meade: Tasers would not be included, either, in this. It's just the batons and the handcuffs. One of the challenges will be the next taser or the next invention. The intent is that the director of law enforcement would approve or not any of those future tools.

Mr. Anderson: I would assume that it would be currently classified as a firearm and therefore could not be used.

Mr. Meade: It wouldn't be considered allowable under this bill.

Ms Notley: It's considered a weapon of some type. Just making sure that as it sits now, it would not be subject to discretion, but it would actually be not considered. Okay.

I wanted to ask as well, quickly, about the appeal process. It appears on here that if a member of the public is concerned about the conduct of someone covered under this act, they can file a complaint. The complaint can then be reviewed within the Sol Gen ministry somewhere. If the complaint is found to have merit, there is then a mechanism by which the person regulated under the act can appeal to the Law Enforcement Review Board. What about for the complainant, if the complainant does not like the outcome of the Sol Gen review? Is there a parallel ability to appeal the failure to pull a licence to the Law Enforcement Review Board? What I'm asking is: does the member of the public have a parallel right of access to the same level of appeal?

Mr. Anderson: My understanding is that it works the same for the licensee or the licensor.

Is that correct, Bill?

Mr. Meade: I'll let Matt take this.

Mr. Barker: If I understand the question correctly, the complainant themselves . . .

The Chair: You'll have to speak up, please, for me.

Mr. Barker: Sorry. The complainant themselves wouldn't have the same right of appeal to the Law Enforcement Review Board. That's only confined to the licence holder, whether it be the individual or the company. The complainant does have that ability of a third-party review to ensure transparency, accountability, and third-party oversight through going to the administrator of the act, to get someone that was not involved in the delivery of the security services to take a look at the situation and determine if the complaint has merit or not.

Ms Notley: But if they're not happy with that? I mean, I assume that the administrator would also discuss the issues with the licensee.

Mr. Barker: Yes.

Ms Notley: Then if the licensee is not happy with the administra-

tor's decision, the licensee has a further level of appeal, but if the complainant is not happy with the administrator's decision, the complainant has no further level of appeal.

Mr. Barker: Correct. It would be a judicial review if they wanted to go outside the parameters of this act here.

Ms Notley: Right.

Mr. Anderson: Are you talking about just a general member of the public who is not a licence holder?

Ms Notley: But who is complaining? Who has a complaint about the conduct of a licensee?

Mr. Anderson: Oh, okay. So who maybe applied and never became a licensee?

Ms Notley: No. My understanding of the way this functions is that if someone has a complaint about the conduct of a licensee, let's say a member of a union, where someone covered under this has been engaged in security services on a picket line, for example – let's load it up for its most political possible consideration – and they appeal the conduct of someone covered under this act, they stop at the administrator. But if the administrator finds in favour, that the complaint has merit, the person covered under this act then has another level of appeal, to which the complainant is not a party.

Mr. Anderson: Correct. Okay.

Ms Notley: Right. So I guess my question is: what's the rationale for what seems to me to be a somewhat imbalanced process?

Mr. Anderson: Well, they still have the ability to go outside the act and appeal that administratively like anybody else would in a similar circumstance, so I don't understand what the problem would be there. They can have a review of it by a court of law.

Ms Notley: Then why don't you use that mechanism for the licensee as well? Why does the licensee have a further access to appeal that the complainant does not?

Mr. Anderson: Any idea?

Mr. Barker: Without being tied to any process, the three goals in establishing this system were transparency, accountability, and third-party oversight. The administrator or the registrar doesn't deliver these services directly, so we felt that the complainant's ability to get that impartial third-party oversight was adequately provided for by going to the registrar or administrator to ensure that someone uninvolved in the actual delivery of the services was making an impartial decision. With the licensee, the government is directly involved in the issuance of licences to the individuals and the companies. That same level of third-party oversight can't be as clearly established at that level; therefore, it was handed over to the Law Enforcement Review Board, who is not involved directly in the issuance and oversight of these groups.

Ms Notley: Right. I'm not entirely sure that I'm completely comfortable with that process. Nonetheless, it's just a question.

