



Province of Alberta

The 29th Legislature  
Third Session

# Alberta Hansard

Thursday morning, May 18, 2017

Day 36

The Honourable Robert E. Wanner, Speaker

## Legislative Assembly of Alberta

### The 29th Legislature

Third Session

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Strankman, Rick, Drumheller-Stettler (W)  
Sucha, Graham, Calgary-Shaw (ND)  
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Taylor, Wes, Battle River-Wainwright (W)  
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van Dijken, Glenn, Barrhead-Morinville-Westlock (W)  
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#### Party standings:

New Democrat: 55

Wildrose: 22

Progressive Conservative: 8

Alberta Liberal: 1

Alberta Party: 1

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Kazim	Woollard
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## Legislative Assembly of Alberta

9 a.m.

Thursday, May 18, 2017

[The Deputy Speaker in the chair]

### Prayers

**The Deputy Speaker:** Good morning.

Let us reflect. At the conclusion of our work for the week here in the Assembly, may we all travel safely back to our constituencies. Let us be leaders for our communities by working collaboratively and with kindness, always striving for patience and understanding as we work to make life better for the families of communities that we represent.

Please be seated.

### Orders of the Day

#### Government Bills and Orders Second Reading

##### Bill 205

##### Advocate for Persons with Disabilities Act

[Debate adjourned May 17]

**The Deputy Speaker:** Any hon. members wishing to speak to this bill? The hon. Member for Lethbridge-East.

**Ms Fitzpatrick:** Good morning, Madam Speaker, and thank you. I rise in support of Bill 205, Advocate for Persons with Disabilities Act. I thank the Member for Calgary-North West for bringing the bill forward, and a huge thank you to the Member for St. Albert for her many, many years of work in this area. I would also like to acknowledge an activist for members with disabilities from my union involvement days – she taught me a lot about how to advocate like a dog with a bone – Pat McGrath.

Everyone has abilities, and some of us have challenges. I have challenges. Let's see. About 20 years ago there was a bit of an argument in my house about the remote control. Now, when the TV was on and there was music playing, it was really loud, but when somebody was talking, I couldn't hear what they were saying. Of course, I thought that other people in the house were messing with the remote control. My daughter said to me: mom, you need to go get your hearing checked. So I did. When I got my first set of hearing aids, I got in the car, and *A Horse with No Name* was playing. Now, if any of you remember back that far, that was 1971 or '72. I loved that song, and I started to sing.

**An Hon. Member:** By America?

**Ms Fitzpatrick:** Yes.

I realized I was singing the wrong words. For almost 20 years I'd actually been losing my hearing, maybe even longer than that. I was missing some nuances when anybody was speaking to me, and I often asked people to repeat what they were saying. Anyway, I thought: okay; I've got two hearing aids.

The first time I went to the hearing doctor, he said, "Well, you need to just listen more carefully, and you need to watch people's mouths when they speak." I looked at him, like: are you nuts? I need to hear what people are saying, and I don't always get to look at their mouths when they're speaking. Anyway, something happened. It might have been that somebody had come to work, and they were doing hearing testing on everybody. They said: yes, you really need to get some hearing aids because you're losing high-

frequency sound. The kind of hearing loss I have is gradually going through the spectrum, so I'm hearing less and less.

I had those hearing aids for a number of years. They're pretty expensive, so I was certainly trying to make them last as long as they could. Anyway, my mother and father had passed away, and I received a small inheritance, and I thought: this is the time for me to go and get a new set of hearing aids that properly addresses my hearing needs. So \$6,900 later I had a pair of hearing aids that were guaranteed for three years. They expected them to last for five. I managed to stretch it out to eight. Then the last pair of hearing aids I got was about \$2,000, and the difference between the two is incredible.

I need to get a new pair. I saw one of the hearing specialists in Lethbridge, and the new hearing aids that they've recommended to address my hearing needs are \$8,600. Now, I don't know. I mean, I make a reasonable wage. For me to pay \$8,600 is a huge chunk of money, and I can't get them right away. I've got to save for those, but I'm in a position where I can do that.

I don't even know what the percentage of people in Alberta is that require hearing aids. Certainly, I'm a senior, and many seniors that I know have challenges with their hearing. I have a challenge here in the House. I have a challenge when I go to committees. If any of you have been in a committee meeting with me, I introduce myself, and I say: please speak into the microphone because if not, I can't hear you. Some people do; some people don't.

The other challenge I have here in this House is when people are yelling or when people, after somebody has spoken, hit the top of the desk where the speaker is. If I have the earbud in my ear – in fact, my one eardrum has been damaged because of that banging right next to the microphone. I ask people in this House: please don't do that. If you bang on your desk, that's one thing, but if you bang right next to the microphone, the intensity of the sound on my eardrum not only hurts, but it's damaging my eardrum. So I'm asking you to please not do that.

I got up to speak today, first of all, because if I'd had an advocate who could have done the work that I needed to get to that point where I had a pair of hearing aids that worked for me – it took me months and months to get two hearing aids that were appropriate for my hearing loss, and I'm pretty skilled at advocating for other people. But I've certainly met a number of seniors at Nord-Brige, when I go there every couple of weeks, who have similar issues with their hearing, and they have absolutely no idea how to access any supports that they're entitled to so they can get to a place where they've got some quality of life in that they can hear a conversation with somebody else.

In my years as a union activist I have worked with many members that I represented with all kinds of disabilities, and I'm going to give you one example. A woman who worked with me when I was in Ottawa had a very serious disability with regard to chemical sensitivity. We went to the employer and said: you know, she's a good employee, she's got 30 years of work experience, and every single appraisal she's had done on her work was excellent. But she had this chemical sensitivity problem because there had been a spill at work. It had affected her, and it will affect her the rest of her life. Anyway, we went to the employer, and the employer agreed that they needed to provide some accommodation. We worked on the fourth floor, and there was a sign on the door to the fourth floor, there was a sign when you got off the elevator that you were not to wear scented perfumes, scented deodorant, scented hair products. It had a list.

9:10

Now, the reality is that she had to get from the front door to the fourth floor, so it would mean getting on the elevator, walking up

the stairs. There were no signs as you came into the building that you should recognize that you shouldn't do these things because it would affect somebody else's life. So we pushed and we pushed, and they wouldn't put a notice up. But what I did as the union president was that I made sure everybody in the building knew about it, and I asked people not to wear perfumes or any scented products. I also asked the cleaning staff, when they were using specific products, if they would identify what chemicals were in those and check with this member or with me so that we could make sure that in fact she wasn't going to be affected.

One morning I get to work, and she gets off the bus when I get off the bus, and we walk in the building. We're not 10 feet into the building, and I turned around and looked at her, and her face and her neck were starting to swell. We were in the building maybe five, maybe eight minutes, and she could hardly breathe. I dragged her outside, and I got somebody else who worked with us to stay with her momentarily. I went back in, and I saw the management health and safety rep. I told her what happened, and I said: I'm taking her to the hospital. She could have smothered that day because her throat was closing off from whatever chemicals. I couldn't smell anything, so whatever it was didn't have a scent, but it was a chemical that affected her. I took her to the hospital. They had to give her a shot. They observed her for a number of hours until the swelling went down and then released her back to her home. She was terrified to come back in to work in case that would happen again.

The next step for me as her representative was to go to management: how can we accommodate this? They were not prepared to put up signs in the building to make sure that nobody wore anything in there that was going to affect her. I said: "Fine. The job that she does is on a computer. She has access to all the information she needs on the computer. Let's set up a workstation for her at home so that she can continue to work. She's being productive." I couldn't believe the amount of push-back from my department. The job she did didn't mean that she needed to be sitting at a desk in that building. They finally agreed to do it. They set it up. In the department where she was working, in human resources, every time there was a new manager, we had to go through the same thing. She was at her wits' end.

Anyway, in the last meeting that we had, which was the final meeting we were ever going to have about it, the new manager wanted her to come into the office to meet with him. I said: "Absolutely not. I'm not putting her life at risk by bringing her in. You can come out and meet her at the house." So he and one of the other managers from HR met me and met her at her house. She sent a list the day before that said: please do not wear blah, blah, blah, everything that would cause a reaction. You couldn't bring it into her house. I'm in her office with her, and one manager arrived and came into the office. The other manager arrived, and immediately she started to react. I said: what's going on? The manager had worn her coat. She didn't wear any perfume that day, but she wears perfume all the other times, and it's all on her coat. We had that meeting outside, in front of the garage, and it was minus 26 degrees. It was the last time we had to meet about it because the manager wasn't going to put himself in that position again.

But the reality is that we should not have had to go through that. This was time that I could have been sitting at my desk, doing my job, but because I was the union rep, I was doing this for her. She was in a unionized environment, and I was an advocate. I was able to do this for her. How many Albertans are in a position where they cannot get anybody to be an advocate for them and they need assistance? They don't even know that they could go to somebody to get some assistance. They may need assistance in three or four different areas.

I know that if they come to my office, my two staff are going to be able to help them, but the reality is that that's not the case for everybody or every office. The importance of having somebody who is going to be the go-to person – and in fact, I'm thinking, you know, that you may have one person, but you may wind up with 20 staff all having to address the number, 20 lives, maybe.

So many people in Alberta have challenges, and I'm not calling them disabilities. It is a challenge. It is a challenge every single day of their lives. We're in a position where we can do something about it, to make their lives better.

On that note, I'll say thank you, and I'll sit down.

**The Deputy Speaker:** Any question or comments under Standing Order 29(2)(a)? The hon. Member for St. Albert.

**Ms Renaud:** Thank you, Madam Speaker. I just have a quick question for the member. Thank you for your comments. They're outstanding, as always. I know that there are members of the Self Advocacy Federation in Lethbridge that are very active. I think you had them here as guests one time, Ben Rowley and his brother. I'm just wondering if you could talk a little bit about the Self Advocacy Federation in Lethbridge and what they're up to.

**Ms Fitzpatrick:** Thank you very much, Member, for the question. The group in Lethbridge, in fact, on Friday had their big fundraising event, and they've changed their name to inclusion Lethbridge. Both Ben and Chris are members. There is Dave Lawson, who is kind of the person in charge there, but there are parents, and there are people who have challenges who, once they've learned how to deal with their challenges, are actually helping others.

We're very fortunate in Lethbridge. I've said over and over again what a fantastic city I live in, and we're fantastic because we have a community that looks after our community. That's not the case everywhere.

The blanket doesn't cover everybody because not everybody knows about it. I certainly try to advertise, talk about it. It's on Facebook. It's on Twitter. And when I talk to people who come into our office who have concerns, I certainly direct them to inclusion Lethbridge. Ben and Chris are fantastic. The two of them are kind of Twitter – how can I put this? They're alive on Twitter. They certainly put information out there on a very regular basis about things that are going on. Their mom is absolutely incredible.

Again, if we had somebody within the government who is able to be that advocate and provide the direction where people need to go to get the support that they need and the kinds of supports that they are entitled to, we will certainly make life better for Albertans.

Thank you very much.

**The Deputy Speaker:** Any other questions or comments under 29(2)(a)? Calgary-Shaw.

**Mr. Sucha:** Thank you, Madam Speaker. I want to thank the Member for Lethbridge-East for sharing her stories about receiving her hearing aids. It actually made me smile a little bit because it reflected when my grandmother received some implants. She had measles as a child, so she lost all hearing in one ear and had only 15 per cent capacity in the other. It was the same sort of situation. You had to look at her when you were speaking to her because she would read lips.

But there was a pilot that came out in Alberta here for cochlear implants. It's a very common thing now, but at the time it was very new, and she was one of the first 50 Albertans to get a cochlear implant. It was remarkable to see this new technology that was coming out because as soon as they put them in and turned them on, it was night and day. My uncle took her to get some breakfast after,

and on the way she was looking out the window, and it was because she could hear cars going by. It was the first time she'd ever heard a car going by.

