



Province of Alberta

The 29th Legislature  
Third Session

# Alberta Hansard

Tuesday morning, May 23, 2017

Day 37

The Honourable Robert E. Wanner, Speaker

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

Third Session

Wanner, Hon. Robert E., Medicine Hat (ND), Speaker  
Jabbour, Deborah C., Peace River (ND), Deputy Speaker and Chair of Committees  
Sweet, Heather, Edmonton-Manning (ND), Deputy Chair of Committees

Aheer, Leela Sharon, Chestermere-Rocky View (W)	Loyola, Rod, Edmonton-Ellerslie (ND)
Anderson, Hon. Shaye, Leduc-Beaumont (ND)	Luff, Robyn, Calgary-East (ND)
Anderson, Wayne, Highwood (W)	MacIntyre, Donald, Innisfail-Sylvan Lake (W)
Babcock, Erin D., Stony Plain (ND)	Malkinson, Brian, Calgary-Currie (ND)
Barnes, Drew, Cypress-Medicine Hat (W)	Mason, Hon. Brian, Edmonton-Highlands-Norwood (ND), Government House Leader
Bilous, Hon. Deron, Edmonton-Beverly-Clareview (ND), Deputy Government House Leader	McCuaig-Boyd, Hon. Margaret, Dunvegan-Central Peace-Notley (ND)
Carlier, Hon. Oneil, Whitecourt-St. Anne (ND), Deputy Government House Leader	McIver, Ric, Calgary-Hays (PC), Leader of the Progressive Conservative Opposition
Carson, Jonathon, Edmonton-Meadowlark (ND)	McKittrick, Annie, Sherwood Park (ND)
Ceci, Hon. Joe, Calgary-Fort (ND)	McLean, Hon. Stephanie V., Calgary-Varsity (ND)
Clark, Greg, Calgary-Elbow (AP)	McPherson, Karen M., Calgary-Mackay-Nose Hill (ND)
Connolly, Michael R.D., Calgary-Hawkwood (ND)	Miller, Barb, Red Deer-South (ND)
Coolahan, Craig, Calgary-Klein (ND)	Miranda, Hon. Ricardo, Calgary-Cross (ND)
Cooper, Nathan, Olds-Didsbury-Three Hills (W), Official Opposition House Leader	Nielsen, Christian E., Edmonton-Decore (ND)
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND), Government Whip	Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W), Official Opposition Whip
Cyr, Scott J., Bonnyville-Cold Lake (W)	Notley, Hon. Rachel, Edmonton-Strathcona (ND), Premier
Dach, Lorne, Edmonton-McClung (ND)	Orr, Ronald, Lacombe-Ponoka (W)
Dang, Thomas, Edmonton-South West (ND)	Panda, Prasad, Calgary-Foothills (W)
Drever, Deborah, Calgary-Bow (ND)	Payne, Hon. Brandy, Calgary-Acadia (ND)
Drysdale, Wayne, Grande Prairie-Wapiti (PC), Progressive Conservative Opposition Whip	Phillips, Hon. Shannon, Lethbridge-West (ND)
Eggen, Hon. David, Edmonton-Calder (ND)	Piquette, Colin, Athabasca-Sturgeon-Redwater (ND)
Ellis, Mike, Calgary-West (PC)	Pitt, Angela D., Airdrie (W), Official Opposition Deputy Whip
Feehan, Hon. Richard, Edmonton-Rutherford (ND)	Renaud, Marie F., St. Albert (ND)
Fildebrandt, Derek Gerhard, Strathmore-Brooks (W)	Rodney, Dave, Calgary-Lougheed (PC), Progressive Conservative Opposition House Leader
Fitzpatrick, Maria M., Lethbridge-East (ND)	Rosendahl, Eric, West Yellowhead (ND)
Fraser, Rick, Calgary-South East (PC)	Sabir, Hon. Irfan, Calgary-McCall (ND)
Ganley, Hon. Kathleen T., Calgary-Buffalo (ND)	Schmidt, Hon. Marlin, Edmonton-Gold Bar (ND)
Gill, Prab, Calgary-Greenway (PC)	Schneider, David A., Little Bow (W)
Goehring, Nicole, Edmonton-Castle Downs (ND)	Schreiner, Kim, Red Deer-North (ND)
Gotfried, Richard, Calgary-Fish Creek (PC)	Shepherd, David, Edmonton-Centre (ND)
Gray, Hon. Christina, Edmonton-Mill Woods (ND)	Sigurdson, Hon. Lori, Edmonton-Riverview (ND)
Hanson, David B., Lac La Biche-St. Paul-Two Hills (W), Official Opposition Deputy House Leader	Smith, Mark W., Drayton Valley-Devon (W)
Hinkley, Bruce, Wetaskiwin-Camrose (ND)	Starke, Dr. Richard, Vermilion-Lloydminster (PC)
Hoffman, Hon. Sarah, Edmonton-Glenora (ND)	Stier, Pat, Livingstone-Macleod (W)
Horne, Trevor A.R., Spruce Grove-St. Albert (ND)	Strankman, Rick, Drumheller-Stettler (W)
Hunter, Grant R., Cardston-Taber-Warner (W)	Sucha, Graham, Calgary-Shaw (ND)
Jansen, Sandra, Calgary-North West (ND)	Swann, Dr. David, Calgary-Mountain View (AL)
Jean, Brian Michael, QC, Fort McMurray-Conklin (W), Leader of the Official Opposition	Taylor, Wes, Battle River-Wainwright (W)
Kazim, Anam, Calgary-Glenmore (ND)	Turner, Dr. A. Robert, Edmonton-Whitemud (ND)
Kleinsteuber, Jamie, Calgary-Northern Hills (ND)	van Dijken, Glenn, Barrhead-Morinville-Westlock (W)
Larivee, Hon. Danielle, Lesser Slave Lake (ND)	Westhead, Cameron, Banff-Cochrane (ND), Deputy Government Whip
Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND)	Woollard, Denise, Edmonton-Mill Creek (ND)
Loewen, Todd, Grande Prairie-Smoky (W)	Yao, Tany, Fort McMurray-Wood Buffalo (W)

**Party standings:**

New Democrat: 55      Wildrose: 22      Progressive Conservative: 8      Alberta Liberal: 1      Alberta Party: 1

**Officers and Officials of the Legislative Assembly**

Robert H. Reynolds, QC, Clerk	Philip Massolin, Manager of Research and Committee Services	Brian G. Hodgson, Sergeant-at-Arms
Shannon Dean, Law Clerk and Director of House Services	Nancy Robert, Research Officer	Chris Caughell, Deputy Sergeant-at-Arms
Trafton Koenig, Parliamentary Counsel	Janet Schwegel, Managing Editor of <i>Alberta Hansard</i>	Paul Link, Assistant Sergeant-at-Arms
Stephanie LeBlanc, Parliamentary Counsel and Legal Research Officer		Gareth Scott, Assistant Sergeant-at-Arms