My third question was with respect to the exemptions. You may have mentioned this, and I may have missed it. What are the other mechanisms for oversight for those investigators who work, for

instance, with insurance companies or the Workers' Compensation Board? I didn't hear what the actual mechanisms of oversight were.

Mr. Anderson: I believe that's in the report.

Bill, why don't you handle that?

Mr. Meade: We'd have to bring more specifically because each legislation that would govern them would have a different process. It would be specific to whichever audience we were talking about.

Ms Notley: Would it be possible to get information for this committee on a comparative, comparing what you're providing for here with what is currently existing for those that are exempted, so that we're looking at having consistent standards between an investigator working, for instance, for the WCB versus an investigator who would be licensed under here?

The Chair: Bill, would it be easy to provide that in writing for our next package?

Mr. Meade: We certainly can provide it; I don't know about easy. One of the wrinkles would be that some of it is federal and some of it is provincial, but certainly we've got a lot of that work, so I don't think it would be too difficult.

Mr. Anderson: We could at least provide the actual legislation so that they could look it over.

11:10

The Chair: Well, the legislation is one thing, but I think the member is asking for a plain-language explanation, so if you can provide that for our package through our clerk, Jody.

I think that's what you said, Member Notley?

Ms Notley: Yes. Thank you.

The Chair: Okay. Is that your complete?

Ms Notley: I am complete. Thank you.

The Chair: Member Cao.

Mr. Cao: Well, thank you, Mr. Chairman. I have a few questions, but I think I'll follow up about the exemptions. I'm not comfortable with the exemptions; for example, if a private investigator is hired by an insurance agency or WCB and all that. I think we need to have some meat in there at least to ask about those people, if they're qualified. If we don't license them individually, at least we can ask the company or the organization to hire licensed people with the training. I've seen cases where people are just hired to be an investigator by these exempted groups. How would we deal with that, with unqualified people being hired by the exempted group? That's my question on that.

Number two is that I wonder about the qualifications and training of private investigators, undercover people, and all that. I'm not worried too much about the ones in uniform over there and standing guard and so on but the ones that are sort of hidden. Probably there's opportunity for violating the law of the land in terms of individual liberties, freedoms, and all of the matters of civil rights. So pay attention on that aspect.

The other question that I have is that there are community events out there. Sometimes we have a volunteer organizing group coming in, and they just appoint: hey, you look after security. So they stand at the front or the back and walk around and make sure things are okay during the event. Those are volunteers. I was wondering how

we deal with that situation in this bill here. It's more like just a group organizing a community event and saying: you look after security.

The Chair: I'll let the member answer those three questions before you move on.

Mr. Cao: Okay.

Mr. Anderson: Well, to your first question, I think Member Notley had similar questions, and we'll get the document that would compare them.

The second one, with regard to the qualifications and training, that'll be handled under the regulations, obviously, just because the standards will change all the time, I'm sure, probably as best practices are discovered, et cetera, so I think that would be under the regulations.

Then with the volunteers, they are exempted under this legislation. A volunteer for a community event would be exempted now. If that event hired a security company to do their event, well, then, that's different. They'd be licensed.

Mr. Cao: May I continue?

The Chair: Carry on.

Mr. Cao: What I see is that we are global now, and sometimes we have visitors from overseas, dignitaries, and they have bodyguards coming into our jurisdiction. That's one. Even within Canada there are people from other provinces who are, you know, bodyguards or investigators. How do we deal with that in this context?

I don't see it clearly, but let's just say a car park attendant is sitting there and watching and supervising. Do they have to be licensed and all that?

Mr. Anderson: That's a good question: outside secret service people. I don't think they would fall under the act.

Mr. Meade: There are a number of different pieces of legislation that would govern that. Some of those are federal police officers. Some are local police officers. Some fall under the Peace Officer Act: Premier's security, other security services like that. There are very few security guard, bodyguard-type protection people that would fall under this. It's all under more senior pieces of legislation. Those people are generally armed and require different authorities.

Mr. Cao: On that point, let's say that a chief executive of a big company, like Bill Gates, is coming here. Then they would have bodyguards which are, really, private. Do we have a mechanism to reject them or to accept them?