9:20

Your story in relation to hearing that song and how the lyrics were different was really funny because music had entirely changed. When she passed away and we were going through her CD collection, it was remarkable because songs and music that would be unbecoming of an elderly woman to listen to were the stuff that she was listening to because it was new to her and she enjoyed it. You know, when my uncle turned on the radio, there was an R & B song that was playing. She was bobbing her head to it because she had never heard music like that before, and she was really excited to hear it.

I was wondering if in probably about 20 seconds the member could share how new technology has impacted individuals with disabilities.

**Ms Fitzpatrick:** Thank you very much for the question. I will tell you that I did music my whole life in school. I sang in the glee club. I sang in the church choir. I didn't think I had perfect pitch. [Ms Fitzpatrick's speaking time expired]

Thank you.

**The Deputy Speaker:** Any other members wishing to speak to the bill? Calgary-Hays.

**Mr. McIver:** Thank you, Madam Speaker. I wasn't going to speak on this bill. I spoke on it the other day, and I complimented the bill.

**The Deputy Speaker:** My apologies, hon. member.

**Mr. McIver:** Pardon me?

**The Deputy Speaker:** You have already spoken to the bill.

**Mr. McIver:** In this reading?

**The Deputy Speaker:** In the second reading.

**Mr. McIver:** I thought it was in the previous reading.

**The Deputy Speaker:** You'll be able to speak in committee again.

**Mr. McIver:** Fair enough.

**The Deputy Speaker:** The hon. Member for Edmonton-Mill Creek.

**Ms Woollard:** Thank you, Madam Speaker. I'm really interested in this bill, really interested in hearing what people have to say about it.

Just a quick anecdote about hearing losses. My mother was the same way, progressive hearing loss through her life. It wasn't until I was, well, an adult and she was older that I realized how much she was lip-reading. Nobody knew it. I'm not even sure she was aware of it, but I realized that if you made eye contact with her, her understanding of what was said was increased dramatically.

What I mainly wanted to speak about here today, when we're looking at the Advocate for Persons with Disabilities Act, is that I worked for many years in schools with children and youth who had disabilities that were of the definitely less visible kind – you could call them invisible disabilities – but that affected their lives, nonetheless, to a great degree. Sometimes it's really hard to imagine how an advocate can help people like this because what we're talking about, the things that we would see in schools, are not things

that just go away as the child grows older. They may lessen. Obviously, we see everybody in their lives trying to, you know, make it less obvious what their shortcomings are. That's natural human behaviour. But some of these things, if there is someone who could advocate on their behalf, would be really helpful.

Some of the specific things I was thinking about are people who have learning disabilities. Learning disabilities are when you have got the ability to learn but for some reason the processing, say, of language, reading or writing, or math is definitely – there's a gap. There's a delay. You're not as strong in an area as you should be. In the old days, before it was recognized, before there was a term for it, people would often either quit school quite young because they just got tired of repeating grades, or else they would hide it.

I had a friend who used to rehearse, you know, all his reading in school. He learned that if he could jump ahead in the book, in the reader, practise ahead of time before the teacher called his name, he could look as competent as anyone else. It was good practice, but that's thinking ahead. The actual reading was a challenge.

I remember talking to a parent of a child with a learning disability. They do tend to run in families. I asked the parent, who's hard working, worked at an industry near Wabamun, raised a family, a very good family man. I said, "How do you cope with your reading challenges?" He had identified as having the same challenges as his child, and he said: "Don't do much. Make sure that I've got a job where somebody else can read memos and pass it on verbally to me. In reading to my children, I'm always looking back at what I've read to see how many mistakes I've made and to try to fix them." I said, "So it never changes?" "No," he said, "You just become more aware of it, and you learn little strategies to cope." So there's an invisible disability.

Obviously, it's not going to hamper everybody in their life, but it's something to be aware of, and it's something that gets in the way of people when they have to do a lot of reading and writing like filling out forms.

Another invisible disability is intellectual disability. I met several youth in high school, when I was an educational psychologist, who looked competent and had friends and had good social skills, but when it came down to remembering information that they were reading, it was a struggle for them.

Sometimes it's not if you have somebody who can do the tasks for you. But if you could have an advocate, if a person like this, I'm thinking, going into their adult years could have somebody who could help them understand what strategies they might be able to use to overcome their weaknesses, it might be really helpful, even sometimes somebody saying: "It's not from lack of effort. You are not just not paying attention. You have a struggle here."

There are a number of other disabilities, like fetal alcohol syndrome disorder, and that's one that, unfortunately, affects a number of people. There is no cure, but they do need advocates who can be encouraging, be supportive, and can show them ways to manage things that are difficult. I used to say to children, sometimes, with memory issues: "We have our computers and our smart phones, our external memories. Use them. You can write it down, you can put it in another device, whatever. You don't have to feel yourself being put behind the eight ball because you can't remember everything you hear. You find another way of keeping track of information." That was really helpful, saying that there's more than one way to get the information to do what you need to do.

One of the most difficult ones, especially for young people, is anything that is in the mental health area – anxiety disorders, oppositional defiant disorders – because that really interferes with people's ability to interact effectively with other people. You can see sometimes, as they go into their later years, that they will

compensate by isolating themselves or sometimes just getting all their information and all their social contact online, which is not as obviously productive and helpful for them as face-to-face and meeting other people.

I'm very hopeful that the advocate for persons with disabilities will make a difference for people with disabilities. I would really hope that people will be made aware, and probably the younger the better. If we can help – I'm not saying that the elementary school-aged children will be able to benefit, but if people from age 12 on are aware that there are supports out there, beyond just the school-based ones, who can help them get information and get the help that they need, that would be very good.

Thank you, Madam Speaker.

**The Deputy Speaker:** Any questions or comments under Standing Order 29(2)(a)?

Seeing none, any others wishing to speak to the bill? The hon. Member for Calgary-Currie.

**Mr. Malkinson:** Thank you very much, Madam Speaker. I'm proud to get up today and speak to this bill. This bill is important. When I first got elected, I came from a shop floor, mechanical, kind of sales environment. Even before I had staff, the first group that was through my door was the local PDD community. There are a lot of PDD support organizations and nonprofits headquartered in my riding, and they came to my door because they wanted to talk to me about PDD standard 8. We've heard in this House about the safety standards. I have to admit that with my background, issues of those with disabilities were not exactly at the top of things I knew.

**9:30**

You know, I'm no PDD specialist, but unfairness still looks the same whether you're in it or not. When talking about standard 8 and talking about where they would require things like sprinklers in regular rental homes, even to me, freshly elected, with my mechanic's brain, sitting there looking across the table from them, I'm going: yup, that doesn't make sense. I didn't know the whole history of lack of consultations or how perhaps well-meaning people came up with a solution first and consulted after the fact. I took the lessons from that, from how that came about. I'm, of course, very proud of our government and the minister for doing proper consultations and addressing those concerns that were there when I first got elected as they related to the PDD safety standards.

I really took that to heart, and when I had the opportunity to recently bring forward a private member's bill, you know, I took a lot of those lessons to heart. When I found out that I did have the opportunity to do that, I thought about: where in my community can I do the most good? I wanted with my private member's bill, just like the hon. member who proposed this bill, to do something real. As much as I enjoy a bill on Blue Sky Appreciation Day or something to that effect, I wanted to do something real and put my efforts to something that actually affects people and is helpful. So I took that to heart.

The Henson trust came across as something that was a problem. Although, of course, we are very much working to improve the AISH system, for example, and PDD – and I know the minister is taking very positive steps towards doing that – a private member's bill needs to be a little more restrained in scope than what perhaps a whole ministry could do, and the Henson trust came up. I went out to the community and said: hey, is this a problem that you would like me to try and solve? The answer to that was yes, and as a result I have gone through, and taking the lessons learned from PDD standard 8, I have thus far been going through and consulting every step of the way.

My first round of consultations had 120 people at them, fire code capacity in both Edmonton and Calgary. I have an amazingly long list of people who came to these consultations. The thing I said was: "This is what I see is the problem. The reason why I'm here is that I want to hear from you about this problem and what your feedback is on perhaps how to solve it." You know, some people in that consultation asked me, "Well, what are you going to propose for the bill?" I told them, "Well, I'm not there yet." I saw what happened with PDD standard 8 and took those lessons to heart. When I did my consultation, I said: "I have just identified what I've seen as the problem from what I've heard in my community, and I'm trying to ask two things through this consultation. One, is it actually a problem? Two, give me some feedback on what you would like to see as a solution to that."

I've gone through those consultations. I've, of course, had the what-we-heard document go back. One of the previous speakers to this bill, my colleague from Lethbridge-East, has actually been very kind and will be hosting me for the first in my second round of consultations, where I'll bring back to the community, you know, my draft ideas for the actual bill itself to again get feedback from the community before I go forward with the regular process of having Parliamentary Counsel draft it. Now, some of the people who came out have been very helpful on this bill. They are some of the same ones that have been helpful and supportive of the bill for the disability advocate.

I was so glad to have in Calgary people come up to provide me a lot of assistance: Erin Waite from Connections Counselling; Gordon VanderLeek, a lawyer for disabled children; even in Calgary my hon. opposition colleague from Chestermere-Rocky View came out as well to the consultations, and that was much appreciated; Bev Hills from the Skills Society; Jamie Post from ACDS; Amy Park from the Self Advocacy Foundation; Kary Hargreaves, a lawyer from Edmonton who also specializes in disability and trust-related law; Steven Siu from AdaptAbilities; Bruce Uditsky from Inclusion Alberta. I mean, Madam Speaker, I could go on and on. These are people with disabilities and from the disability advocacy community who also, through the course of Henson trust, did mention that what's in this bill would be helpful to them.

You know, I do believe that the hon. Member for Calgary-North West, who actually does sit in my former seat in this particular House – I think there's something about consultation on PDD advocacy that comes from that particular seat – took those same lessons to heart and has consulted on this bill. I believe that the bill responds directly to the concerns of members of the disability community, concerns that the advocates have called for as it would establish an advocate for persons with disabilities. I'm really proud of the level of consultation that the Member for Calgary-North West undertook.

I believe that creating this advocate will make Albertans' lives better, will provide much-needed support to persons with disabilities as well as their families. If we as a House feel that creating an advocate is important, if we feel that it's important for those with disabilities and it's important for making sure all citizens can participate fully, then I would suggest that in this House we lead by voting in favour of Bill 205, which would make Alberta one of only three jurisdictions in the country to have an advocate specifically dedicated to those with disabilities.

Thank you very much, Madam Speaker.

**The Deputy Speaker:** Under Standing Order 29(2)(a), questions or comments? The Member for St. Albert.



**Ms Renaud:** Thank you, Madam Speaker. I think there are probably a lot of people in this House that don't quite understand what the Henson trust is. I'm wondering if you could give us more information or share some information about what that is and how that makes lives better for people with disabilities.

Thank you.

**The Deputy Speaker:** The hon. member.

**Mr. Malkinson:** Thank you very much for the question. In essence, the Henson trust is a way for a parent of a disabled child to be able to leave that child an inheritance, once the parents pass away, in such a way that that inheritance doesn't suddenly increase the assets of the disabled child so much that they suddenly have their government supports clawed back. In essence, it would allow a way for the support that, you know, parents always would give the disabled child, whether it be a little bit of help with clothing, a little bit of help perhaps with a trip, to be able to have those supports continue that are outside of the support they may be receiving from AISH or PDD or perhaps other mental health supports, to be able to have that continue after the parents pass away in the form of money, however much that may be, to provide those extras. I mean, it could be things as simple as an appliance if an appliance fails. It could be things such as that at some point perhaps that person may need a new vehicle, that may be more expensive than perhaps one of us would be able to buy because it would need modifications.

9:40

The idea is to have those supports continue for as long as possible after the parents pass away, because anyone with children wants to be able to leave something for their kids after they pass away. I think that currently, from what I've been hearing from, of course, the feedback, the system perhaps is a bit unfair for those who are on disabilities because an inheritance, even a very modest one, may, like I said, knock somebody over the asset or income limits for receiving supports, whether it's through AISH or PDD.