## **Executive Council**

Rachel Notley	Premier, President of Executive Council
Sarah Hoffman	Deputy Premier, Minister of Health
Shaye Anderson	Minister of Municipal Affairs
Deron Bilous	Minister of Economic Development and Trade
Oneil Carlier	Minister of Agriculture and Forestry
Joe Ceci	President of Treasury Board and Minister of Finance
David Eggen	Minister of Education
Richard Feehan	Minister of Indigenous Relations
Kathleen T. Ganley	Minister of Justice and Solicitor General
Christina Gray	Minister of Labour, Minister Responsible for Democratic Renewal
Danielle Larivee	Minister of Children's Services
Brian Mason	Minister of Infrastructure, Minister of Transportation
Margaret McCuaig-Boyd	Minister of Energy
Stephanie V. McLean	Minister of Service Alberta, Minister of Status of Women
Ricardo Miranda	Minister of Culture and Tourism
Brandy Payne	Associate Minister of Health
Shannon Phillips	Minister of Environment and Parks, Minister Responsible for the Climate Change Office
Irfan Sabir	Minister of Community and Social Services
Marlin Schmidt	Minister of Advanced Education
Lori Sigurdson	Minister of Seniors and Housing

**STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA**

**Standing Committee on the Alberta Heritage Savings Trust Fund**

Chair: Mr. Coolahan  
Deputy Chair: Mrs. Schreiner

Cyr	McKitrick
Dang	Taylor
Ellis	Turner
Horne	

**Standing Committee on Alberta's Economic Future**

Chair: Mr. Sucha  
Deputy Chair: Mr. van Dijken

Carson	McPherson
Connolly	Orr
Coolahan	Piquette
Dach	Schneider
Drysdale	Schreiner
Fitzpatrick	Taylor
Gotfried	

**Standing Committee on Families and Communities**

Chair: Ms Goehring  
Deputy Chair: Mr. Smith

Aheer	Miller
Drever	Pitt
Hinkley	Rodney
Horne	Shepherd
Jansen	Swann
Luff	Yao
McKitrick	

**Standing Committee on Legislative Offices**

Chair: Mr. Shepherd  
Deputy Chair: Mr. Malkinson

Drever	Nixon
Ellis	Pitt
Horne	van Dijken
Kleinsteuber	Woollard
Littlewood	

**Special Standing Committee on Members' Services**

Chair: Mr. Wanner  
Deputy Chair: Cortes-Vargas

Cooper	Nixon
Dang	Orr
Jabbour	Piquette
Luff	Schreiner
McIver	

**Select Special Ombudsman and Public Interest Commissioner Search Committee**

Chair: Mr. Shepherd  
Deputy Chair: Mr. Malkinson

Ellis	Pitt
Horne	van Dijken
Kleinsteuber	Woollard
Littlewood	

**Standing Committee on Private Bills**

Chair: Ms McPherson  
Deputy Chair: Connolly

Anderson, W.	Kleinsteuber
Babcock	McKitrick
Drever	Rosendahl
Drysdale	Stier
Fraser	Strankman
Hinkley	Sucha
Kazim	

**Standing Committee on Privileges and Elections, Standing Orders and Printing**

Chair: Ms Fitzpatrick  
Deputy Chair: Ms Babcock

Carson	Loyola
Coolahan	McPherson
Cooper	Nielsen
Ellis	Schneider
Goehring	Starke
Hanson	van Dijken
Kazim	

**Standing Committee on Public Accounts**

Chair: Mr. Cyr  
Deputy Chair: Mr. Dach

Barnes	Malkinson
Fildebrandt	Miller
Fraser	Panda
Goehring	Renaud
Gotfried	Turner
Littlewood	Westhead
Luff	

**Standing Committee on Resource Stewardship**

Chair: Loyola  
Deputy Chair: Mr. Hunter

Babcock	Loewen
Clark	MacIntyre
Dang	Malkinson
Drysdale	Nielsen
Hanson	Rosendahl
Kazim	Woollard
Kleinsteuber	

## Legislative Assembly of Alberta

10 a.m.

Tuesday, May 23, 2017

[The Deputy Speaker in the chair]

### Prayers

**The Deputy Speaker:** Good morning.

Hon. members, let us please take a moment to send our thoughts and prayers to all those who were killed and injured by the bombing in Manchester, England. We are thinking of the victims, family, friends, first responders, and so many others who will forever be affected by this intolerable act. Please know that we are here with you.

Please be seated.

### Orders of the Day

#### Government Bills and Orders Committee of the Whole

[Ms Jabbour in the chair]

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

#### Bill 205

##### Advocate for Persons with Disabilities Act

**The Chair:** We are currently debating amendment A1. Are there any further speakers to this amendment? The hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you, Madam Chair. I would like to propose an amendment, and I have spoken to both the minister and the Member for Calgary-North West about the concerns with the current proposed amendment from the government.

**The Chair:** Hon. member, can I just clarify? Are you proposing a subamendment to amendment A1?

**Dr. Swann:** Yes.

**The Chair:** Okay.

**Dr. Swann:** My understanding is that unless the government withdraws its amendment, this would not be . . .

**The Chair:** Just clarifying that it's a subamendment, to get the terminology right.

**Dr. Swann:** Okay.

**The Chair:** Go ahead.

**Dr. Swann:** Well, I have the appropriate number of copies, Madam Chair. My understanding is that – yeah. Well, I'll propose it as is. It seeks to establish the advocate for persons with disabilities as an officer of the Legislature instead of an advocate within the ministry.

**The Chair:** Hon. member, if you could give me a second until we have the original here at the table so we can make sure we've got . . .

**Dr. Swann:** Sure.

**The Chair:** Hon. member, I've been advised that this is not in a subamendment format. It's an actual amendment, so we have to

deal with amendment A1 first before we can get to your proposed amendment. It's not in order to move it right at the moment. We have to finish up with amendment A1.

**Dr. Swann:** Could I speak, then, to the amendment and why I think . . .

**The Chair:** You could speak to amendment A1 if you wish, but you can't move another amendment while we've got A1 on the floor.

**Dr. Swann:** Well, I guess my argument, then, would be that I would request that the minister withdraw his amendment to allow the debate to happen on this amendment because otherwise there won't be a debate on the independence of the advocate. That would be my argument, Madam Chair. Could I proceed?

**The Chair:** Go ahead if you want to speak to the amendment, and you can, you know, make your case, as it may be. Absolutely.

**Dr. Swann:** Thank you. I understand that the establishment of an advocate for persons with disabilities under the ministry is being proposed. I am suggesting that the advocate be independent of the ministry and that the advocate be an independent officer of the Legislature.

The amendment obviously cannot be introduced at this time because there is an amendment on the floor which would preclude the opportunity to have this debate. It raises the whole question of informing the government of amendments when they have the ability to stop that amendment by anticipating the proposal of an amendment.

Let me first say that I fully support the establishment of an advocate for persons with disabilities. It's laudable. It's essential. Unfortunately, in this case it is not going to be as effective or create the accountability that I think we all want in an advocate. Having been an MLA for over a decade, I can tell you that there have always been constituents seeking navigation and system change within the AISH and the PDD systems. Bill 205 proposes the creation of an advocate's office similar to the Health, Seniors, and Mental Health Patient advocates, all of whom report to the minister and whose funding is determined by the minister. In the past this has led to advocates being unable to fulfill their mandates due to lack of resources or impingement on their freedom to express concerns because they are employed by the ministry.