The Chair: I think there's a law that supersedes this law. You know, the federal act would cover those people that move internationally, interprovincially.

Mr. Meade: There are some individuals, heads of corporations who do hire security guards. They would fall under this act, but it's not those that I think he's talking about in terms of out of jurisdiction or other provinces coming. There are corporations that do hire security people, and they would fall under this act, including that the organization would have to fall under the act.

Mr. Cao: In that context I can imagine that a business visitor coming here has to leave their own bodyguard at home and hire our

security here – right? – people licensed here. Is that kind of the picture?

Mr. Meade: Again, it's event specific, so if it's a large-scale event and they're inviting the speaker in, oftentimes for the speaker that requires that or the dignitary that requires that, security would be provided federally or by the event. In that case it would. A lot of different events would require different authorities. There would be some opportunity for that in this act, but they wouldn't be able to be armed. They'd have to be approved through licence, those sorts of things.

Mr. Cao: Okay. Probably just my curiosity here. A few years ago we talked about bouncers in the bars and so on. Does that still apply in this area, or is that different?

Mr. Anderson: Yeah, it's different. They're trained, I believe, by the AGLC, so that's how they're monitored currently.

Mr. Cao: Okay. All right. Thank you.

The Chair: Thank you.

Mr. Kang: I've got this portability of licence, you know. Say, when I'm working for a company and I've got a licence, I can take my licence to another company. Won't it create a conflict between the companies, a conflict-of-interest kind of thing? You know, if I'm working for a company and they're in an investigative business and the other company is in some other business, won't it create conflict between the companies? How would that person be able to work for different companies if that's the case?

Mr. Anderson: Well, I mean, I don't think that type of conflict of interest would be handled under this act. That's probably more of a legal question. You know, if the person had access to very sensitive information, then there are laws that apply to that. If you're sharing that information, obviously there would be laws that apply to that. But I don't think it would come under the auspices of this legislation.

Mr. Kang: That goes back to: will it strengthen the industry? You know, I don't see how it's going to strengthen the industry if one cannot hold his licence for different companies. That's my only concern.

The Chair: Bill, do you have comments on that?

Mr. Meade: Just if I could add to that, Mr. Chairman, that we heard quite soundly from the industry and from the individual licensees that, in fact, having to apply for a different licence every time you want to work for someone else, given the nature of the marketplace, felt very bureaucratic. So the direction to allow for that mobility of licence actually came from the industry.

Mr. Kang: It will definitely help the industry because, you know, it will cut down on the cost to the individual person and the companies as well – I fully agree with you there – but it may play into the conflict. That's my concern about this. If there's some way we could maybe address that, that will be helpful.

My second question is about armoured car services. They will be exempt because they are regulated federally.

Mr. Anderson: Yeah.

Mr. Kang: In B.C. they require licensing under this act in addition to being licensed under the federal Firearms Act. Why are we exempting armoured cars from this act? The employees will be carrying, you know, firearms and stuff.

11:20

Mr. Anderson: Yeah. You alluded to the main reason: that they're already regulated federally. I don't know why B.C. does that. Maybe Bill does.

Mr. Meade: I can't speak for B.C., but we looked at it, and we didn't see any fundamental difference between their requirements and the federal jurisdictions' requirements. It's a complete duplication.

The Chair: Again, maybe some written information. You know, with TILMA we're trying to have similar regulations between our provinces. It's an interesting point that the member has brought up. Maybe you can provide us with written information on why British Columbia would go outside the federal act and require further licensing.

Go ahead, Phil.

Mr. Massolin: Thank you, Mr. Chair. I was going to offer a little bit later on in the proceedings that we'd be able to provide a cross-jurisdictional analysis in terms of this bill and what other jurisdictions do. Perhaps we could include that.

The Chair: Yeah. We'll do that under item 6, then. Thanks, Phil.

Mr. Massolin: Thank you.

The Chair: Good point.

Mr. Kang.