That is something that was brought to me as a problem. When my private member's bill is introduced in this House – I'm private member's Bill 211 – I hope we do get a chance to debate it. I believe that would be something, just like this bill here that we're discussing today, Bill 205, that I think would be very helpful to those with disabilities. It would go to improving their lives and making life better for Albertans, which definitely seems to be a theme of this bill and our discussion thus far this morning.

Thank you very much, Madam Speaker.

**The Deputy Speaker:** Any further questions or comments under 29(2)(a)?

Seeing none, any other speakers to the bill? The hon. Member for West Yellowhead.

**Mr. Rosendahl:** Well, thank you, Madam Speaker. I'm happy to rise today to speak to Bill 205, the Advocate for Persons with Disabilities Act. I want to thank the member for bringing this forward and starting an important conversation and for the hard work that she's done to consult with Albertans.

Madam Speaker, this bill would establish an advocate for persons with disabilities in Alberta with the power to represent – and this is what's so important – the rights, the interests, and the viewpoints of persons with disabilities. My wife has always said: "Why don't they listen to us? We know what's good for us, but they never ask, so how do they get to listen to what we have to say?" It's important that this point of view be looked at very carefully. Just as important, the advocate will identify concerns within the disability community, which is a huge part of it to understand.

I'm proud of the level of consultation that the hon. Member for Calgary-North West undertook. It's great that she's done this and taken on this important job.

When we look at this issue, the advocate would have a mandate to

- (a) identify and study issues of concern to persons with disabilities.

Well, how can you decide what's good for them if you don't look and listen and understand what the concerns of the people with disabilities are? That is vital.

- (b) review programs and policies affecting persons with disabilities.

Here's another good point, and it's important to understand that when you're dealing with people with disabilities.

- (c) participate in processes in which decisions are made about persons with disabilities;
- (d) promote the rights, interests and well-being of persons with disabilities through public education.

It's very important that we look at those things and say how it's important to understand. Through understanding you can develop these things, and through that you

- (e) provide information and advice to the Government with respect to any matter relating to the rights, interests and well-being of persons with disabilities.

Then when you look at it further, you say: what is the scope and the result? It's to assist those who are having difficulty accessing services, which is a common, everyday thing for them. Directing them to the appropriate resources or person or organization that may be able to help assist them: try that in rural Alberta. It's an altogether different thing.

As you know, my wife is handicapped. She doesn't see well, and from her point of view, everything is a fight. It was a fight to get her schoolwork marked. Teachers didn't want to do it for some reason. It's a fight to go to work. To get there, in the city of Edmonton you can just go get your CNIB card and show it to the bus driver, and you don't have to pay anything. Try that in rural Alberta. She had to go to town council to try and get to use the handibus because they wouldn't recognize a CNIB card. An advocate would fix that. That's why it's so important. In one case they told her that, well, she could ride the bus, but her kids could not. It was silly. She said: "What am I supposed to do? Leave my kids by the curbside?" They were okay, but they didn't know how to address that. Ridiculous. These are the kinds of things that people with disabilities face.

A lot of people don't know that I was a bus driver in the town of Hinton. I drove the Hinton handibus, and we transported handicapped kids all over the community, through different programs, to school, and those kinds of things. You'd hear the complaints from many of the parents about the issues and the concerns that that community was having and the supports that weren't there when they needed them whereas you take supports like that and everything else in the cities or urban Alberta: these programs and stuff are in place for them. But in rural Alberta those programs don't exist. That's why it's so important to have an advocate that can speak on behalf of these people. It's very important. By establishing an advocate, this government is committed to ensuring that the voices of this community and their loved ones are heard. That is vital. In other words, the advocate will be committed to making Albertans' lives better. That's important for these people.

In one case I know that the problem here is that – by having an advocate, for example, Albertans with disabilities will have a person that will look into systemic issues such as teens transitioning into adulthood. In rural Alberta there are no programs. None. By

establishing an advocate, there would be somebody there who can speak up for these people and help them transition and find programs, maybe, that they can do. I know one family personally where their marriage failed because there was no such program. The mother took her child and moved to the city of Edmonton, and they ended up getting a divorce because the long-distance relationship didn't work. Well, it affected the family quite strongly in the fact that the father had a good working relationship with the daughter. It was unfortunate, but this is reality. This is why it's so important, Madam Speaker, that we establish the advocate.

I'm seeing that we're committed to establishing that. That way the advocate can listen and develop programs that are good for the people with disabilities. When it comes to making life better for Albertans with disabilities, the previous government failed in the long run. Our government's record is clear. We're committed to supporting Alberta's disability community, and that's why it's so important that we support Bill 205. It'll give the people with disabilities a voice that'll be heard, provide programs, and help these people to make their lives better, and that's what's very important here.

With that, I'll thank you very much.

9:50

**The Deputy Speaker:** Under Standing Order 29(2)(a) any questions or comments for the previous speaker?

Seeing none, the hon. Member for Strathcona-Sherwood Park – sorry – Sherwood Park.

**Ms McKittrick:** That's okay. It's a great municipality anyway.

Madam Speaker, it's really my pleasure to speak about this bill, the Advocate for Persons with Disabilities Act. I wanted to start off with a quote from Gandhi. Gandhi is one of my heroes for his work around nonviolence and resistance. One of the things that he said was, "The true measure of any society can be found in how it treats its most vulnerable members." I remember from my time overseas the difference between how we treat people who are vulnerable members of our society in Canada and how they are treated in other parts of the world.

In particular, I remember in 1981 being with the person who was the president of the international year of disabilities. He was going around with me at that time in the country of Thailand. He was amazed how little had been done in that country for people with disabilities. It was challenging for him to navigate with his wheelchair, but most disturbing was that there was very little inclusion of people with disabilities. People with disabilities were hidden and not part of society. There was no provision in the workplace for people who were in wheelchairs or who had some cognitive challenges. He was really amazed at how far we had come in North America as to our inclusion of people with disabilities.

I don't think that we have fully included people with disabilities in our society. I think that the words of Gandhi still stand for us here in Alberta and in Canada and North America generally. The way that we treat our most vulnerable members is really a reflection of who we are as a society and how we are willing to provide accommodation and equality to people who have some form of disability.

First of all, I've never really liked the word "disabilities." My children happen to be hearing impaired. As many in the House know, I adopted them from an orphanage in Thailand, where their lack of hearing would have made them very marginalized in their society. There would have been no provision to help them either acquire their needed hearing aids or to provide adaptive facilities within their workplace.

Madam Speaker, one of the reasons that I am so happy that this bill has come forward from the MLA for Calgary-North West, assisted by the MLA for St. Albert, is that what this bill is really doing is ensuring that people who have challenges in our society, be it mobility issues or their ability to hear or their ability to see or cognitive challenges or any kind of challenge that they face – we're really talking about ensuring that they have full inclusion in our community.

I really want to talk about the meaning of the word "inclusion." This is what we're really talking about around this. We're talking about persons who have faced barriers through the systems that we have created in our government, and we're talking about an advocate who's going to help those people and their families to navigate those barriers and provide full inclusion for them, whatever full inclusion means in their particular circumstances.

As an MLA – and I'm sure that my colleagues in this House will testify to it – we do spend a lot of time helping people who have challenges in navigating systems and whose parents are desperate to ensure that they can access the needed support, be it help in obtaining rent for the houses or access to programs or government support through PDD or AISH. Those take up a fair amount of my constituency office time, but also they really take up a lot of my emotional time. I know as a parent the challenges that everyone faces in making sure that their children or their loved ones have access to the services.

I think I've told this House before about my issues around hearing aids. When my son was diagnosed, he needed hearing aids, and as the Member for Lethbridge-East alluded to, hearing aids are very expensive. Who would have thought that a hearing aid for a child, especially one that has very small channels in their ears, would have set me back over \$2,000 per hearing aid? If I hadn't been an advocate already in my own community and I knew where I could go and I could advocate for my child, I would never have been able to afford the hearing aids for my children. This is, you know, a very small thing, but when I talk to people in my constituency office and I see the challenges that they have to access information – not because the information is not there, but very often people are very emotional. They're at the end of their rope. So what I look forward to for the advocate position is somebody who can take their problems and their questions and help them to navigate through the various systems in the community.

I think this is going to be a really, really good bill. One of the things that I'm hoping the advocate will be able to do is work with groups, including municipalities, possibly, to look at barriers. I'm very thankful for the Minister of Environment and Parks, who has created accessible areas in the parks system. I think this is something that shows this government's commitment to ensuring that people with disabilities have full inclusion. I think this is a really good example that the government is committed and has done a lot of work. I could go on and on about examples of what the government has already done to ensure inclusion in our society, but I think we have to do a lot more to really break down the barriers for people who have any kind of disability or inability to access the system or inability to be fully integrated in society.

My own particular area of real interest in this is the area of inclusion within the workplace. I have worked with a couple of young people who are visually impaired, and it's such a challenge for them to access employment and to access the aid that already exists in terms of employers having access to programs to support their employment in the workplace. I'm really also very interested in some of the work that has been going on around inclusion for people in the workplace through groups like Chrysalis, Inclusion Alberta, and a group that I just heard about this morning on CBC

that is helping people to access employment by breaking down mattresses.

Madam Speaker, I think this bill directly responds to the concerns that I have heard from the disability community and from the advocates. I think that this bill will make Albertans' lives better, especially those that have been more marginalized or more vulnerable, as Gandhi said, in our community. I also think that it will really help across the government to see what barriers exist, how information may not have been communicated to people, and the kind of programs there need to be.

When I look at the lives of my own children and the fact that they were able to access the needed help at the time, I look at their success. One of my sons is a teacher, and the other son is a finance manager at a big car dealership. Their success has directly resulted because early on they were able to access the help and support that they needed.

I also would like to support the fact that while the advocate will be located within one ministry, the mandate will be broad enough to make sure that people who have any kind of disability will have access to and understand the programs across the government. I think that's really, really important because when we're talking about disability and inclusion, we're talking about access throughout the government, be it in terms of employment – we just talked about parks – also justice, you know, housing, municipal government, and the way that municipal government is creating accessibility.

10:00

Madam Speaker, I am so delighted that this private member's bill is now going to become a government bill. I look forward as an MLA to be able to refer my constituents to the office of the advocate as it is appropriate, and I especially look forward to supporting the Minister of Community and Social Services in his work with this office and to ensuring that people with disabilities in Alberta become full members of our community and indeed that they find full inclusion in terms of their work, their play, and education and that they feel that as a government we continue to support them.

Thank you.

**The Deputy Speaker:** Standing Order 29(2)(a). Any questions or comments?

Seeing none, are there any further speakers to this bill in second reading? The hon. Member for Strathcona-Sherwood Park.

**Cortes-Vargas:** Thank you, Madam Speaker. It's a pleasure to rise to Bill 205. I have a lot of experience with working with people with disabilities, visible and otherwise, and I really understand the complications of it. My mother is a speech pathologist and an audiologist. She kind of raised me by going out and really working with groups with disabilities.

I think that even further than that, being part of a multicultural community and having that be embedded in the practices really taught me to understand how complicated the system is to work. I know other members have really discussed this complication, and I know that the Member for Edmonton-Mill Creek discussed the actual specifics of learning disabilities and what that can look like. I think it's important to get that context because that is the experience.

Like, people don't get diagnosed or learn that they have a learning disability and have a particular background in it a lot of the time. A lot of the time it can be families. Families experience different difficulties, and that's just an additional one, and that's something that is new to them. I really learned about this as an educational assistant having to work with parents and having to talk

about their child just recently being diagnosed. Of course, there's a whole process that happens. When it's discussed, the parents might go through a denial process. The parents might go through this process of understanding. There's a lot of jargon involved as well like understanding cognitive delays. You know, all of these things are not things that we normally talk about in routine practices, yet a lot of the things that help assist these children aren't necessarily difficult; it's just new, and it is not something that we talk about.

The reason I think it's important to have a bill that would have an advocate for persons with disabilities is because I think there are many layers to the process, and it's extremely complicated. The reason why I think it's a good place to start versus going through an independent office is because by having an advocate for disabilities, we can look for some of the low-hanging fruit. Some of the things are even, like, just the forms that you're filling out that can take a long period of time and that can be rather complicated, and if you add language barriers to that, if you add just difficulties at home, it adds to the process.