That's why after almost a decade the Child and Youth Advocate became independent, because it was clear that the advocate was not able to say the tough things that the minister didn't want to hear. It took a tremendous amount of leadership and political will from the public and child advocates to get that advocate independent. Indeed, in the 2014-15 annual report of the mental health advocate, it was stated explicitly:

The past year posed challenges to fulfill our . . . mandate in a timely manner . . . largely due to the loss of a position and the subsequent reassignment of duties, along with the Government of Alberta's restraint measures. It had a direct impact on the number of Albertans we served

and the inability to perform formal investigations.

Bill 205 is silent on anything related to an independent advocate because it's not the model the government has opted for. The bill merely states that the government or Lieutenant Governor in Council may appoint an advocate and that the minister may make funds available for an advocate and his or her staff.

There's nothing saying that an advocate who is an officer of the Legislature necessarily has to have a larger budget than one who is not, but that tends to be the case. The question, I guess, would be: will a larger budget allocated to an advocate reduce the funding for

that ministry? And, as some have said in the PDD community, would that affect their own income as caregivers of people with disabilities? That seems to be a fear out there. In fact, the reverse would be true. If the advocate was independent, there would be no impact of budgetary decisions in the ministry because the budget for the advocate would be created by the Legislature generally. The fear that has been expressed by front-line workers, that their salaries might be impacted by establishing a budget for the advocate, is unfounded in this context.

In a lot of ways this discounts our advocates, who are only as effective as the government allows within the ministry. The government appears to want the advocate to fulfill a very specific role, mostly assisting and advising AISH and PDD clients, but one that does not include challenging government to improve the management culture and the management system of PDD and AISH. I envision the advocate as having an expanded role similar to that of the Child and Youth Advocate, not necessarily with a big budget but at least starting off with the independence and accountability that I think everyone wants, including those with disabilities. My current move with this amendment would have the support of groups like the Disability Action Hall and Inclusion Alberta, who are also proposing the creation of an independent advocate.

#### 10:10

I think it's disingenuous to attach independence to a high, big budget. It doesn't have to be. What it needs is accountability and transparency, which I think can be as much as the government and the legislative committee decide is appropriate based on the budget of the day. If it's worth doing, it's worth doing right. Putting our money where our mouth is, whether it's a million-dollar budget or a \$14 million budget, I think, is really what this question is about. Besides, an independent officer will have a budget then set by the all-party committee, based on, again, the current need and the financial realities that the government is facing, in an open and transparent manner.

The argument over money misses the point, and that is that to be truly effective, the advocate needs to be independent of the ministry. The question, then, is whether this is the appearance of more accountability for the PDD community or if it's a real commitment to listening and advocating for some of the concerns of this long-beleaguered community. It needs a different reporting structure and greater accountability, which is what we will get with an independent advocate. The advocate will also have the ability to exercise judgment on what areas need investigation and improvement. I view both of these aspects as desirable, and I expect the government of today to do so as well.

I certainly hope the government will do the right thing and consider establishing the advocate for persons with disabilities as an independent officer of the Legislature. After all, that is what Albertans, the PDD community, families, and caregivers expect.

I think, in passing, that there still is a strong need for consultation with the community. I know the member has done some consultation through her office. This is now a significant bill affecting thousands and thousands of Albertans, and it's clear to me that if the government is serious, they should withdraw the amendment currently on the table and allow this whole question of independence to be debated. I leave that to the government.

Thank you, Madam Chair.

**Ms Jansen:** I want to thank the Member for Calgary-Mountain View for his comments because I have a great deal of respect for his years of service in this House and for his comments on, clearly, a community that he has had some valuable input on. I think that's

fantastic, and I appreciated the conversation that you took pains to have with me on this particular issue.

We're going to agree to disagree on a couple of points here, and one of them is the role of the advocate. When I first started talking about this bill, when I was, certainly, on the other side of the House, one of the things the initial conversation was about was an independent advocate. Now, with a price tag like the Child and Youth Advocate's of about \$14 million – that's a pretty big price tag for an advocate, so I thought to myself: well, in this current economic climate how do we move these issues forward when the resources don't seem to be there to put an independent office into place?

Now, one of the things you mentioned to me was that you believed that on a budget of less than a million dollars this advocate could do the same thing as an independent advocate. I would say that one of my concerns when amendments come forward is that we're not putting suggestions forward that would essentially set the advocate up to fail. When we talk about what this advocate would do, when I talked about what I wanted the advocate to do, it was to identify issues and concerns for people with disabilities. It was to review programs and policies that we have in place in our government. It was about promoting the rights and interests of people with disabilities. It was about providing advice to government with respect to matters relating to programs that we have.

Now, if you are to give – and you know that comparisons are made. Comparisons are always made between programs. Comparisons are being made right now between the advocate programs we have in place, the different advocates. You made them yourself. So the idea that you would give all the expectations of the Child and Youth Advocate, with its budget of \$15 million, and give those expectations now to an advocate for people with disabilities, with a budget of \$800,000 or \$900,000, strikes me as setting that person up for an onerous task.

Now, between adults and children with disabilities in this province they number almost 500,000 people, half a million people. If you're saying that with our budget of \$800,000 this advocate is then going to be an individual advocate or representative for more than 500,000 people, that is a huge task. I worry that in the first year or two that the advocate is up and running and if all those people's needs aren't met individually, what then do they say about the advocate?

When I envisioned this advocate, considering the resources that we had available to us – and then the question is: if we did put the additional resources in, where would they come from? That's another area which now would come up short, and that's concerning to me.

In a perfect world I would love to see an independent advocate. The struggle right now is to be able to provide as much in the way of services as possible within the constraints we have in the current economic climate. So with all due respect, you know, I don't think I'm arguing against a subamendment because you haven't put it forward, but I would say to the main amendment that in order to accomplish what is a pretty onerous task in the first year or two of forming this advocate, they have a lot on their plate already.

What I hope in the longer term is that we grow this position with constant feedback, with consultation with a broad number of groups – you're right that we haven't consulted all the people we need to consult with; that's ongoing, and that's something that the advocate is going to be able to do – and that by the time we get to the review period, we know exactly where we want to go in the future.

Thank you.

**The Chair:** Any other members wishing to speak to amendment A1? The hon. Member for Drayton Valley-Devon.

**Mr. Smith:** Thank you, Madam Chair. I'd like to move a subamendment to Bill 205, Advocate for Persons with Disabilities Act.

**The Chair:** It will be known as SA1.

**Mr. Smith:** Thank you, Madam Chair. I would move that amendment A1 to Bill 205, Advocate for Persons with Disabilities Act, be amended as follows. Part B is struck out, and the following is substituted. In part B section 3 is amended (a) in subsection (1) by adding "and persons who are employed to provide services to persons with disabilities" after "viewpoints of persons with disabilities"; (b) in subsection (2) by (i) striking out clause (b) and substituting the following:

- (b) review programs and policies to ensure the rights and safety of persons with disabilities and persons who are employed to provide services to persons with disabilities are protected;

(ii) in clause (c) by striking out "processes in which decisions" and substituting "consultations in which systemic decisions"; (iii) in clause (e) by adding "and persons who are employed to provide services to persons with disabilities" after "and well-being of persons with disabilities"; (iv) 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;

and (v) by adding the following after clause (g):

- (h) exercise any other power prescribed in the regulations.