Mr. Kang: Thank you, Mr. Chair. There's no identification of what constitutes a weapon, you know, what authorized weapons security guards can carry. This is really kind of troubling. Whatever the security officers wear on their belt may be – even my phone could be a weapon. Are we going to have some identification of what will constitute a weapon and what security guards will be allowed to carry?

Mr. Anderson: Well, I think that, again, that's going to be under the regulations. There's no intention to allow security guards or private investigators to carry firearms, tasers, lethal weapons, basically. You know, batons and handcuffs: we will provide training for using those types of devices because they have a purpose.

The thing is that it changes. I mean, something could come up that the security industry starts using, and we need to have the flexibility in the regulations to be able to, you know, immediately make that a prohibited weapon or perhaps an allowed weapon. Who knows? That's why we have to leave it in the regulations.

Mr. Kang: Will all security guards be allowed to carry batons and handcuffs?

Mr. Anderson: If they're properly trained to use those.

Mr. Kang: Thank you.

The Chair: Member Jacobs.

Mr. Jacobs: Thanks, Mr. Chairman. My questions have been covered already by colleagues Notley and Cao, but I'd like to make

a couple of general comments. Perhaps you can comment about those, Rob. I'd like to speak on behalf of most Albertans, who are law-abiding citizens and who make every effort to keep the law and obey the law. As I read the document, I have some concerns about the rights of these people. My experience in life has been that sometimes when we give people authority, a few of the people abuse the authority.

Recently I had a letter from a constituent describing an experience they'd had with one of our sheriffs. I have confidence that what this constituent, who I know quite well, told me was probably close to the truth and was unbiased. Without going into details, obviously, from the story I was told, the sheriff did not use good judgment nor apply common sense.

It's possible that as we add authority to the people that this act will add authority to, they will also sometimes misuse their authority. I guess my questions are, you know, similar to those already asked about the rights of people who may be accused wrongfully or who may be apprehended wrongfully. I think the key here is in how we train people. But even with the best training in the world you can't take away that sometimes people, investigators, will have a bad day and will do things that maybe they would regret or wouldn't otherwise have done. Then there will be a few who will on occasion abuse their authority.

I think that in this legislation we have to be careful that we protect the rights of those people who I call the law-abiding citizens of Alberta. The ones who break the law, you know, I guess I want them apprehended, but the ones who perhaps are charged wrongfully or illegally or out of bad judgment – can you just comment on training and the complaint process again to make sure that we do everything we can to cover the points that have been mentioned already by this committee?

Mr. Anderson: Yeah. Well, I think the comments made by Member Notley were something to look at. You know, maybe we should look at the process to make sure that the complainants have an ability to have a very simple appeal process for bringing these to the attention of the Sol Gen outside of just having to go to court. I mean, this legislation fundamentally strengthens what you're talking about here. These security guards and private investigators are already doing these things. They're already out there exercising these authorities. What this does is that it actually, you know, creates better accountability, more reporting from them of incidents. It's strengthening civil liberty protections, in my view. We're not giving any new authorities to individuals that they weren't already using; it's just that now we're actually making them more accountable, making sure there's better training, and that sort of thing.

With regard to the sheriffs and police in general, there are appeal processes for those types of incidents. Obviously, the vast majority of them do their jobs very effectively, but the more sheriffs, the more police you have out, there are always going to be one or two bad apples. I agree with you completely. I think we need to look at the complainant process, maybe make it even easier for people to complain about abuses of power. But the legislation itself doesn't give any new authorities to people that they aren't already using.

Mr. Jacobs: Could you comment any more, Rob, on training? You know, how are we going to train people? Will they be better trained under this legislation than they are now? How will we train them? What's required as far as someone who wants to fill one of these positions? What's required to be trained?

Mr. Anderson: Well, obviously, this will be handled under the regulations. Perhaps I can get Bill to comment on what the direction is in this area.