So if there is an advocate that is understanding of how the system in its whole is working and that can look at these recommendations and that can bring to attention ideas to the different ministries that are involved – because it's not just Children's Services, it's not just Community and Social Services, it's not just Education. It's Health. It's all of them, and all of them have different pieces, from FSCD to early learning funding to PDD funding. Then you have the postsecondary schools as well, which have their own system.

All of that, when you put it together, becomes complex, so having someone that is viewing these and hearing these stories and being able to just advocate for those particular circumstances and being able to add that into recommendations that they can bring forward to the different departments adds the capacity for it to be accountable to the people that they're serving. I think that's extremely important, especially given that that's a conversation that people with learning disabilities have.

We allocate a certain amount of money depending on the disability, the severity, the way it's impacting functionality in the classroom in the case of a classroom setting. And it's hard for people, if they don't know what that funding model looks like, to know if they're actually getting the right level of care according to the child's severity. If you're just learning that your child has autism, you might be learning about how best to support your child, but it would be a whole other thing to figure out, you know, whether the supports that they're receiving are appropriate or consistent in those cases because you might not have a background in that.

I think it is important that we build mechanisms of accountability to the families because that's the reason that these things were put in place in the first place, to provide the services that they require in order to build the skills that can really put them in the best situation so they continue to support our society. I think, you know, it's something that I'm extremely passionate about, finding organizations that look at more than just supporting a child but finding a way for them to have contributions and give back.

I have been incredibly privileged to be able to work with many, many people with disabilities, and because of that I have been able to see those various different perspectives. I know the Member for St. Albert actually spoke about this once, the incredible learnings that you have from a different perspective. It's quite interesting because if you work with a kid with autism, they don't take those social norms and work their world out from the social norms. They'll tell you how they see it, unfiltered, and there's something absolutely beautiful in understanding society through that lens. There's something that we can learn as a society from children and then adults as well that bring that perspective. When we have organizations that really empower those students and those people

in building the skills so that they can contribute what they feel they have to offer, we build a better society, we build more equality into it, and I think that's incumbent upon us.

I think the complication of doing that is that there are so many systems at play, there are so many different levels, and we have to pick a place to start. I think that's what this is. This is a good place to start. There's a lot of commitment across the board from parents, from advocacy groups, and even within departments of government that want to improve the system, but it's extremely complicated, so you have to find and build a foundation. I think our government has been incredibly good at doing just that, of looking at a problem and saying that this is extremely complex.

I think the best way to have built it in the first place was to really look at these evidence-based practices from the beginning and build it that way. But that's not what happened, so we're at a point where systems are in place, and if you change something, that might mean that someone would lose funding. There are all of these complications, so it's making sure that as you transition, as you improve the system, you're also aware of how it impacts the people that are currently using the system. I believe that we have to find a starting point for this, and I think that's what this bill brings us to, that starting point.

Before I do that, I want to talk about some of the barriers that are experienced within other marginalized groups in addition to having a disability. In this particular example, like, I think of recently landed immigrants or refugees that come, and maybe they have – and I'll speak to children because that's more of my background. I have a background in early education and as an educational assistant, so I'll speak to that example. An immigrant coming in that has a family and they're just getting settled and they're rebuilding everything and they might not have family here to support them: what they want to do is be able to get jobs to support their family and have their child, you know, have the education that they want them to get. You know, this has happened. This has happened in many situations that I've come up to.

#### 10:10

The family learning when the child has either a learning disability or a cognitive delay, whatever level that they have, or FCD or any other complication, I think is amplified. It's amplified by the fact that they're just getting settled. It's amplified by the fact that the experts that are going to be explaining to them what's happening, what the new processes in school are might not have the cultural background that they do. They might not have the language that they do. They're speaking on issues that are hard to understand even for native English speakers. When you add the fact that – and it's not as simple as adding a translator to it because even for a translator they might be able to say, "Your child has a cognitive delay," but they might not know what that means.

For that mother that wants to explore the issue with them, it's hard because not only are you hearing, you know, that there might be something wrong and you want to protect that child, but they're also hearing things that they don't quite understand, or even if they do, they're not quite sure what to do about it. You add a translator that might not know the cultural context, the background, maybe the history of stigmatization in the country that they're coming from or the history or whatever it is: it adds a complexity to it.

I mention this because I know that there are groups within Edmonton that work on this. The example that I'll give is Multicultural Health Brokers, which have brokers from different communities, so leaders within that community can be trained on the specific area of interest. Sometimes it's prenatal care. Sometimes it's children with disabilities. Sometimes it's managing all of those different systems. But when it comes to having these

conversations with the multidisciplinary teams, which usually happens because we're moving towards this multidisciplinary team so we're all working to support that child, that can be really overwhelming. You can have a teacher at a table, you can have an educational assistant at the table, a speech pathologist, an occupational therapist, and all of them have all of these perspectives and have been working with the child, and you're not even really understanding exactly what it is that they're telling you, or you're getting it through a second channel of a translation from maybe someone that knows the words but doesn't understand the context of it.

I say that it's amplified because there are systems of support that you don't have naturally as an immigrant or as a person that is speaking a different language. I think that when we talk about building a framework of supporting persons with disabilities, we have to acknowledge the immense complexity of the issue because it's not something that will be addressed in one year or two years. I think that it would be something, you know, within my lifespan. I'm one of the younger members, but I think that even within my lifespan we'll still be working on it.

But I'm very optimistic that we are learning from our mistakes. I think that the more we address the fact that just having an advocate is a building block, but that person wouldn't have the sole responsibility of advocating for people with disabilities – I think that's important because there are a multitude of views of people that experience difficulties within the system, and we have to share that responsibility because it's so complicated.

I give the example, specifically, of an immigrant that's landed as an example of how amplified it is and how complicated it is because they will always say, like, that you'll never know a better advocate than someone that has a child with a disability because they have been advocating for that child since the start. [some applause] Thank you.

I'll just add something in there. Even in the Spanish community a landed immigrant: they're coming from a community where rocking the boat is fundamentally unacceptable. Just the fact that they're receiving some attention is good enough. Even though they want to help the student, it's overwhelming and it's really difficult, so I think there are added levels. This expectation that the parent should be the number one advocate: it's difficult for parents that are coming from a different place to take on given the cultural circumstances, given that if you were to do that in a different country, that might mean that your child isn't going to get that education in that school. It's just simply going to be kicked out if you rock the boat. It's not understanding that it's different here and having no one to really discuss that with and to talk about those differences with. It's difficult for families to take on. They take on as much as they can.

On top of that, the way that government is run in Canada is significantly different than in a lot of other countries. Knowing that there are options available is actually not something that many other countries have. Where do you go for these things?

I think that's why it's important, when we discuss this, to look at the broad spectrum of people that are affected and how we can make sure that everyone has a place to go and that we're actually doing it in a culturally sensitive approach, an approach that is really equalling the playing field because at the end of the day the better we are at supporting the diverse population that we have, the stronger the economy we'll have, the stronger the workforce, and the stronger we are as a society as well. I believe that it's really a fundamental purpose that the government has, to make sure that those supports are in place and to make sure that we're thinking about that. I'm not naive enough to think that that's not a complicated process.

### Speaker's Ruling Decorum

**The Deputy Speaker:** Before I call on 29(2)(a), I just wanted to mention this morning, hon. members, that there have been a number of side conversations happening throughout the House, particularly, I'm noticing, in this corner. They start to escalate in volume. Not only does it become difficult to hear as the Speaker, but it is somewhat disrespectful to other members who might be trying to pay attention to the speaker who has the floor. I'd encourage you, if you want to have a lengthy conversation with a colleague, to please take it outside.

Standing Order 29(2)(a)? Go ahead, hon. Member for Banff-Cochrane.

### Debate Continued

**Mr. Westhead:** Yeah. Thank you very much, Madam Speaker. I want to compliment the Member for Strathcona-Sherwood Park for bringing an incredibly important perspective to the debate in terms of marginalized communities. I just wonder if she might have some more remarks that she would wish to share with us.

**The Deputy Speaker:** The hon. member.

**Cortes-Vargas:** Thank you, Madam Speaker. I do. I have a few more, but I'm not going to try to get through it all today. It's something that is really important. I've talked about this before, but I actually have a learning disability myself. It's something that I learned to overcome with technology. I had the luxury of having a speech pathologist for a mother, so I was able to turn to somebody and know what those practices are. My little brother as well had a speech delay, and all through my high school I spent a lot of it actually doing play therapies with him at home. Me and my mom would take turns until you wouldn't actually be able to tell that he had a speech delay.

I think that the reason I'm so passionate about it is because I've seen so many success stories when it's done right. There's an incredible amount of potential to actually support and build skills in children that could change the way that they experience life, that could build those skills so they don't have to feel that everything in life is a barrier. I think that's what drove my passion.

When I was able to see the severity of the speech delay that my little brother had – you know, I had been helping my mom from pretty young. When he was born, I was actually 15, so he's quite younger. We call him the next generation of our family. He was 18 months old – we knew the points that you have to reach, like how much vocabulary you have to have at very specific points – and we would look at each other, and we were, like: he's not quite there. But you kind of check yourself because you might know too much and you might be reading into it. You don't know, so you always get a different perspective. In fact, it was true. He did have a speech delay. It took him three years to learn how to say my first name. As a person that was a main person in his life, that kind of speaks to the difficulty that he had.

10:20

But we didn't approach it as: he had an issue to deal with. We just approached it as: this is something that he had to practise. We were able to identify the speech delay that he had, we identified the play therapies that would be most beneficial to him, and we would take turns. My mom always worked in the afternoons after I got home from school, and then I would stay with my little brother. I would do play therapies, but it was always fun. He actually became very aware of the difficulties he had when he finally learned how to

say a word, and then he would forget it. I know that through the commitment that we had of continuously doing this, because we knew that there could be success on the other side.

I think the comparison is that another child that was diagnosed with a very similar severity to what he had at 7 years old was still stuttering and was still very much not able to say the words and having issues vocalizing. Yet because of the intensive approach that we took – and I say "play therapy" because it very much was playing. We were playing with him, and it was just knowing how to reinforce words, knowing how to practise with him and how to not let go of certain things. Those are the things that we were focusing on. It allowed him to practise enough times that he was able to really develop the skills he didn't naturally come into. That's when people say, you know: he'll grow out of it. Sometimes you can; sometimes you can't. Sometimes it's a reality, and sometimes it's something you have to figure out. There are ways to assist that happening.

That's why, like, I'm a big advocate for early education. It's an incredible investment we can make as a society, and I have seen the differences that it makes in children's lives. I've seen the differences that it's made in my own family's life, but I've seen the differences in the countless numbers of classrooms that I've been in when people actually focus on those very skills that allow children to overcome those barriers. I think that when we talk about the systems and we talk about building mechanisms of accountability like having an advocate that looks at the systems and makes recommendations, it allows us to really focus on what the goal is, which is supporting our communities.

Thank you.

**The Deputy Speaker:** Any other hon. members wishing to speak to the bill? The hon. Member for Banff-Cochrane.

**Mr. Westhead:** Thank you very much, Madam Speaker. A pleasure to rise and support this bill at second reading this morning. I'd really like to thank the Member for Calgary-North West for putting this forward. I think it's fitting that we're debating this today, recalling that the Member for Calgary-North West previously sat across the floor in a PC caucus that ostracized her and pushed her out. We're hearing rumours of a merge between these two parties happening today.

**Mr. Gill:** Come on. Stick to the bill.

**Mr. Westhead:** So I think it's fitting that they're, you know, pushing out progressives from that side that are bringing . . .

**Mr. Gill:** Alberta is going to push you all if we get down to the matter of it. Just stick to the bill.

**Mr. Westhead:** The Member for Calgary-Greenway is getting pretty upset about me speaking about how they pushed progressives out. You know, he's trying to tell me what I should say here in the House. If that's the way he wants to run the province, I think that's pretty unfortunate. [interjections] Interesting, Madam Speaker, this morning. They've got a bee in their bonnet over there. I guess they don't want to step on their news release.