Part D is struck out, and the following is substituted. In part D section 6 is amended (a) in subsection (1) by (i) striking out "one year" and substituting "2 years"; (ii) by adding "and persons who are employed to provide services to persons with disabilities" after "relating to persons with disabilities"; and (b) by striking out subsection (5) and substituting the following:

- (5) The committee to which a report is referred must, within 90 days of the report being referred to the committee,
  - (a) consult with the public about the report, in a form and manner satisfactory to the committee, and
  - (b) report back to the Legislative Assembly with any recommendations, if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

**10:20**

Madam Chair, I would like to speak briefly to the government's amendment and propose a subamendment. In this bill as it is currently written, the advocate must submit a review after one year has passed. The government is now amending this to be two years, and I think it would be fair to give the advocate this time to actually get settled into the role, to have some experience and see how things are working before it's expected to review what is working and what isn't. So we would support two years as being reasonable, and we would move forward and support that change.

Now, our subamendment also speaks to this review. This review should involve, we believe, consultation with stakeholders. As the advocate is moving forward, they might take a look at and meet with front-line workers that may have a different viewpoint that needs to be addressed so that we can determine what is working and what isn't. Obviously, we would like the advocate to be able to meet with those front-line workers and to be able to get their take on how things are working.

You know, the advocate may be aware of some of the gaps that occur in service or where there are some issues with the service that is being provided to Albertans. I believe that the legislators and the

advocate alike would benefit from hearing that point of view in the review by the advocate. We're just really encouraging some more fulsome consultation with stakeholders on the advocate's review to ensure that their input is considered and that as the Legislative Assembly moves forward and considers changes to the act, they would have included in the advocate's review considerations from front-line workers.

Similarly, right now we see that this is working in things like the Legislative Offices Committee, that is doing a review of the Child and Youth Advocate Act. We've heard from colleagues on that committee that it's been very helpful to hear from stakeholders, from front-line workers on what is working and what could be improved. For instance, the Child and Youth Advocate was not aware that many Albertans thought that an adult could not call their office on behalf of a young person. This misunderstanding highlights – and it only came to light when the advocate heard testimony from stakeholders, so during the committee meetings, and the advocate was able to quickly resolve this issue. So we would like to see something similar happen with the review, and this is one portion of my subamendment, that we would like to include consultation with front-line workers.

I'd like to see something similar happen with the review, and this part of our amendment simply adds that the committee to which the advocate's report is referred must within 90 days of the report being referred consult with the public about the report in a form and in a manner that is satisfactory to the committee. I don't think we're doing anything too prescriptive here. We'd be saying that the committee should consider what others have to say about the effectiveness of the act as well.

Another aspect of our subamendment would bring workers within the disability sector into the advocate's purview. I think it's safe to say that it's in the best interests of persons with disabilities to have a staff worker or the staff working with them well trained and to have a good work environment. More importantly, we all know that good staff morale is critical to effective service.

Stories like the tragic death of Valerie Wolski come to mind. You know, if a support worker is placed in a risky situation yet they are responsible for a high-risk individual that they care about, well, whom do they turn to? We believe that since this advocate is to be involved in a broad, systemic level of decision-making, I think it should have a mandate to consider those employed within the sector as well and to include that information in any review being sent forward.

In summary, we would support the government amendment to clarify the role of the advocate and to increase the time frame to two years before a review is undertaken. We would hope that the members of this House will also see the subamendment that we're proposing, of adding workers within the disabilities sector to the act and adding public input to the review of the act, as a way of strengthening this bill even further.

Thank you, Madam Chair.

**Ms Jansen:** I want to thank the member for his subamendment, and I want to say that I'm a little disappointed right now because when I first stood to talk about this bill, I talked about how I wanted us to be postpartisan about this and all work together. When I get two pages put in front of me that we never – you know, the Member for Calgary-Mountain View phoned me and talked to me about his amendment beforehand. We had a chance to have a good discussion about it, and I knew it was coming and had a chance to talk with some folks about what it meant. This is presented to us with no discussion, no idea that it was coming forward. There's a part of me that says: why would you do that? Why would you not – if you were really serious about amendments that you thought would make this

better, why did you not pick up the phone and call me like other folks have done? Even the Member for Calgary-Greenway did that.

**An Hon. Member:** Even him?

**Ms Jansen:** Even him.

You know, I would say that there are actually things in here I like but put together in a basket of stuff that, meh, I'm not so fond of. I guess I'm a little bit frustrated right now because I think you were going some good places here. If we had a chance to sit down and talk about it, I think – that's what I wanted this bill to be was an opportunity to sit down and amongst 87 members of the Legislature come up with something that fits every single constituency in the province.

As a whole, unfortunately, I can't support the subamendment. There are parts of it I like, and if we continue to have this conversation, I would be delighted to sit down and have a conversation when we actually have a little time to sort of talk about the individual implications.

So I thank you because there is a lot here. I just really wish, for myself and for quite a few of the members on this side of the House, that we had a chance to kind of noodle it over, and that hasn't been given to us.

**The Chair:** Any other speakers to SA1?

Seeing none, are you ready for the vote?

[Motion on subamendment SA1 lost]

**The Chair:** We're back on amendment A1. Are there any further speakers to this amendment?

Seeing none, are you ready for the question?

[Motion on amendment A1 carried]

**The Chair:** Back on Bill 205, are there any further questions, comments, or amendments with respect to this bill? The hon. Member for Edmonton-Meadowlark.

**Mr. Carson:** Thank you, Madam Chair. It's my honour to rise to speak to Bill 205, Advocate for Persons with Disabilities Act. First, I would like to take a moment to thank the Member for Calgary-North West for bringing the bill forward. It's important we have opportunities to discuss and understand the barriers that those with disabilities face. Some of the conversations that have taken place since the introduction of this bill have given me a better understanding of the challenges, but of course I still have so much to learn. I'd also like to thank the MLA for St. Albert for her many years of work advocating for and working with the disabled community.

Edmonton-Meadowlark is lucky to be home to many incredible organizations that work within this community: the Gateway Association, Alberta Committee of Citizens with Disabilities, Children's Ability Fund, AdaptAbilities, just to name a few. Each of these organizations serves different purposes, but they are all equally important not only in their ability to advocate for and support those they serve but also to teach us as representatives of our community how to be better and how to do better by this community.

Madam Chair, of course, that starts by us being able to listen to the issues that affect them. There are varying levels of abilities within our communities, some more visible than others, but we must do our best to address the issues that keep them from living the best lives possible.

**10:30**

It wasn't long ago that I was at a local fast-food chain, and a man stopped me, after recognizing me as the MLA for the community,

to explain that the automatic door openers were not working and hadn't been for weeks. He was on crutches and was able to navigate this barrier, but he was concerned about others who might not have the ability to do so. Madam Chair, this is something that most of us take for granted, being able to make it through doorways of establishments, let alone the other barriers that arise after making it through those doors. The issue of having working automatic doors seems so simple, yet I can admit that previously I seldom checked to make sure that they worked.