Mr. Meade: Specific to use of force, there is a use-of-force training that we would use. We use it with the police, and we use it with the peace officers. In fact, it's becoming a national standard across the country. We would bring those standards to bear if the regulations move in the direction I think they will move in, so that if you're using handcuffs or you're using batons, you'll have the training. But you're absolutely right. If somebody for whatever reason did something inappropriately, then very clearly, whether it's the peace officer or police officer or security guard, that has to be brought to bear so the citizen isn't subject to those kinds of things. That's what the appeal process, notwithstanding the questions about it, is attempting to get at.

Mr. Jacobs: The complaint could be more than just inappropriate use of a weapon. It might just be an apprehension or a charge or an allegation that's been made that might be embarrassing or might be, you know, harmful to the law-abiding citizen. So they need to be trained in more than just weapon use but how they handle people. You know, to use one of my favourite sayings, they need to sometimes exercise respect for people and common sense.

Mr. Meade: It's really a combination of screening, training, supervision, and ongoing oversight. All four of those prongs have to be strong to deal with those situations as opposed to just one. This is attempting to get at all four of those: more screening, criminal code issues, things like that, if you've got a criminal record. It's attempting to bring more training to it. It's providing some of the organizations with more opportunities to help people when they start to get a little bit off. Usually it's not just the first time the person has done it. If you look back, if somebody has been inappropriate with authority, they tend to kind of have taken small steps to get there and it wasn't caught early. Then ultimately there's oversight from the Solicitor General to ensure that either the organization or the individual is dealt with, including potentially being charged with an offence.

Mr. Jacobs: Thank you, Mr. Chairman.

11:30

The Chair: We have four speakers. We also have the decision items on number 6, and we have lunch as well ready. So we'll move on to the four remaining, and then I'll cut it off, and we'll break for a quick sandwich.

Mr. Kang: When they're placing the handcuffs on somebody, you know, literally they're taking their fundamental rights away. Will the security guards have some clear understanding of the Charter of Rights and Criminal Code of Canada? I think they will have to be trained in that regard: when to arrest and how to arrest. So will there be some training in that regard for the security guards? How thorough will the training be? Will it be just, you know, kind of superficial: if you see somebody committing a crime, you just go arrest? Will they be trained to keep the other person's life in mind, too?

Mr. Anderson: That's a good question. Bill? That goes back to the training.

Mr. Meade: Absolutely. Yeah.

Mr. Anderson: There are some kind of industry standards that are being incorporated across the country with regard to training in these areas, so I think that's the direction.

There are a couple of members that have this question. Is there

any kind of documentation on some of the training that occurs in these other jurisdictions that maybe we're looking at implementing? Maybe we could include that in the next packet as well. Would that be acceptable?

The Chair: Remember, members, that we're not reinventing the wheel. This has happened for 40 or 50 years, and we're strengthening the existing process.

Mr. Kang: Mr. Chair, once we start regulating stuff, you know, then all kinds of other laws and rights start to come into play. Right now people may not be aware of those. When they're arrested by police or some other agency, you know, then the lawyers come into play. It's just like somebody shoplifting at the store. The security guards hold him in the holding area, and the police come and charge them. I think that in this situation more people will be asking for their rights: this was my right, you know, and I was not made aware of my right by the arresting authority. So those are the concerns I'm having.

The second question is about the cost. Who is going to bear the cost of all this training? Will it be the individual person, him or her, or will it be the companies? How is the cost factor going to come into play for training?

Mr. Meade: Remember that we're talking about quite a varied group of officers here. Some are security, some are licensed dog handlers, some are tow truck operators because they have the locksmith tools. The training won't be a standard training, so the cost won't be standard. But the intent is that the organizations train their people, and they would bear the cost of that. Now, they currently do that training. What we're going to do is introduce standards to ensure that they meet those standards in their training.

Mr. Kang: Thank you.

The Chair: Member Sandhu.

Mr. Sandhu: Thank you, Mr. Chairman. Thank you, Rob and Len, who worked hard for the last 17 months on reviewing this. I agree with you that we need to bring up to speed the security service in Alberta. The first question I have: if the bill is passed, what steps will the government take to ensure that businesses are informed and can make smooth transitions for this new change? The second one. When you're hiring, like you said already, you know, Canadian citizens adding onto permanent residence and making changes in that – and comments from Broyce I agree with, too, so I don't want to talk too much. But some security people out there abuse their powers, so make sure that doesn't happen.