**The Deputy Speaker:** Hon. member, are you speaking to Bill 205?

**Mr. Westhead:** Yes, absolutely, Madam Speaker.

**The Deputy Speaker:** Proceed.

**Mr. Westhead:** I'm mentioning the fact that the bill came from a caucus member that used to belong to that caucus.

More importantly, I think what I'd like to talk about is Alberta parks and their inclusivity plan. I was fortunate a couple of weeks ago to visit the Member for Calgary-Shaw in Fish Creek park, where we were on Earth Day. I had the honour of speaking on behalf of the Minister of Environment and Parks. I was speaking about the everyone belongs outside campaign. I think that this is an incredibly important aspect of making sure that Alberta parks are inclusive for all Albertans.

I think that appreciation of our natural outdoor spaces is something that Albertans have as part of their identity, that we identify with our wilderness spaces, our trees, and our wildlife habitat. That means a lot of different things to different people. Some people like to just know that that's out there, and they may never anticipate participating in that. There's a continuum of people who just like to know that it's there. Then on the other side of the continuum there are people that want to live as much as they can in the outdoors. For people with a disability that can be a barrier, so I'm really proud that the Minister of Environment and Parks is making the everyone belongs outside campaign a priority.

I'd like to talk a little bit about that in terms of my constituency because we have a lot of provincial parks in Banff-Cochrane, and one of the crown jewels of that space in Kananaskis Country is William Watson Lodge. For those who aren't familiar with William Watson Lodge, it's an accessible facility that's designed for persons with disabilities. You know, they have made renovations – I suppose, actually, it was built this way in the first place to accommodate people who may be confined to a wheelchair and need assistance with bathing and this kind of thing. There are units that are created specifically with room for lifts in the washrooms, larger bedrooms and that kind of thing to accommodate a wheelchair.

This was a vision of Premier Lougheed back in the day, that when he created Kananaskis Country, he wanted to make sure that there was an opportunity for all Albertans to get outside, and I think that kind of visionary leadership is something that we can really be proud of here in Alberta. You know, the former government lost touch with that vision, and that's unfortunate.

I think that what we're doing here today in creating an advocate for people with disabilities can go a long way, you know, to the day-to-day things that those folks find challenging but also in terms of getting people to enjoy the outdoors, too, because we don't want them to be constrained in that respect.

I had a really fortunate opportunity. I think it was in the summer of 2015 that I attended William Watson Lodge in Kananaskis Country, and they had their grand opening of what they call comfort camping. It's a unit that's kind of bare bones in terms of – like, I don't think there's a TV or that kind of thing. It's meant to be kind of an equivalent to tent camping for people with disabilities, but it has a good wheelchair ramp and good accessibility within, so it's a little bit more rustic type of facility than what you find in the rest of William Watson Lodge. That was the first of many units that they were contemplating constructing, and I understand that they've built a few more since then. I think that it's incredibly important to give everybody the ability to access parks.

I want to just go over a few of the details of the everybody belongs outside initiative that Alberta Environment and Parks has undertaken. I'd like to read a little bit from the document and the strategy in terms of planning how we want to go about making sure our parks are inclusive. There's a document that I would be happy to table. It's quite lengthy, but I think it's important in terms of the discussion that we're having today to bring that to the table and share that strategy. The document has a section entitled The Importance of Inclusion in Parks, and it begins like this.

The Alberta Human Rights Act recognizes the “inherent dignity and the equal and inalienable rights of all persons [ . . . ] without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.” The inclusion plan builds on the Alberta Human Rights Act through a commitment in Alberta's Plan for Parks to “increase opportunities for, and invite full participation of, all Albertans.” This inclusion plan is about more than [just] human rights. It is about building public support for the landscapes and experiences that make up Alberta's network of parks.

I've specifically singled out William Watson Lodge because that's what I'm most familiar with, but I do understand that in parks across the province there are plans to create pathways, paved pathways, that make it easier for folks to access those. It's a holistic strategy in terms of making our parks more accessible and allowing people to enjoy the outdoors.

**10:30**

Park agencies [around the world] are struggling for relevance in a changing and complex world. Alberta is no exception. Our province has experienced tremendous population growth in the past decade. Immigration and migration, more people living with disabilities, and a rise in active senior citizens make Albertans more socially diverse than ever. In addition, the growth of cities and gateway communities, the emergence of non-traditional outdoor activities, competition for the attention of youth, and the rise of nature-deficit disorder make it more challenging than ever for parks to effectively engage people.

A priority action in Alberta's Plan for Parks is to implement a province-wide inclusion strategy to remove barriers and create opportunities for all Albertans to be involved and inspired by Alberta's parks. For nature and outdoor recreation to be relevant in Alberta's changing society, park programs must engage people as diverse as the wild ecosystems protected within park boundaries.

There's a question here. How does the plan fit in the greater plan for Alberta's parks?

Alberta's Plan for Parks ensures that the management of parks aligns with the Government of Alberta's strategic direction. The Plan presents an exciting vision that Alberta Parks inspire people to discover, value, protect and enjoy the natural world, and all its benefits for current and future generations. Through inclusion, more people can be involved in making this vision a reality.

Alberta's Plan for Parks also outlines key planning elements that complement Alberta's Land-use Framework, and identifies Four Priority Actions based on feedback from Albertans. The inclusion plan supports three of these Priority Actions:

Strategy #1: Involve Albertans. Albertans want more involvement in decisions about parks and in the delivery of parks programs. The inclusion plan will ensure that Albertans from all backgrounds are invited and welcome to participate in dialogue about how parks operate.

Strategy #2: Offer Modern Facilities, Policies and Programs. Albertans want modern amenities, more inclusive facilities and well-maintained trails. The inclusion plan will create a foundation to understand and address the changing needs of visitors.

Strategy #3, Providing Recreation Opportunities, directly commits to the development and implementation of an inclusion plan. Albertans want more access to recreation opportunities and the inclusion plan will increase opportunities for, and invite full participation of, all Albertans.

Madam Speaker, whenever we engage in a strategy, we also need to look at outcomes to measure how well the plan we've put in place

is working, so there are some outcomes that have been identified in this plan that I'd like to share with members this morning.

This inclusion plan supports the positive contributions that people can make in daily operations and long-term planning throughout Alberta's network of parks. A successful inclusion plan will ensure the full participation of diverse Albertans as visitors, participants, volunteers and employees, or partners. This will be measured over time by how well the Parks Division has achieved the following key outcomes:

- Decrease in physical and other barriers to accessing parks.
- Increase in knowledge of park recreation and stewardship opportunities among diverse communities.
- Increase in participation by diverse communities and new users in aspects of park programming such as experiences, consultation, volunteerism and employment and partnerships.

And, finally,

- Improved attitudes toward social diversity among visitors, partners and staff.

The second-last point I mentioned there regarding volunteers is something I'd like to expand a little bit on. I think that one of the greatest things that I've found in my role as an MLA is seeing the amount of volunteerism that our communities support. You know, I always knew this existed in Alberta and elsewhere throughout Canada. We're a very helping society, and we want to look after one another, and I think the amount of volunteerism that we see is a testament to how strong that community feeling is amongst Albertans. Volunteers make the world go around, and if it weren't for people who step up to the plate and help their neighbours and roll up their sleeves in good times and in bad times and help one another – it's a value that's held very dear by people.

One good example that I can think of specifically is from Canmore and the Nordic Centre, which was born out of the 1988 Olympics. One of the proponents of sport there told me a really telling thing about volunteers. He said that a lot of people think of the Olympic legacy as the structures that we have like the ski jump at Canada Olympic Park, the biathlon range, and the Nordic Centre in Canmore. Sometimes people point to those facilities as our Olympic legacy, but this gentleman put it another way. He said that the actual legacy is the volunteers because it takes a huge network and community of volunteers to put on events like the Special Olympics.

I understand that in cross-country skiing the athletes will have up to about eight different pairs of skis that they bring with them. It all depends on the snow conditions. Especially thinking of persons with disabilities and the Special Olympics, the snow conditions and the terrain that they're travelling on makes a big difference. It's incredible.

I enjoy skiing at the Nordic Centre myself, and I see people skiing there who have only one arm. You know, they're flying like a bird. It's incredible to see how those facilities that we have and the volunteers that help make that happen help people of all different ability levels, and it's quite heartwarming to see that. When we think about volunteers that help one another and help people in their community, I think that volunteers deserve recognition for the work that they do. It's incredibly important.

You know, I think I've touched on some fairly significant points within my constituency, and I know that we've had an interesting debate this morning. I'd like to thank everyone for the conversation that they've added to, and I certainly encourage everyone to support the bill.

Thank you very much, Madam Speaker.

**The Deputy Speaker:** Any questions or comments under 29(2)(a)? Seeing none, any other speakers to the bill? The hon. minister.

**Mr. Sabir:** Thank you, Madam Speaker. It's my pleasure to rise today and speak in favour of Bill 205. I would like to begin by thanking the Member for Calgary-North West and the cosponsor, the Member for St. Albert, for bringing forward this bill and for their advocacy when it comes to persons with varying abilities.

Madam Speaker, we live in a society, if we look around, that consists of people with varying abilities. Everybody has some abilities. They may not be the same. Even in this House we all bring different skill sets, different abilities. As government I want to say that we want a society that is inclusive of people with all abilities. To that end, it's important that people have their voices heard, and this bill certainly will bring forward the voices of those who have not been included as much as they could have been. Certainly, there are many organizations out in communities, but this role of advocate will help co-ordinate those efforts and bring forward the voices of persons with disabilities.

I will have more to say about it at a later stage. I just wanted to thank the Member for Calgary-North West and the Member for St. Albert for bringing forward this bill and for their advocacy.

Thank you very much, Madam Speaker.

**The Deputy Speaker:** Any questions or comments under 29(2)(a)? Seeing none, are there any other speakers to the bill? Seeing none, are you ready for the question?

**Hon. Members:** Question.

[Motion carried; Bill 205 read a second time]

## 10:40 Government Bills and Orders Committee of the Whole

[Ms Jabbour in the chair]

**The Chair:** I'd like to call the Committee of the Whole to order.

### Bill 205 Advocate for Persons with Disabilities Act

**The Chair:** Are there any questions, comments, or amendments with respect to this bill? The hon. Minister of Community and Social Services.

**Mr. Sabir:** Thank you, Madam Chair. As Minister of Community and Social Services I have a very active interest in Bill 205, introduced by the Member for Calgary-North West and sponsored by my colleague the Member for St. Albert. In discussion around this bill we had a great discussion, so I want to take this opportunity to thank all my colleagues from all sides of the House who have shared their experiences in this area. Certainly, it takes all of us working together to ensure that all Albertans can reach their full potential and can be included meaningfully in society. This legislation certainly is an example of how we as elected members can come together and make life better for all Albertans. I offer my support for this legislation. I'm of the view that this legislation will benefit and include people with disabilities. I will offer some remarks, and then I have some amendments for consideration.

The proposed role of the advocate will be to respond to concerns from the disability community and will also bring forward their voices to the table where decisions are made with respect to disabilities. What I heard very loud and clear over the period of the last two years was: Nothing about Us without Us. That means that they want to be included in those decision-making processes. They

are certainly better judges of their issues, and they must be part of those discussions. This office of the advocate can serve to identify those issues of concern, review programs and policies, provide an arm's-length perspective from the work of the ministry and staff. The advocate will provide advice to government to help avoid situations where people get off track and fall through the cracks.

The legislation will also enable the advocate to promote rights and trust and well-being of persons with disabilities through public education. Education and awareness are important roles for any individual in the position of an advocate, and it works both ways. I envision that this role will also help people looking for information as not all of us are proficient at navigating through the systems. Having a person who can ensure that connections are made to information which, in turn, lead to accessing services will make a significant difference to people who can be overwhelmed in our busy and often complex world. Helping Albertans understand the experiences and challenges of individuals living with disabilities can go a long way to breaking down barriers and making our community more inclusive on many levels. By learning about the range of challenges, we can remove the obstacles that currently prevent individuals from accessing information and resources.