But that is why these conversations are so important for those in the disability community to show us our own privilege and the negative effect it can have on them when we don't address it and create legislation to break these barriers down. Now, the moment the man stopped me in the fast-food store to explain the obstacles, it was easy for me to understand the situation – he had a visible disability, and there was a somewhat clear solution moving forward, at least in this specific instance – but then I think about my friend who has MS, a debilitating condition which has taken away her ability to drive to work and do many other activities that we take for granted. But you wouldn't know this by looking at her. The challenges that she faces are completely different, but the importance of an advocate to her is the same.

Now, I want to give my colleagues more time to speak, so I'll keep this as short as possible. I know that there are a few more, I believe, wanting to speak to this. But I also want to recognize the community of advocates for people with developmental disabilities, that work day in and day out to teach us more about their issues. Members in this House have already recognized many of them by name. Your tireless work to bring understanding to us is greatly appreciated, and it truly is making a difference. An advocate will help us better understand each of these unique situations and bring accountability to the government when it comes to supporting this community, especially as it relates to government services, which is why I'm so proud to stand here in the Chamber to support this bill.

Now, I just want to comment on something that happened this weekend, something that I am unbelievably saddened to see, the advocate for persons with disabilities from the PC caucus, the Member for Calgary-Greenway, validating some of the most hateful language that can be used within this community, a word that our caucus has pledged to stand against whenever we hear it. Though he did apologize, with, I would say, a somewhat canned apology, Madam Chair, he hurt that community deeply, and I hope that he will stand in this House to apologize on the record.

But I do digress. Once again I would just like to say thank you to the many tireless advocates in our province who spend countless hours reaching out to us as representatives to help us better understand the challenges within the community. You have taught me a lot, but I recognize that I have so, so much more to learn. The most important piece I can take away from this is that we must not make decisions without fully consulting with the community, and I pledge to do that as much as possible.

Thank you, Madam Chair.

**The Chair:** Any other members wishing to speak? The hon. Member for Red Deer-North.

**Mrs. Schreiner:** Thank you, Madam Chair. First of all, I'd like to thank the Member for Calgary-North West for introducing Bill 205 and recognizing the need for the advocate for persons with disabilities. In an effort to make life better for all Albertans, Bill 205 is a strong response to the call for advocacy regarding vulnerable Albertans.



Madam Chair, I support this bill for many reasons. I have seen many instances within my riding of the particular need. Our vulnerable require a voice that appropriately addresses the rights, interests, and viewpoints of those who may be unable to represent themselves. Without this voice advocating, we are seeing those who are unable to represent themselves fall victim to a system that is not representing the true essence of their concerns. We cannot identify appropriate resources and recommendations without the input and dialogue of those who are entangled in a system they find difficult to navigate.

By establishing an advocacy body for susceptible Albertans, our Ministry of Community and Social Services will have front-line information regarding viable recommendations to enhance the lives of Albertans. With a mandate to identify and study issues of concern, review programs and policies affecting persons with disabilities, support direct participation in processes, promote rights and well-being, we can strive towards a more systematic understanding of the issues faced and identify potential solutions to these barriers.

Madam Chair, it is no secret that my constituency has seen how misrepresenting the vulnerable can traumatically impact them. The Michener Centre has made headlines continuously as a result of less than favourable decisions made by the previous government. Members of the House, the Keep Michener Open campaign has provided insight into the true need for advocacy for persons with disabilities. When the previous government announced their plans for closure, the impact was felt throughout Alberta. Michener represented a community for persons with disabilities. Community is the true fabric of our great province, and when it is systematically dismantled, it presents a great loss to its clients. It removed the peace of mind encompassed by their family members, who recognize the importance of maintaining the community.

I am proud to be part of a government that sees the need to provide assistance to vulnerable Albertans, who can essentially become victims of the very protocol that is meant to serve them and their needs.

To the House, let me detail how advocacy imparts a strong response. Michener was a hub that provided the opportunity for persons with disabilities to come together within their own special dynamics and to experience the world together. This hub provided the care and attention that was specific to them. They hosted weekly dances and provided the socialization that is necessary for inclusion. This is where they found their sense of belonging. Residents took part in planning activities and events. They were their own micro-society, with protocols that catered to their diverse needs. Residents lived in, participated in, contributed to, and nurtured their community so that it resonated the true wants of the residents. They gathered socially and made a home into a community where disabilities did not hinder their lives.

Albertans responded to this decision with the help of AUPE and the parents' society, who sought 80,000-plus signatures in a campaign to keep Michener open. Two thousand lawn signs, rallies, door-knocking blitzes, and media announced the importance of allowing residents to reside where they were comfortable and had a choice. If an advocate had been established, this situation may have presented differently. Madam Chair, Bill 205 gives a voice to those who cannot speak for themselves, to the concerns that impact their lives.

Recently the Member for Calgary-McCall responded to concerns within the PDD system, and I thank him for that.

The Auditor General engaged recommendations in support of creating a more streamlined system to access resources for our disabled Albertans. These are the direct measures that support

viable recommendations that dive deep into the concerns impacting our vulnerable Albertans.

10:40

We must recognize that disabled Albertans deserve to live safely and inclusively in our communities and, as a result, strive to make life better for them. We can no longer enable the mindset that disabilities are merely physical.

The 2012 Canadian survey of disabilities identified that 436,000 adults and 31,000 children lived with disabilities in Alberta. This makes a strong case for advocacy as outlined in Bill 205. Numerous consultations with service providers in various regions alluded to gaps in the present systems that are difficult to navigate and negotiate without strong advocacy. These consultations are pinnacles of providing the necessary input to improve and streamline the services provided currently and recognize how change elicits a more dynamic model of service provision. The needs of our vulnerable are changing, and we need to recognize the importance of programs and services that are adaptable and resilient to their needs.

Thank you to the Member for Calgary-North West for shedding light on a situation that enables progress in a time of difficulty, for realizing the importance of a system that needs to align with the specific needs of those impacted by them.

Madam Chair, I am grateful to a government that realizes that we cannot tuck our vulnerable under the rug and ignore their needs. Bill 205 speaks to progress in an antiquated arena. Our ability to impart positive change is a strong initiation of momentum and speaks to our recognition that we need to alleviate barriers for those who cannot negotiate them for themselves. Inclusion is extremely important to everyone, and this is a sound step in harnessing resources through advocacy.

I am proud to speak to Bill 205 and the progress it represents. I encourage all in the House to support this bill.

Thank you, Madam Chair.

**The Chair:** Any other speakers to the bill? Athabasca-Sturgeon-Redwater.

**Mr. Piquette:** Thank you, Madam Chair. It's my privilege and, I believe, actually my obligation to rise to speak in support of this bill. I've had a great opportunity to hear, you know, the excellent points made by my colleagues.

For myself, I've had a bit more of a personal view than some of what it's like to work through the system. I have two sons, and my youngest son is on the autism spectrum. As well, he has other challenges, so he's presently receiving services through FSCD and looking to go on to PDD. He's going to be turning 18. Now, I guess the first thing I'd like to say about our present system is how grateful I am as a parent and as an Albertan for the level of services that we actually do get in this province. I mean, this is something that you do not find in many other jurisdictions.