Another thing that always bothers me for security purposes – I don't know where this comment falls – is refineries. Going by highway 14, I go to my riding, and all the time I don't know where it falls into the security. I didn't see too much security out there. Maybe security is there, but it really bothers me. I don't know where his comment really falls into that, I guess. We need to make sure those refineries have a good security system going on. Thank you.

Mr. Anderson: Yeah, the transition question I'll put to Bill, but with regard to permanent residence, clearly it's understood that that will be included in the regulations. It'll include: you need to be a Canadian citizen or a permanent resident, lawfully here. On the transition?

Mr. Meade: Certainly. The transition is an interesting question on

this one. It will require some time and some costs in terms of a media strategy. The reason why I bring that up is that though we've been dealing with the bulk of this sector through the consultations – and we will continue another round of consultations if we are able to go into regulations – the in-house security guards are currently not licensed, so we will have to do a real outreach to inform them so that know the new act is coming into play. We did this when I was lucky enough to do the change to the adoptions registry.

We have to do an extensive media campaign to ensure that those who currently have security guards who are in-house and not licensed know about the new changes.

The Chair: That could be part of your follow-up of recommendations, you know, later on as we get deeper into this.

Mr. Sandhu: Thank you. I trust Rob.

The Chair: Member Calahasen.

Ms Calahasen: Thank you very much, Mr. Chairman. I had a similar situation as Member Jacobs regarding a sheriff. There was an intimidation situation. The complaint process is not really well structured, so I want to know how we're going to be able to take care of that, Rob, because what happens is: who investigates these situations? We need to make sure that there's an oversight somewhere along the way that would make sure that the people who are making the complaint will be satisfied with the process. It's like cops investigating cops, which doesn't go very far and it creates some problems. I think that's something that we have to look at.

The second question. I'm a menopausal woman. I forget my keys in my vehicle every now and then. As a result, I possess what is going to be an illegal situation, a bypass tool. It says on page 5, locksmiths . . .

The Chair: This is just a what-if scenario, right?

Ms Calahasen: I want to possess, I guess would be the word.

If I possess a locksmith tool which would open my door, in this case you're saying on page 5 that it would be an illegal act, then, right? You cannot possess anything like that.

Mr. Anderson: Without the proper licence. That's right.

Ms Calahasen: So I'd have to go and get a licence if I was to possess something like that.

The Chair: And, of course, it'd be locked in your trunk.

Mr. Anderson: I didn't know only menopausal women locked their keys in their car. That's news to me.

The Chair: Let's keep to the bill.

Mr. Anderson: Yeah. These tools: I mean, obviously if everyone was as honest as the hon. member, we wouldn't have to worry about this, but it's a great tool for committing lots of crimes as well as getting into your car if you've locked in your keys. Unfortunately, yeah, you would have to be licensed to use the tool under that.

Mr. Kang: I would just add something to that.

The Chair: Right. I don't think we need to add to that conversation. We'll go to Member Cao.

Ms Calahasen: Well, I just need to know. I'm going to be illegal, then, if I do possess something like that, right?

Mr. Anderson: If you did.

Mr. Cao: Anyway, I have a couple of questions, you know, to follow up. This bill allows the government to qualify those people and give them a licence to practise, so immediately coming, to my view, is liability. Let's just say a case of a citizen who got abused and so on by this one that we licensed. My question is about the players in here: the individual licensee, the security company that employs those people, then the organization user of the security service – right? – and then the government. So to me there are four entities here tangled up into this liability. Let's just say a citizen wants to complain about abuse, you know, hurt. We now have four entities to deal with, right? So I was wanting to clarify that because we kind of look after government. I worry about the government liability in there, too. You could be sued because you approved the licence of these kinds of people who abused.

My last one is, I guess, probably about the regulation development, including all this detail about trainings and content of the training and screening and all that. I'd love to see some comment on that.

11:40

Mr. Anderson: Well, I'll defer to the chair on that last comment and see what the process is. Can we make recommendations to look at the regulations when they come forth? I have no idea on that, so I'll leave that to him.