I see this as information sharing that works both ways. The advocate will provide information to government about where, when, what, and why people are having difficulty accessing services and programs. In turn, the government will have another direct line to hear about these challenges and work with the advocate and community members to identify a solution and make sure that information and programs are accessible.

I'm proposing a few amendments to the legislation, which I would like to outline and explain for the members. Here are the requisite number of copies. Do you want me to wait, Madam Chair?

**The Chair:** Please. Just give me a moment.

This will be known as amendment A1.

Go ahead, hon. minister.

**Mr. Sabir:** Thank you. The bill is amended as follows:

- A Section 2 is amended
  - (a) in subsection (1) by striking out "duties and functions set out in this Act" and substituting "role, duties and functions and exercise the powers set out in this Act and the regulations";
  - (b) by striking out subsection (3);
  - (c) in subsection (4) by striking out "duties" and substituting "role, duties and functions and exercising the Advocate's powers".
- B Section 3(2) is amended
  - (a) in clause (c) by striking out "processes in which decisions" and substituting "consultations in which systemic decisions";
  - (b) by striking out clause (f) and substituting the following:
    - (f) provide education as needed to ensure individuals having difficulty accessing services and related programs for persons with disabilities are aware of appropriate resources, persons and organizations;
  - (c) by adding the following after clause (g):
    - (h) exercise any other power prescribed in the regulations.
- C Section 5 is amended by adding the following after clause (a):
  - (a.1) prescribing other powers of the Advocate;
- D Section 6 is amended
  - (a) in subsection (1) by striking out "one year" and substituting "2 years";

- (b) in subsection (5) by striking out "report is tabled" and substituting "report is referred".

I will try to explain the rationale behind these amendments.

The amendments with respect to section 2 are mostly administrative changes. They eliminate section 3 and combine the role, duties, and functions of the advocate under subsection (1). Subsection (4) is amended just to ensure consistent language with subsection (1), which is the role, duties, and functions.

In Section 3(2) I propose a clarifying change by amending clause (c) to clarify that the advocate will not be involved in the everyday decision-making process regarding individuals, but he will participate in more broad systemic level decision-making in any consultation with respect to disability programs. I also propose that clause (f) be amended to clarify that the advocate provides education as needed so that individuals having difficulties accessing services and related programs are aware of appropriate resources, persons, or organizations.

**10:50**

Certainly, there are other advisory committees as well such as the Premier's council on persons with disabilities, PDD Provincial Advisory Committee, PDD Provincial Self-advocates' Advisory Committee, FSCD Provincial Parent Advisory Committee, and FASD advisory council. Similarly, there are community organizations as well such as the Alberta Disabilities Forum, Disability Action Hall, Inclusion Alberta, Voice of Albertans with Disabilities. And there are service provider organizations: Alberta Council of Disability Services, Alberta Disability Workers Association, Align, Alberta brain injury network. Our hope is that the advocate will help us to put together information and resources for individuals who are facing any challenges accessing our programs.

The addition of clause (h) highlights the advocate's powers in the regulations, while clause (g) was only focused on functions. So this will give us room for expanding the powers of the advocate as needed.

Section 5 supports the addition of clause (a.1).

Lastly, in section 6 I propose amending the required time from one year to two years for the advocate to provide a report evaluating its effectiveness. That will give the advocate sufficient time to set up and establish normal operations and be able to meaningfully evaluate its own procedures and make suggestions to the committee for improvements.

These are all the amendments. Thank you very much. I look forward to further discussion on this issue.

**The Chair:** On amendment A1, the hon. Member for Calgary-Hays.

**Mr. McIver:** Thank you, Madam Chair. I appreciate the chance to rise on amendment A1. It's timely, and I will consider carefully the amendment. It's particularly timely because all members of the Legislature received an e-mail from Inclusion Alberta this morning, who the mover of the amendment mentioned in his remarks.

I think it's worth reading out loud what this says.

It is the considered opinion of Inclusion Alberta that for 'Bill 205: Advocate for Persons with Disabilities Act' to be effective and meaningful it must be amended and its inherent limitations understood. We appreciate having had the opportunity to discuss some of our suggestions . . . [with the MLA for Calgary-North West] who introduced the Bill and her willingness to thoughtfully consider a number of our points. In addition, we appreciate the interest of other MLAs, their respective Parties and their consideration of possible Amendments to strengthen the Act.



I understand that our Liberal Party member may have some of those amendments. Then it says to please look at the PDF attached.

I spoke in second reading in favour of this bill, Madam Chair, and my opinion hasn't changed. I still think it's a good bill. I still think the hon. member that brought it forward deserves to be thanked for that. I haven't changed my opinion on that. But I think even the hon. member that brought it forward and members of the government would say that Inclusion Alberta is one of the voices that we ought to listen to when we are considering this and other amendments to this bill.

In that vein, here are some of the things, and I will compare these things to the amendment before us because, again, I believe Inclusion Alberta is an important voice to hear. It says:

We believe, to be effective BILL 205, should be amended to ensure:

1. there is sufficient independence and power for the Advocate to make a valued and positive difference, which would require the Advocate to be situated within the Legislative Assembly and not a ministry,
2. the Advocate's actions ensure equality and equity for persons with disabilities relative to Albertans without disabilities,
3. the Act identifies which activities the Advocate must engage in and which activities are optional,
4. the Advocate is guided by the principles of community inclusion as articulated in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and
5. the Advocate, as in keeping with the title of the proposed Act, represents all individuals with disabilities, including their families, regardless of age or disability or where their interest lies with respect to government ministries, programs or funding.

It goes on to say:

In our view individuals with disabilities as Albertans and citizens are entitled and due the proper consideration of its government and Legislature and as such an Act as important as that of an Advocate for Persons with Disabilities, ought to have been brought forward by the Government and only after extensive consultation with the disability community. This approach would more likely have ensured the development of an Advocate's office for Persons with Disabilities had the authority and independence to be an effective voice.

So they seem to be complaining a little bit about the lack of consultation.

They put in red, interestingly enough:

... Private Member's Bill to become a government Bill. While we support this decision, we wish to reiterate our desire to see the government fully consult with the disability community ...

Again, a bit of a complaint by the sounds of it.

... on how an Advocate for Persons with Disabilities Act can be best structured to ensure the office is both independent, supportive of inclusion as a means to equality and equity of life outcomes to Albertans without disabilities.

Now, in fairness, Madam Chair, Inclusion Alberta goes on to compliment the Member for Calgary-North West for the work she has done, and I echo that as well.

I think this is something where we should consider both the good and the bad parts, I suppose you could say, of the letter from Inclusion Alberta because I think we can all agree that they are one of those voices that has earned the right to be heard, not least of all because to a large degree they are the voice of disabled people in Alberta organized in such a fashion to make life better for disabled people in Alberta. I think all hon. members in this House ought to respect that, ought to listen to that, and ought to do our best to understand and, where possible, act on that.

Looking at the amendments – and, of course, we just got them from our Liberal member. I hope that when he gets on his feet again, he will expand a little bit about what he's got here. I'm looking particularly at part B, subsection (c), under (h), where it says: "exercise any other power prescribed in the regulations." Now, this ...

**The Chair:** Hon. member, are you speaking to – a government amendment is what's on the floor right now.

**Mr. McIver:** Madam Chair, respectfully, I was just reading right out of it so I can comment on it. So, yes, ma'am.

**The Chair:** I'm just making sure that you're on the correct amendment.

**Mr. McIver:** Yes, ma'am. What you're asking is exactly what I'm doing.

**An Hon. Member:** You said the Liberal member.

**The Chair:** Yeah. You said the member from the Liberal Party.

**Mr. McIver:** The Liberal member also suggested he was going to put some amendments, so thank you.

The minister's motion, again, which we just got, will take a few minutes to absorb. I may have more to say on it after we get a little more time to look at it. But, hopefully, the minister will explain part B, subsection (c), under (h): "exercise any other power prescribed in the regulations." Now, on the surface this seems a little bit at odds with what Inclusion Alberta is asking for, and I would like to explain why.

While it sounds like a good thing, it seems to be limiting the advocate's ability to advocate to what the legislation specifically allows the advocate to advocate for. I believe that Inclusion Alberta is looking for more of an open-ended ability for advocacy – because in the section that I just read it said all persons with disability without exception and their family members, without regard for their age – in other words, a more empowering scope of authority rather than a limiting scope of authority. I'm certainly not saying that the minister's amendment is not well meaning, but I think the minister might even agree with me that if you put any limits on the advocate's ability to advocate, that is at odds with what Inclusion Alberta is suggesting in the section that I read out ever so recently in this House.

11:00

**Mr. Sabir:** That's subsection (h)?

**Mr. McIver:** Subsection (h).

I would say that, again, like other members of the House other than the minister, I have only had this in my hands for a very few minutes and have not had time to do research on it, but that's the one thing that struck me immediately that requires some further explanation before we vote on it. I think, again, without being able to compare it directly, in the time allowed, with the act – and when I look at the sections by contrast, I look at the amendment in part B, under subsection (b), where it says:

- (f) provide education as needed to ensure individuals having difficulty accessing services and related programs for persons with disabilities are aware of appropriate resources, persons and organizations.

I'll have to read the rest of that section in the original legislation.

That sounds like a good thing. It sounds like people advocating for persons with disabilities and those persons that might be employed by the advocate will be given the education they need in

order to do an effective job. That's where I'm hoping to get an explanation from the minister because I looked at two sections right before each other where one looks like it needs to be fixed and the other one looks like it is actually strengthening the legislation and making it better.

I probably wouldn't be surprised if I'm on my feet again later on talking about this, again, because of the short time I've had to look at it. Hopefully, at some point, Madam Chair, we will have the minister on his feet, and perhaps the minister would do me the courtesy of expanding upon and putting an explanation on those two sections that I have asked about just now.

Thank you for this opportunity.

**The Chair:** The hon. Member for St. Albert.

**Ms Renaud:** Thank you, Madam Chair. It's my pleasure to rise and speak to Bill 205 and the amendments. I just wanted to say a couple of things that I do appreciate about the amendment. It's extending the time to two years, which I think is important, that the folks entrusted with doing the advocacy work not be solely focused when they're getting started on preparing a report. It does take time, and as we all know, advocacy takes time.

To the member across the way, I certainly am aware of Inclusion Alberta and the work that they do, but they are one voice. It is one organization, one provincial organization, but they are one voice, and they do not speak for all people with disabilities. You know, I want to couch that with saying that they are an incredibly valuable organization. The current CEO of Inclusion Alberta and I were both able to sit on the PDD safety standards consultation, and that took many months. It took us all across Alberta. One of the recommendations that we came up with together was the creation of an advocate, and that's what this is.

I understand that they're setting the bar here. Who wouldn't want a Cadillac immediately? I would. In a real world that's just not possible. The fiscal reality that we're in right now is tough, so I would rather begin with something as good as an advocate and then work towards the Cadillac. I think that particularly when times are tight like they are, I don't want to remove any more front-line dollars than absolutely necessary, so that's why this is so important.

I wanted to speak about some of the systems that an advocate like this would use to help people with disabilities, their families, and allies. It would absolutely help them navigate and sort through these very complex and, in many cases, very, very old systems.

The first one I want to talk about is assured income for the severely handicapped. Let's just put it right out there: you know, maybe it's time for a name change. Assured income for the severely handicapped isn't exactly respectful and doesn't really address the sort of reality of the folks who are receiving that benefit. Obviously, the Auditor General made some very good recommendations, which I wasn't surprised to see, which I was actually very happy to see, and I'm also very happy to hear from the minister that they are seriously looking at making systemic changes. This has been long overdue. I think the community has been asking for changes for many, many years.

I think what's really important is about consultation. As we're making changes to AISH, every piece of AISH, it's important to bring in people with disabilities, their families, and allies and get them to tell us what would work.