My youngest son was actually born in South Korea, where I was living and working, you know, with my wife. Well, it was complicated, back and forth, but he was diagnosed when he was in Korea. At that time – and it's surprising, I mean, how it wasn't that long ago – the whole refrigerator mother theory of autism still held sway there, and there was really no recognition that this was something that could be really treated. We had to cobble together treatment. I happened to teach at a college where there was a professor of occupational therapy that agreed to help me, and we set this up. I paid out of my pocket, it was ad hoc, it was confusing, and there was no support. In coming back to Alberta, it was, you know, a lot better. I know that previous members have mentioned

how you've had people from across Canada move to Alberta to access their services.

Now, that being said, I think there's definitely, you know, a role for an advocate to review the services as they stand now. I'm a relatively well-resourced individual, but I found it quite overwhelming trying to figure out how to navigate my way through the system, how to get my son qualified for supports and services. Once qualified, the real challenge has been to actually access services. My son had some challenges. It was very, very difficult to get any sort of respite care. It was very difficult to be able to get after-school care. It was difficult to get consistent therapy and supports. That's for a host of reasons. I mean, it can be a real challenge for the families of children with disabilities, and this is something, of course, I'd heard previous to becoming an MLA but after becoming an MLA as well.

I do have families that will reach out to me, and they have concerns, you know: how am I going to find a therapist? Nobody wants to come out to rural Alberta for some of these services, or it's difficult to find people. It's very difficult to find care sometimes. If you place too much of a burden on families to be able to assist with their loved ones, you can break families. Statistics for divorces and family breakdowns for families with children with disabilities is over 50 per cent is my understanding. It's a pretty high statistic. Then the consequences. When you do have families break down and these children and youth lose their supports, their needs don't go away, but they're either not met or, when they are met, it's at a greater cost to the rest of society.

If our social systems, you know, if our aids to disabled individuals don't respond, maybe other aspects of our governmental system respond instead and not in a positive way. Everybody has, I think, a strong, vested interest in having these systems work as they're intended to and to make sure that people do not fall through the cracks, through sometimes the patchwork of services they have to cobble together, the lack of information, lack of social or cultural capital to be able to stand up and demand the services that they're eligible for. These definitely have impacts and costs that can be very long term.

It's not just the cost. I think also the big thing is the loss of the potential benefits that you could get from these individuals themselves. I've been quite fortunate with my own son. We've had some pretty rough times, you know, when things might have turned out a little bit for the worse, but thankfully with the supports we were able to put together, he's an amazing young man, an incredible artist, a beautiful singer. He's a real asset to his school community. He has friends at school and teachers that really appreciate being around him, and I know that he is going to contribute to society in a positive way. He'll be giving back. On the other hand, had these supports and services not been available, had things gone differently, who knows what would be lost?

I just wanted to put that forward. Sometimes these things are viewed as a type of charity or as something, you know: well, we kind of have to give this. This is actually, I think, something that not only saves us money to make sure these services are working properly; it also can provide all sorts of benefits that we wouldn't have otherwise. If having this advocate in place is going to help to improve the system in any way, I think that's an excellent thing. Of course, we have lots of challenges. Resources are always a problem. Accessing resources in rural areas is a continuing challenge, but I think this is a good step in the right direction.

I'd like to congratulate the member for bringing this forward, and I'd like to urge all my colleagues to support this bill. Thank you very much.

10:50

**The Chair:** Any further questions, comments, or amendments? The hon. Member for Edmonton-Centre.

**Mr. Shepherd:** Well, thank you, Madam Chair. It's a pleasure to have the opportunity to stand and speak again to Bill 205, obviously, I think, a piece of legislation which has captured the interest of many of us here in the House and certainly those in the community, the Advocate for Persons with Disabilities Act. I just wanted to make a few comments just from my perspective as chair of the Standing Committee on Legislative Offices regarding some of the discussion that's been had on interest, I guess, in seeing the position of advocate being made an independent officer of the Legislature.

Madam Chair, I've had the opportunity to be involved, I guess, in various aspects of the work that the committee does in terms of working with the officers of the Legislature, one of those most recently being the process to form a search committee to look for a new Ombudsman and Public Interest Commissioner for the province of Alberta. It's just my observation from having been involved in that process that, as some have discussed, there needn't be a lot of additional costs for the disability advocate to operate as an independent officer of the Legislature. I think the Member for Calgary-North West put it quite well and explained some of the concerns around that, the additional pressures it could put on this sort of office if they were given a very small budget to work with but asked to take on such an enormous task. Indeed, that's a kind of pressure that might be unreasonable.

I also just wanted to observe that there are other costs that also come with appointing an independent officer of the Legislature. For example, in appointing a new independent officer of the Legislature, we've had to go through a significant search process, which has involved a number of meetings with committee members, which has involved having to take time and go off-site and book rooms off-site. It involves extra time where the legislative office's staff has to be involved as part of that process, hiring an external HR firm to help as part of that search. So there are number of other ancillary costs which come with appointing and in creating a new officer of the Legislature.

I would observe, Madam Chair, that at present Alberta has seven independent officers of the Legislature. That's about on par with the average for most Canadian jurisdictions. I note that B.C. has eight. Saskatchewan has seven. Manitoba, interestingly, has only four. Ontario also has seven. Quebec has, I believe, five; New Brunswick, interestingly enough, eight; Nova Scotia, four; Newfoundland, five; Prince Edward Island, about four. I think it's something that we want to think about very seriously. It's not something that one wants to just do idly. It's a very significant thing to invest in somebody as an independent officer of the Legislature.

I think the opportunity for us to begin with the advocate working within the ministry, having the opportunity to work with a modest budget to begin but to be able to first set up and determine the scope of their work – they have the opportunity to investigate the different opportunities that are available, to begin to liaise with some of the other contacts that they have. Certainly, Madam Chair, we saw that the office of the Auditor General conducted an excellent audit into the AISH system here in the province of Alberta, provided some excellent advice, which the Ministry of Community and Social Services has taken under advisement and has indeed already begun to make many improvements to that system based on that report.

I think, Madam Chair, we have many resources that are already available and in existence within the Legislature, within the mechanisms of government. Indeed, some of those are independent

officers of the Legislature. A disability advocate will have the opportunity to establish their office, to draw on the resources that are available, and to collaborate with some of the other individuals that serve the people of Alberta to begin to lay the foundation and the groundwork to truly be able to support those who are in need in our province. Indeed, we recognize that there is definitely a need for this advocate.

You know, when I rose earlier, I had the opportunity to speak about my niece and the great growth and great strides she's been able to make because of the many supports that she's been able to access and how that was because of the advocacy of my mom in being able to work and look out for her and being able to help find the resources that were available and help ensure that she was able to access what she needed, that the teachers were there, the speech therapists, the other people that she needed to be able to help her learn and develop and truly develop her own real personal potential, a significant potential, I'll tell you. I'm very excited to see where her life is going to go. But it's because my mom was able to do that work that she was able to do as well as she has. Of course, we recognize that there are many who don't have that, who may not have family who are able to advocate for them, whose family may not have the time or the resources to be able to do that kind of advocacy.

Certainly, having the disability advocate, somebody who is able to provide better information, who is able to better study these systems to determine what work needs to be done, what things need to be changed, and how we can better support individuals in the disability community: that is indeed an incredibly important position, I think, to have and to fill here within the province of Alberta.

So I appreciate what all the members have had to say so far. There's been some very good discussion. I've appreciated the amendments that have been brought forward and the opportunities we've had to discuss those as well, and I look forward to further opportunities to discuss this as we continue on this bill.