But on the complaint process, you know, I agree that we have to make sure that it's fair for the complainant, for a member of the public, just as with the licensee. So we'll look further into that.

Sorry. What was the first part? Oh, the liability issue.

Mr. Cao: Yeah, liability. Government liability.

Mr. Anderson: I think we just have to leave that, frankly, to the courts. There is common law already established on, you know, things of negligence and liability, and I think we just leave it to the courts to play that out.

Mr. Cao: Okay. Thank you.

The Chair: Okay. We're going to break for lunch. As per your comment earlier, you know, we will have the opportunity to give advice on the bill. I think those are some of the points that we could put into our final recommendations whether we agree with the bill to proceed or not. If we agree with the bill to proceed, we can offer advice and observations. Rob?

Mr. Reynolds: Yes, Mr. Chair.

The Chair: Thank you. Let's have lunch.

[The committee adjourned from 11:43 a.m. to 12:14 p.m.]

The Chair: Okay. We're going to get started, folks.

Thank you for that presentation, Rob.

We'll move on to item 6. The committee has several decisions to make today regarding the most appropriate input for the process for reviewing Bill 10. I think we've heard some recommendations from some members that, you know, we'd like to see the Webber reports at our next meeting. We've also had some comments on some written submissions that we'd ask the department to provide.

Rob, do you have some comments as well?

Mr. Reynolds: Thank you, Mr. Chair. I was just wondering if it might be useful for the committee to have what's often referred to as a three-column document. As members are aware, there is a current act that exists with respect to this area. This bill, if it was passed and became law, would repeal that act, so it might be useful to see the department's perspective on how the bill would change what exists right now. That would be found within what is commonly referred to as the three-column document, I believe. It's up to the chair and the committee.

The Chair: I think that's a good point, Mr. Reynolds. Even if the three-column document is not provided in the context of the explanations from where we were to where we're going and the rationale for it, I think it would provide a good background because remember, colleagues, we're not starting from scratch. We do have existing rules and regulations. This is taking us from where we are today to the next step. So I think that has merit.

We'll kind of go down the items, the technical briefings on the bill. If there are other items that you'd like included in our next package, I'd ask you for that. I think we've had a very thorough review. Thank you, Rob, for that. If there are other items that you think we as members need, you can just go ahead and provide that to Jody.

Mr. Anderson: Okay.

The Chair: Public options. We have the written submissions that we've asked for. Public hearings. I don't think we're ready to that point. We have the identification of stakeholders, invitation to interested parties, communication decisions.

We'll have your presentation from other jurisdictions as well that you are going to be providing for us, right?

Dr. Massolin: Yes, that's right. If I could just clarify, Mr. Chair, whether the committee is okay with our collaboration with departmental officials. I just want to make sure that's all right.

The Chair: Yeah.

Dr. Massolin: Okay.

The Chair: You'll provide that at the next meeting, but will you also provide us with something ahead of time so we can review that? I hate having documents at the table that we haven't had an opportunity to see, and probably the rule that you'll see from me being chair is that in order to deal with it at the next meeting, we're going to have to have it ahead of time. I don't want documents delivered at the table, especially that thick. A one-pager you might get away with.

Dr. Massolin: Yes. I see your point. We'll definitely provide that well in advance of the committee meeting. It'll be posted on the secure site.

The Chair: Okay. Good.

Mr. Kang: Here it says: deny licence issue renewal if it is not in the public interest. Who determines what is not in the public interest?

The Chair: Okay. We can have that discussion at the next meeting as well.

Mr. Kang: Please add that into the technical review.

The Chair: Who will provide that?

Mr. Anderson: Bill, do you want to handle that question? Okay.

The Chair: Okay. Anything else under item 6?

Ms Sorensen: Mr. Chair, if I may, I was just hoping to get a sense from the committee today of what they wish to see in terms of public consultation. From what I'm hearing around the table, the members have a lot of questions, which, to me, signifies that the public likely will as well. However, I'm also understanding that a significant public consultation process was already done. So I'm just trying to get a sense from this committee. Are they wanting us to look into advertising options for written submissions, or are they satisfied that the consultation that's already been done addresses this?