The other thing I wanted to say about AISH is that we already know it's tough to get on. It's also tough sometimes for people who are working. It's very easy for them to get kicked off. For example, if they forget to send in pay stubs for a month or two, very quickly

they find themselves in a really serious situation. So there are a lot of examples of where advocates are needed.

You know, another question that an advocate may in fact be faced with and help someone navigate is that – I don't know if AISH is still doing this – at one point people were encouraged to apply for early CPP, and what that meant was a reduction in their overall benefit as well as a reduction overall because of the early application. It would reduce the monthly amount they'd be eligible for. Those are really important things to look at and to talk about.

The other issue that an advocate might look at is that people with disabilities, just like all of us, sometimes end up in trouble and sometimes end up in the justice system. It is the practice right now that for people who are incarcerated or hospitalized long term, for more than three months, they lose their benefits. What that translates to is sometimes a loss of housing, so it is contributing to a homelessness problem. Those are just some examples of some of the systemic problems in AISH that I know an advocate would help with.

Another system that I don't know if all members are aware of is called aids to daily living. It's also a support that people with disabilities and chronic illnesses are able to apply for, and it helps them with the cost of supplies and equipment to manage a long-term disability or illness. It's about \$500 a month. You know, sometimes that is difficult to navigate, and I think an advocate would also help here. One of the suggestions that I know we've talked about and that we will be, I'm sure, looking at in the near future is that there are other things that are not listed on ADL, or aids to daily living, that I know would be of help to people with disabilities, things like the cost, care, and maintenance of a service dog.

I'm going to spend a little bit of time on persons with developmental disabilities because this is a system that I do know quite well. Obviously, it's a massive system. It supports over 11,000 people across Alberta. It's an old system, that was created a long time ago, and I think it's trying its very best to meet the very real and new needs of people with disabilities, but it's struggling. I'm glad that we are open and ready to look at what needs to be changed, what needs to be enhanced, and where an advocate is needed.

For those of you that don't know, persons with developmental disabilities provides support to people with disabilities and their families in a couple of different ways. Sometimes a person with a disability will receive support, and they pay for staffing hours. They don't pay for rent; they pay for staffing hours. It'll pay through a service provider – we've heard lots of them named here today – or they'll go through a contract that's called family-managed care. Family-managed care is really just what it says, that a person with a disability is able to either receive the funding themselves or have a family member or a friend manage that contract so that they can hire staff and get the training they need and can have the assistance they need to live in their community, to work in their community, to access their community. Through a service provider it is a little different. The service provider will receive the funds to be able to hire the staff for the person with a disability.

**11:10**

I want to tell you a little bit of a story that I think will illustrate some of the systemic issues that are facing people with disabilities and their supporters in Alberta. They're very real examples, and I think they illustrate why these changes are so important. Inclusion Alberta, as we've heard from a lot of people, is an organization that advocates for people with disabilities in Alberta. They've been really outside of the box and forward thinking, and they certainly

deserve a lot of credit. One of the programs they operate is around postsecondary education. It actually started at the U of A – it was called on campus – and what they do is that they work with the university and they work with a student with a disability so that they're able to attend that postsecondary institution as a noncredit student. They're able to attend different classes. They get involved in all the social activities. When they finish in four years, just like any other student, it enhances their resume. It helps to promote employment. It's just part of a normal continuum. So they've come from elementary, junior high, high school, where they've been included, and they go on to postsecondary education and then, hopefully, employment if that's something that they're able to do.

The problem is that there are limited spaces, and Inclusion Alberta or programs like on campus are unable to meet everybody's needs. I have a story about a woman – and this is why Inclusion Alberta does not speak for everybody. They have a wonderful voice, but they don't speak for everybody. I'm sure you've heard me speak about Leah McRorie before. She is an advocate. She's just a tiny little thing, but she's an advocate that is a force to be reckoned with. I think somebody said earlier today that the most powerful advocates are parents of children with disabilities, and they are. She is one of those people.

When her daughter Taisa was a young student, Leah noticed that she was a musician. She had the spirit of a musician. She may have had some mobility challenges, she was unable to communicate verbally, but she was still a musician. She wanted to go to Vic high school – well, comprehensive school now, I suppose – so she showed up there. She didn't have any assistance from an organization. She showed up there, and she paved the way for her daughter to be able to attend Vic. She even, from what I hear, got her daughter to band camp at Vic. She tells me a little bit about what it did for her daughter but also what it did for the students and the staff of Vic.

Anyway, of course, her daughter Taisa wanted to go on to postsecondary education, and they were unable to get support through Inclusion Alberta. By the way, I just want to say that there are 18 postsecondary institutions across Alberta that now include students with a disability. So she showed up at MacEwan, their arts program, and she talked to them about Taisa. Of course, you know, the normal reaction is: "What? You can't do this. She's not able to communicate verbally. This is an audition-based program. She doesn't have the academic ability." But Leah doesn't stop ever, so she continued to advocate, and she connected with a man who is actually with fine arts and communications, I believe. His name is Allan Gilliland. I'm mispronouncing his name, I'm sure. So she started to advocate and speak to this man. As it turns out, this man was also involved in the band camp that her daughter had gone to, so he knew exactly who Taisa was.

So her daughter attended. Through family-managed supports her daughter attended, and she went to MacEwan for four years. She's finished now, and she's a musician. She had family-managed supports. Her mom, Leah, helped her with staffing and transportation. The staff provided all of that support while she was on campus, and four years later this young woman has graduated in her own way, in a way that meets her needs. I know that is life changing for people. But she wouldn't have been able to do that had she not had the advocate mom that she has.

Now, sadly, far too many people with disabilities do not have those kinds of advocates. Often they don't have family members. Often they've grown up in care. They may have a public guardian whose caseloads are massive, or they have a private guardian who just doesn't have the ability to advocate for the things that their person needs. So an advocate like the one we're proposing is so incredibly vital.

I want to tell you a little bit about another sort of systemic problem that will also highlight the importance of an advocate. A few years ago, when I was the director of an organization, a service provider that provides people with disabilities, we were approached by government to take on some people that were going to be moved from the Michener Centre in Red Deer to Edmonton. It was three men, three of which who had spent the majority of their lives in Michener Centre, and they were going to be transitioned out.

Now, the previous government did undertake sort of a movement to close Michener Centre and to move people out to the community. I'm not going to speak to that necessarily. What I will say is that I will always support community living over segregation in any way, shape, or form. However, there are always mitigating factors.

There were problems with the plan although there were a number of people from different ministries involved in the transition planning. When the rubber hit the road, the transition plan truly fell apart. I think you probably heard in the news about six people, seniors, who had spent their lives there that had been transitioned out, put into long-term care, and died very soon after that. It's not really surprising, you know, if they were taken out of an environment that's the only environment they've really known.

The three people that we took on and brought were also very challenging as they had spent the majority of their lives there. Now, you have to understand what that means. They don't have the connections to their communities. They don't have connections to their families. They don't have the natural supports that we all enjoy. They don't have the supports that people who grow up and live in the community have. It's just not there. When you pluck them out of their home, the only home they've known, and you put them in a community for their well-being – and it was well intentioned; I know this – you're going to cause a lot of problems.

For us it was reintegrating these folks into a community or into relationships that they had not had since they were young children with siblings. Their parents had passed on. It was incredibly stressful and tough, and it was incredibly stressful and tough for the family members, who were now dealing with these adult siblings that they really didn't know and they didn't understand. I won't even get into all of the other things that present if you institutionalize someone, but they are truly, truly significant.

The other thing I want to talk a little bit about with persons with developmental disabilities, which is really a department of the ministry, is that it was established and built a long time ago, and the criteria for those supports were also built a very long time ago.

There are three things that they talk about that you need to meet in order to be eligible for support, one of which is IQ. Your IQ has to be at 70 or lower. The other thing is that I believe you need to meet 6 out of the 24 skill sets or domains that they identify. Those would be things like: do you need assistance with grooming or personal care; do you need assistance with transportation; do you need assistance with, you know, managing daily living things like preparing food or eating, those kinds of things? The other piece is that, obviously, you have to be an adult and you have to be an Albertan or you have to have lived here, I think, for a certain amount of time. The other piece, if I'm not mistaken, is that the disability has to have been acquired before the age of 18. Obviously, this is a problem.

**11:20**

I'm sure many of you have had constituents come into your office and say: "You know, listen. I'm not sure what to do. I don't meet

the criteria established by PDD, but I can't function in the community. I can't get a job. I can't learn a job. I can't learn a bus route. I can't prepare my own food. I can't manage my money. I can't apply for AISH. I can't do all of these things because I don't have the assistance that I need." This is another example of why an advocate is so essential.

I'll tell you about a person that I know. I won't say his real name because he's still around. He was diagnosed as a young person with Asperger's, which is on the autism spectrum. He could probably recite every word that is written in all of the Harry Potter books, but he couldn't really do a grocery shopping list, buy his groceries, and prepare his food without assistance. You can see how things get a little tough for people.

The other issue that I wanted to talk a little bit about around advocacy is that when service providers or larger organizations – sometimes they're small – provide supports to people with disabilities and they're full or they don't have the capacity to take on new people or the waiting list gets too large, people are sometimes forced or encouraged, because there isn't a whole lot else around, to seek out family-managed care. That can be really tough.

For any of you that have run a business or managed an organization, you know what's involved with human resources, with recruiting staff, with doing background checks, with doing police clearance, with signing them up, with the ongoing training, even with remittances, with payroll. All of those things are very, very tough. Now, imagine having to do that yourself. You're a parent, you might have a job, maybe you're a senior, and you're trying to do this for your adult child because there is nothing else. It's like a full-time job when you're trying to manage probably a job of your own to support yourself. This is tough.

I know that there are only a few centres in Alberta that actually are set up, hubs, to support people on family-managed care. I know that Gateway provides some assistance. I'm quite certain Inclusion Alberta does. I think there's one in Calgary. I know there's a group . . . [Ms Renaud's speaking time expired]

Thanks.

**The Chair:** The hon. minister.

**Mr. Sabir:** Thank you, Madam Chair. I will speak briefly to the comments made by the hon. Member for Calgary-Hays. The first thing changed was that the bill as it's drafted now only refers to duties and functions, so we expanded that to include role, duties, functions, and exercise of power. That change made section 2(3) redundant with this section. That's why we took out that section. Since we are giving that power in section 2, in the role and functions of the advocate section, we needed to include to perform any functions and exercise the powers. That was flowing from that change that we made in section 2.

With respect to education as needed, as the Member for St. Albert pointed out, there are many organizations out there who have information available, so we don't want the advocate to duplicate all those resources. Wherever the advocate sees a gap, they can provide that information as needed. That was, I guess, the purpose behind it. I guess that will also allow the advocate to choose where he thinks that education is necessary.

In section 5 the change with respect to prescribing power was just to correspond with what his roles and functions are, which are about the exercise of power, so they needed authority to create those powers. That was the change.

In the last section I don't think you commented with respect to two years. That's what we thought would be a reasonable time for

an advocate to get set up, established, and be able to provide a meaningful report about the role and what needed to be improved.

With that, I move to adjourn debate.

[Motion to adjourn debate carried]

**Mr. Sabir:** I move that the committee rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

**Ms Sweet:** Madam Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bill: Bill 205. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

**The Deputy Speaker:** Does the Assembly concur in the report?

**Hon. Members:** Aye.

**The Deputy Speaker:** Opposed? So ordered.

### Government Bills and Orders Committee of the Whole (continued)

[Ms Jabbour in the chair]

**The Chair:** I'll call the Committee of the Whole to order.

### Bill 11 Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017

**The Chair:** Are there any questions, comments, or amendments with respect to this bill? The hon. Member for Edmonton-Mill Creek.

**Ms Woollard:** Thank you, Madam Chair. I'd like to speak in support of Bill 11, the Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017, a little bit in the area of reprisals because that's one thing that concerns a lot of people. When they think about speaking up about a concern or of evidence of wrongdoing in their workplace, it's very worrying because they don't know what the consequences will be. Obviously, we do want a good public service. We want a fair, honest, and transparent public sector. So it's very important that people be given the protection to be able to speak up when they decide it's appropriate.