Thank you.

**The Chair:** Any other questions, comments, or amendments? The hon. Member for Sherwood Park.

**Ms McKittrick:** Thank you, Madam Chair. I've been reflecting a lot on the conversations we've had over the last week around this act, and for me the best part of it is not only what's going to happen when this bill is passed and people with disabilities have an advocate, but also, for me, the really greatest benefit of this act is the fact that we have spent so much time in this Legislative Assembly talking about people with disabilities, their needs, and the need for inclusion.

I appreciate the fact that so many people have shared personal stories, that they've talked about their own personal experience with the systems and also how things have really changed over the years. I wanted to really commend my colleagues in the Legislative Assembly for their willingness, as we all should, to learn from people with disabilities, to listen to their voice, to ensure that we include them in the decision-making, and that we really work hard towards inclusion.

My own personal interest around inclusion is around employment. I know there are so many barriers to people with disabilities to be employed. I'm really hoping that when the bill is passed and the advocate is in place, we can really work collectively with the communities, with the organizations that the Member for Edmonton-Meadowlark mentioned, Chrysalis, the organizations that already provide a voice for people with disability. I really think

that inclusion in the workplace is something that's very much needed.

Once again, I'm so happy that we're talking about this issue in the Legislative Assembly, that we all agree that this is something that needs to be done, and I really look forward to the work that is going to happen with the advocate once the bill is passed.

I also really wanted to thank the members for sharing their personal stories about their families, as the Member for Edmonton-Centre did, or personal stories of their children. I'm hoping that as we pass the bill the way that it is, I'm sure that over the next few years we're going to be seeing the results of having an advocate and that we will continue to work collaboratively with the people that are most affected by this office to ensure that their voices are heard, that we have the programs in place to offer them full inclusion.

Madam Chair, I'm so glad that we're spending the time to talk about this bill. I'm looking forward to every member of this Assembly voting in favour. Thank you.

**The Chair:** Any further questions, comments? The hon. Member for Edmonton-McClung.

**Mr. Dach:** Thank you, Madam Chair. I'm very happy to rise today and speak to Bill 205, the Advocate for Persons with Disabilities Act. I just wanted to let it be known that I am currently in my capacity as MLA for Edmonton-McClung exploring work opportunities with Inclusion Alberta for a member referred by them to my office to work in my office. We are trying to match work opportunities to available individuals to see if indeed we can come up with a program that will allow somebody referred to me by Inclusion Alberta to be an active participant and actually work in my office. I'm very pleased to say that that's now under way, and hopefully soon we'll be able to indeed have a good match, with an individual coming from Inclusion Alberta working in my office and enriching our workspace.

**11:00**

I know from my former experience driving a DATS bus, disabled adult transportation service bus, that many individuals with various disabilities often had complaints or concerns that really went unattended to. I would hear these complaints or concerns as I would transport individuals from one place to another in my DATS bus, and I'm very, very pleased to know that Bill 205 will now give an opportunity, give a place for individuals with disabilities to register their complaints and know that they're going to be followed up in a respectful and an official capacity.

While it's not an official legislative officer position that we're bringing forward with this bill, what it will do, as the Member for Calgary-North West indicated, is to give us an opportunity over time to determine exactly the development of the role. We will look forward to perhaps making further changes to the legislation as time shows us what direction we should be going with the legislation.

Now, I know that many individuals come forward to offices of the MLAs in all parts of the province who are involved with the advocacy for PDD or individuals who are suffering a disability themselves. My office is no different. I did introduce to this Legislature Mr. Tim Parnett a while ago, who had started a website, called mightywheels.ca, whereby he seeks to improve the infrastructure that people with disabilities use in rolling along, let's say, the people who use wheels to get by. He's not only looking to improve the lives of those who may be in wheelchairs but also of anybody who uses wheels: mothers with strollers, children with roller skates and other means of wheeled devices. His advocacy is quite broad.

I know that Mr. Parnett was looking for an outlet to ensure that his voice was heard, so we are doing our best to have him work with the city committee but know also that in the background there is an opportunity for individuals like Mr. Parnett to raise his voice, if he feels he's not being heard, to the advocate for individuals with disabilities proposed under this legislation, that there is a guarantee that his advocacy will not be falling on deaf ears.

I'm very pleased to rise, and I want to thank the member for bringing forward this bill, starting an important conversation, and for the hard work she has done to consult with Albertans. As we said before, this bill would establish an advocate for persons with disabilities in Alberta with the power to represent the rights, interests, and viewpoints of persons with disabilities. Just as importantly, the advocate will identify concerns within the disability community.

I'm very proud of the level of consultation that also has taken place with respect to developing this legislation by the hon. Member for Calgary-North West, who undertook to make sure that she did consult with the community. It responds to the calls within the disability advocate community, and more importantly it responds to the concerns of members of the PDD community such as Mr. Parnett.

By creating an advocate, our government is working towards making the lives of Albertans better, and it will provide much-needed support to persons with disabilities and their families in the province. The bill will support the ongoing work of the Ministry of Community and Social Services. The final report of the PDD safety standard consultations of 2016 identified and recommended that advocacy is critical within the PDD community to ensuring that individuals with disabilities are supported to lead more fulfilling lives. The bill proposes a new advocate position that will report to and advise the Minister of Community and Social Services.

The advocate would have a mandate to identify and study issues of concern to persons with disabilities; review programs and policies affecting persons with disabilities; participate in processes in which decisions are made about persons with disabilities; promote the rights, interests, and well-being of persons with disabilities through public education; provide information and advice to the government with respect to any matter relating to the rights, interests, and well-being of persons with disabilities; and assist individuals who are having difficulty accessing services for persons with disabilities and related programs, including directing them to an appropriate resource, person, or organization that may be able to assist them.

I know that when Mr. Parnett visited my office, he wanted me to accompany him on a small trip of about three blocks between my office and his residential high-rise tower where he lives just to show how difficult it was for him as an individual using a wheelchair to actually roll along. In that little three-block trip his wheelchair upended, and luckily I happened to be in a spot that I was able to stop it from completely turning right over. It showed me just how easily an individual who's using a chair can reinjure themselves or suffer worse injuries because the surfaces that they travel on are quite often dangerous, and it's not just simply a curb cut that's not there; it's broken pavement and concrete. That's something that individuals with disabilities who use wheelchairs face every day.

I actually captured that whole walk on video, and it was very, very revealing as to the difficulties that individuals face in going short distances within their own communities, who end up, perhaps, injuring themselves because they can't get it through to the city and in some cases perhaps the province, when we're talking about building codes, that real attention has to be paid to the smooth surfaces that are required by individuals who roll on wheels to transport themselves.

The provision of this legislation, Bill 205, to provide an advocate, that individuals who want to get their message across can now turn to, is very welcome news. If Bill 205 is passed, as I said, it would establish an advocate for persons with disabilities in Alberta, which will allow for a more systematic understanding of the issues faced by persons with disabilities and identify potential solutions to these barriers.

I'm very pleased to be part of a government caucus that is moving forward on an issue that has been ignored for too long in this province. By having an advocate, Albertans with disabilities will have a person that will look into systemic issues such as teens transitioning into adulthood or create resources to navigate government programs and services by looking into systemic ways to address these issues such as ensuring that our streets and roadways don't provide hazards to those individuals who are forced to walk with canes or use wheelchairs.