The Chair: Rhonda, I think Member Calahasen brought up a point: 240 submissions, 40 public meetings; let's see the documentation and the results and recommendations that came out of those reports before we determine that next step.

Ms Sorensen: Okay.

The Chair: That's why I'm asking that we get those reports and those summaries and the comments made by MLA Webber to see what that process was. You're right; there's no sense in duplicating what's already happened. That's not the intention. The intention is the oversight to make sure that the stakeholders and everybody has that input. I think that after the next meeting, after the members have a chance to review, talk to each other about it, we'll see from that point. But between now and the next meeting I'd say that no, there would be nothing required as far as public input.

Ms Sorensen: Perfect. Thank you, Mr. Chair.

The Chair: Okay. Clarification? Okay. Are we clear?

12:20

Mr. Cao: I read the text of the bill here, and there's a portion that we raised here earlier regarding the appeal process. I don't know how we deal with that in real terms. When I look at the bill, talking about ministerial regulations, the minister may make regulations, and there's a list of them from (a) to (n) here, but there's nothing in the regulations about the appeal process or defining it further.

The Chair: Again, that would be clearly identified in the three-column document, and the summary that the department will provide us will deal with that. Right, Bill?

Mr. Meade: We can certainly provide the summary. You're right that it is spoken to in the three columns, but most of the appeal process is not in regulation. It's right in the act.

The Chair: If we need further explanation after you provide us those documents out of the next meeting, we'll have the department provide that. You will be here at the next meeting?

Mr. Meade: That's correct. Yes, if the chair wishes it.

The Chair: Yeah. You'll be here.

Ms Calahasen: Mr. Chair, it's my understanding that we will also be getting a cross-sectional jurisdictional summary that might include even the fact of the area of complaints processes as well?

Dr. Massolin: Yes. We could certainly include that.

Ms Calahasen: Thanks.

The Chair: Okay. Good. So we have some reading to do for the next meeting.

Any other business that members would like to discuss before we get to item 8?

If none, I'm proposing Wednesday, July 23, from 10 till probably longer than noon.

Ms Calahasen: I'll make the motion that we do meet on Wednesday, July 23, from 10 to whatever time we can be done.

The Chair: Okay. Should we say maybe 2 o'clock?

Ms Calahasen: Two o'clock is good.

The Chair: Okay. Some of you would have to travel three hours or four hours.

Mr. Jacobs: Are some of us not in Edmonton on the 22nd for the Premier's breakfast?

The Chair: I'm not going to determine who's here and who's not here. This body is the only one I really care about.

Mr. Jacobs: I mean, it would be good for most of us.

The Chair: From 10 until 2. Jody will poll the members and make sure that we have a quorum, but if I have an understanding by a nod from you if it's okay, then we'll have our committee. Maybe by a show of hands, just a straw poll, does the 23rd work? Okay. We'll carry on with the 23rd, then. We have a majority. It's going to be hard over the summer months for any of us. So the 23rd it is.

On the motion by Member Calahasen, all those in favour? Those opposed? Thank you.

Mr. Cao: Just on the scheduling of meetings, would it be easier to start on an earlier day of the week, like Monday or Tuesday? All other meetings gather around that. Rather than midweek, is there any consideration with others, like CPC, you know?

The Chair: We're going to set the meetings according to the majority of the members here, not according to any other caucus schedules. I don't care really what's going on. If we can get a majority, we'll get a majority. You know, it's something that the committees have to do. If you have a social function, you'll have to decide whether you want to be a member of the social function or of this committee.

Mr. Cao: Well, it's not a social function, but being a member outside of Edmonton, something in the middle of the week is tough during the summer months' break because we usually spend, say, a day or two, the first day or the last day. In the middle it's difficult, so just to consider that.

The Chair: The chair will never dictate. We'll always do it by majority.

Thank you. I'll recess the meeting, then. I need an official motion to adjourn. Member Notley. All those in favour? Carried.

[The committee adjourned at 12:25 p.m.]