Of course, one of the fears is that they will have reprisals brought by their employers. There is some protection in regard to that right now. Right now any employer in the public sector can be prosecuted for punishing an employee who exposes a wrongdoing, but there's no mechanism in place at the present time to determine what kind of restitution should be made to the whistle-blower if they are the subject of an unlawful punishment. I'm delighted to say that the new regulation would enable the Labour Relations Board to order remedies when there has been a reprisal.

There are certain cases where having their job back might just not work. If there's been a very poisonous atmosphere created through the wrongdoing, through the whistle-blowing, or whatever conflict there was, that may be very difficult, so a worker might be entitled to compensation. In that case the board can decide what is appropriate, and the board's order would be enforceable like a court order, which is really good to hear. Of course, one difficulty is that a lot of times these things take their

own sweet time to work their way through, but hopefully there will be some more protection maybe written into the bill for situations like that.

**11:30**

It's very important that employees feel safe and free from reprisal. We talked about government-contracted entities, too, people not directly employed by the government but contracted. If there's alleged wrongdoing in those situations, the legislation is being proposed to cover the government-contracted people and that they have some protections given, too. There will be some consultation with government contractors and delegated service providers to look at details of how to move on there.

One of the questions that came up was about when the person is not able to lay a complaint of wrongdoing with their official agent. That is a little bit tricky because that means they are applying to or will go straight to the Public Interest Commissioner. That's really important. The commissioner would investigate situations like that, that come directly before them, and the person is protected from reprisal.

There are a number of things here. The commissioner investigates incidents of workplace bullying and harassment. We've talked about that a lot. In the event of wrongdoing in relation to that, any collective agreement or employer policy would have to be accessed first, and then the commissioner has jurisdiction after other options have been exhausted.

Government department and public-sector entities covered by the act are required to have procedures related to how their designated officer will investigate and address complaints, but that's the thing that I was mentioning. If the officer fails to investigate or if the whistle-blower is not satisfied with the decision of the designated officer, then the Public Interest Commissioner can begin their own investigation. In that case, the whistle-blower could approach their boss or direct supervisor about a wrongdoing, and at that moment their protection from reprisal would start. Then they would go directly to the commissioner. The official report would still have to be made to the designated officer or directly to the commissioner.

The whistle-blower and their supervisor could discuss the issue beforehand if the whistle-blower chooses. If the supervisor is supportive, then they could help the whistle-blower take the matter to the designated officer or the commissioner. That way, designated officers would still be responsible for investigating all complaints. There's no obligation for the supervisor to take that job on.

Since the act applies to a very large assortment of public-sector entities, maintaining a formal disclosure process helps to ensure consistency in the application of the act. It makes the process more comfortable and accessible for potential whistle-blowers, but it still makes sure that everybody is on the same page as far as reporting information.

That's about it. The process. The Public Interest Commissioner also investigates reprisal claims. And I mentioned the Labour Relations Board. The board would appoint one of its senior members, either the chair or one of the vice-chairs, to hear the matter and order the remedy. Hearings would be conducted as determined by the board. They could summon witnesses, and their decision would be final. Remedies could include reinstatement, compensation for lost wages, or other such things. Then the board would be required to provide a copy of all their reasons and restitution orders to the commissioner for inclusion in the commissioner's annual report.

Thank you, Madam Chair. That's about all I wish to add at this time.

**The Chair:** Any other questions, comments, or amendments with respect to Bill 11?

Seeing none, are you ready for the question?

[The remaining clauses of Bill 11 agreed to]

[Title and preamble agreed to]

**The Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Opposed? That's carried.

**Mr. Carlier:** I would like the committee to now rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

**The Deputy Speaker:** The hon. Member for Edmonton-Manning.

**Ms Sweet:** Thank you, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill with amendments: Bill 11.

**The Deputy Speaker:** Having heard the report, does the Assembly concur?

**Hon. Members:** Aye.

**The Deputy Speaker:** Opposed? So ordered.

## Government Bills and Orders Third Reading

### Bill 12 New Home Buyer Protection Amendment Act, 2017

**The Deputy Speaker:** The hon. Member for Edmonton-Meadowlark.

**Mr. Carson:** Thank you, Madam Speaker. It's my pleasure to rise today to move third reading on behalf of the Minister of Municipal Affairs.

Since the introduction of this bill I've had many conversations with the people in my community, and they are very thankful for us moving forward with this important piece of legislation. I can tell you that I've heard many similar stories throughout the years. A family works hard to save up for their dream home. They do as much research as they can to find a reputable builder who seems experienced, only to later find out that the deal has fallen through and to have to deal with the ramifications of such. These stories are not unique. They have been shared with many of us in the room, and we've heard many stories from the members here as well as in our constituencies and throughout the community.

It is our duty as elected representatives of the people of Alberta to ensure that we are protecting the best interests of those we represent. That's why I am proud to be a part of this government. We have an opportunity today to pass legislation that would protect consumers and empower them to make informed decisions.

Bill 12 will create a builder licensing framework that will put consumers first while supporting Alberta's many reputable builders. As we've debated builder licensing, members on both sides of the aisle have shared their stories of working in residential construction, and they have experienced first-hand the

professionalism and knowledge of many of Alberta's builders. Under this new framework these good builders will no longer be competing with fly-by-night companies that cut corners and undercut good builders out of the market. We've worked hand in hand with builders along with other key industry stakeholders and Alberta homeowners in the development of this licensing framework.

This licensing framework includes requirements for residential builders to hold an active licence in order to obtain a building permit; requirements for licence applicants to submit information about their history, business practices, finances, and corporate structure to determine whether they pose a risk to consumers; the authority to suspend, revoke, or deny licences or to issue licences with conditions; and the creation of a public online registry of licensed builders to help consumers make informed decisions.

By working collaboratively with all stakeholders, this made-in-Alberta framework is unique because it creates a system of checks and balances through full integration with the New Home Warranty Program. Unlike other jurisdictions, both the licensing and warranty program will be run in-house, requiring the builder to receive a licence in order to apply for a warranty and a warranty in order to apply for a building permit. This framework is designed to put consumers first so that they don't fall through the cracks and to promote the builders with great track records.

11:40

Part of protecting Albertans is also empowering them with the tools to become informed consumers. An issue we heard frequently throughout our consultation was the lack of publicly accessible information about the residential construction industry. Consumers felt it was difficult to research potential builders. This is why we are creating a new public online registry of licensed builders. The online registry will allow consumers to look up corporate histories, build histories, and financial records of licensed builders and allow them to track these over the years. This will provide consumers with a single source of information, a one-stop shop to help Albertans make informed decisions. It will also promote the many experienced and trustworthy builders here in our province.

We have an opportunity today to give Albertans the protection of builder licensing currently enjoyed by 75 per cent of Canadians. Not having one means that Albertans currently have less consumer protection than the majority of Canadians. While builder licensing will offer new-home buyers proactive protection when looking to build a home, the New Home Warranty Program will continue to protect new homeowners after they've moved in. I want to remind the House that nearly 80 per cent of consulted Albertans agreed with the government exploring builder licensing and reiterate that most Albertans who have approached me since its introduction were more shocked than anything that it's not already in place.

Our government will continue to engage with stakeholders and industry on the implementation of builder licensing to ensure that this program comes together in the best way to protect Albertans and support and strengthen Alberta's home building industry. Our government made a commitment to make Albertans' lives better. Homeownership is one of the largest purchases we make as Albertans, and when Albertans make that investment, they deserve the ability to make informed decisions and feel secure in the knowledge that they are protected.

Thank you.

**The Deputy Speaker:** Any other members wishing to speak to the bill? The hon. Member for Livingstone-Macleod.

**Mr. Stier:** Thank you, Madam Speaker, and good morning, all. It's great to be with you all here again this morning. I rise once again today to speak to Bill 12, the New Home Buyer Protection Amendment Act, 2017. The stated intent of Bill 12 is to reduce the number of dishonest and fraudulent builders in Alberta, which in turn will improve the quality of homes being built in our province and ultimately build up the public's trust and confidence in that industry overall. I think I'm safe in saying that those are things that all of us support. The purchase of a home represents the biggest investment most Albertans will make in their entire lifetime. They deserve to have confidence that it was built to code and that if faulty workmanship is found, they have the protection of a warranty.

As Bill 12 has proceeded through the debate process, many of the questions I had have been answered, not just by the government, although the debate has been quite informative, but also by different stakeholders and stakeholder groups that are supportive of the bill, which weighed heavily in my decision to support this bill here today at third reading.

For example, when the licensing framework was first announced in February, Canadian Home Builders' Association CEO Donna Moore said, "CHBA – Alberta welcomes the opportunity to work in collaboration with Government and other stakeholders to develop a Builder Licensing program." Another example. During the announcement of Bill 12 earlier this month CHBA – Alberta President Ryan Scott said, "The ability to remove builders who demonstrate a proven, negative track record will be a benefit to every Albertan – including those in the industry." So that seems quite positive, Madam Speaker.

In my comments to the House during debate at second reading I had a number of questions about the bill. For the most part I'm somewhat satisfied with what I heard from the minister during debate and, too, feedback from those stakeholders. For example, a concern I had was the impact that this licensing regime would have on small, independent home builders, those that only build a few houses in a year. I wondered and I still somewhat wonder today: how will they be impacted by this licensing requirement? I turn again, in reflection to that, to the Canadian Home Builders' Association, whose membership roll boasts around 500 home builders, of which around half build less than 10 homes per year, and many of them do support Bill 12.

Another question I had was: who is going to be ultimately responsible for overseeing and issuing the licences, for doing the background work, reviewing the applications, and approving the licences? On May 11 during Committee of the Whole debate the Minister of Municipal Affairs said:

The builder licensing program will be administered from within government in the new-home buyer protection office. The program will not require any additional staffing resources. It will be administered through a reallocation of existing staffing resources.

Well, while that sounded okay, there sure would have been a lot more detail that I could have heard there, and I'm still wondering just exactly where people in the small towns go to get these permits, how it's going to be rolled out. It would have been nice to hear that.

Anyway, he went on to say – and I'm paraphrasing – that this integration would allow for better flow-through with the province's safety code system, warranty providers, and municipal partners. As a proponent of smaller, seamless government I believe it's critical to ensure that the government can and, more importantly, does communicate with itself effectively. Therefore, I will be connecting with home builders in the months and years ahead to ensure that this synergy is indeed taking place and there are not unnecessary delays in approving licences for home builders because of the typical government red tape situation that can happen.

That being said, every member of this Assembly, I think, has a responsibility also to ensure that the government does what it says it's going to do, so you can rest assured that while I will be keeping a watchful eye to ensure that this program does indeed serve the people of Alberta and that it doesn't become just another layer of expensive red tape, I think that other members, in doing their jobs as they usually do, will do the same. You see, too often as elected members I think we can get focused on our duty to debate and review proposed legislation, and there can be no doubt that it is vitally important as part of our jobs to also monitor how these things do roll out and occur. I believe we have the responsibility as elected officials representing the people of Alberta to ensure that the legislation that was passed is functioning in the best interests of all Albertans.

As I mentioned earlier, buying a home is an expensive investment. Housing prices are already high. We cannot afford for this program to become a hindrance to industry to do what they do best: build high-quality, reliable, and affordable homes in Alberta.

So far I believe that Bill 12 strikes an appropriate balance, and primarily due to its overwhelming support amongst the stakeholders that we've been in touch with, I will be supporting this bill at third reading. Thank you, Madam Speaker.

**The Deputy Speaker:** Any other members wishing to speak to the bill?

Seeing none, are you ready for the question?

**Hon. Members:** Question.

[Motion carried; Bill 12 read a third time]

**The Deputy Speaker:** The hon. Deputy Government House Leader.

**Mr. Carlier:** Thank you, Madam Speaker. I really enjoyed the debate this morning. I think we did some good work. We're close to 12 o'clock, so I move that we adjourn until 1:30 this afternoon.

[Motion carried; the Assembly adjourned at 11:49 a.m.]









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