Madam Chair, by establishing an advocate, this government is committed to ensuring the voices of this community and their loved ones are heard. In other words, the advocate will be committed to making Albertans' lives better. The advocate would be able to help identify barriers and provide information and advice to the government with respect to any matter relating to the rights, interests, and well-being of persons with disabilities.

When it comes to making life better for Albertans with disabilities, the previous government was a lot of talk and not a lot of action. The Official Opposition has a plan to cut services like health and education that Albertans rely on. Our government's record is clear. We're committed to supporting Alberta's disability community. We stopped the PDD safety standards, and we stopped SIS. We recognize that PDD service providers are facing pressures due to a growing demand for PDD services. That is why we increased funding for PDD. Our government is protecting and improving things that matter to Albertans, and that's why we continue to listen to the disability community about their ideas to fix issues the previous government created.

The final report of the PDD safety standards consultations found that advocacy is critical within the PDD community to ensuring that individuals with developmental disabilities are supported to achieve the best possible outcomes. In fact, recommendation 10 of that report asked the government of Alberta to investigate the creation of a formal advocate for persons with disabilities, and Bill 205 aims to do just that.

**11:10**

In conclusion, Madam Chair, I rise very happily to support the provisions of Bill 205, and I know that the people with disabilities in this province will be taking a large step forward in terms of having their voice heard through official government channels and making sure that they don't fall through the cracks, as they say, as Mr. Parnett literally did while he was wheeling alongside me between my office and his residence.

That concludes my remarks.

**The Chair:** Any further questions, comments, or amendments?

Seeing none, are you ready for the question on Bill 205?

[The remaining clauses of Bill 205 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.

The hon. Member for Strathcona-Sherwood Park.

**Cortes-Vargas:** Thank you, Chair. I move that the committee rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

**Ms Sweet:** Madam Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 205. I wish to table copies of all amendments considered by the Committee of the Whole on this day for the official record 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 Third Reading

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

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

**Loyola:** Thank you, Madam Speaker. I rise today to move third reading of Bill 11, Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017, on behalf of the Minister of Labour and minister responsible for democratic renewal.

With this bill our government is taking the next step in our commitment to renew democracy in Alberta. Bill 11 is a direct result of the hard work done by all members of the Select Special Ethics and Accountability Committee, and it is our hope that this legislation will stand as a shining example of what can be accomplished when all parties work together. I think it is clear that we all agree on the importance of ensuring that serious wrongdoings in the public sector are both reported and addressed, and it has been heartening to see the support of this bill from both sides of the House. By strengthening existing legislation and by better protecting whistle-blowers from reprisal, we hope to encourage more people to come forward when a matter needs to be investigated.

One of the most important goals of this legislation is to protect whistle-blowers from any sort of punishment or retaliation from their employer. In order to help achieve this goal, the all-party committee recommended that the act be amended to ensure that whistle-blowers are entitled to some sort of remedy if they suffer a reprisal.

We have accepted the all-party committee's recommendation, and this bill will enable the Labour Relations Board to order remedies. The board would appoint one of its senior members, either the chair or one of the vice-chairs, to hear the matter and order a remedy. Hearings would be conducted as determined by the board. They would be able to summon witnesses, and their decision would be final. For example, the board may decide that the whistle-blower should get their job back if they were fired for blowing the whistle. In other cases they may be entitled to compensation for lost wages. The board would also be required to provide a copy of all their restitution orders to the commissioner for inclusion in the commissioner's annual report. Madam Speaker, when someone reports a serious wrongdoing, that person is acting in the public interest, and these changes will help ensure that they are protected.

The all-party committee also recommended that acts be amended so that it more clearly applies to ministers and Members of the Legislative Assembly. This bill clearly lays out that, subject to parliamentary privilege, MLAs, ministers, and the Premier can all be investigated when a disclosure is made to the Public Interest Commissioner. Likewise, political staff will be protected from reprisal should they choose to blow the whistle. Currently no other jurisdiction in Canada has whistle-blower legislation that applies to MLAs in this way, and Ontario is the only jurisdiction that covers ministers.

The Member for Vermilion-Lloydminster also proposed an amendment that would ensure the timely reporting of information concerning reprisals in relation to the office of a Member of the Legislative Assembly. If the commissioner finds that such a reprisal has occurred, the bill states that the commissioner must submit a report to the Speaker that sets out the commissioner's finding, reasoning, and recommendations. The Speaker would then be required to table the report in the Legislative Assembly. With the amendment, if the Legislative Assembly is not in session, the Speaker would be required to table the report within 15 days of the beginning of the next sitting. It's important for the Legislative Assembly to be informed of these matters in a timely way, and I am pleased to say that this amendment was passed.

The new legislation would also allow the Public Interest Commissioner to investigate a wider variety of wrongdoings, including some forms of mismanagement or abuse of human resources in the public sector. Under certain circumstances this may include bullying and harassment in the workplace. Of course, other options already exist to address human resource issues and breaches of code of conduct. We already have human rights legislation, ordinary employment law, and collective bargaining mechanisms to help ensure healthy work environments in the public sector. To be clear, in the event of a wrongdoing related to workplace bullying or harassment in the public sector, any collective agreement or employer policies would be accessed first, but if these processes are not adequate to resolve the problem, this bill would allow the Public Interest Commissioner to investigate egregious and systemic cases of bullying and harassment.

In addition, this bill would help improve the process whistle-blowers must go through to report a wrongdoing and ensure that they are protected when they need it. Under the old legislation a potential whistle-blower is required to report the details of the alleged wrongdoing to a designated officer. Our new legislation would allow potential whistle-blowers to bypass their designated officer and report directly to the Public Interest Commissioner if they so choose.

Furthermore, the new act would clarify that a whistle-blower may approach their boss about a wrongdoing, and their protection from reprisal would start at that very moment. In some cases a potential whistle-blower may not know their designated officer, and as a result they may be more comfortable speaking with their supervisor before going to the designated officer. In other cases a potential whistle-blower may prefer to go directly to the commissioner.

The Member for Calgary-Mountain View also proposed amending the act to ensure that the commissioner's decision or proceedings can be called into question in court. Currently the act provides that no proceeding or decision of the commissioner may be challenged in court except on jurisdictional grounds. The bill maintains this premise with one important exception. The bill states that the commissioner's decision regarding a reprisal may be questioned through a judicial review. As laid out in the bill, the commissioner will investigate and decide whether or not a reprisal has occurred. If the commissioner finds there has been a reprisal,

the matter is then referred to the Labour Relations Board to decide on restitution. Ultimately, the employer may be required to offer some kind of remedy to the whistle-blower. Therefore, as decisions on reprisal can be legally binding, the commissioner's decision-making process is subject to a judicial review.

#### 11:20

However, investigations into wrongdoing are different than investigations into reprisal. If the commissioner concludes that there has been a wrongdoing as defined by the act, they will make recommendations to the government department or public entity responsible. The department or public entity must work with the commissioner and report on the steps taken to fix the problem. The commissioner does not issue orders or set out requirements, so it is unclear what purpose would be served by questioning the commissioner's decision or proceedings in court.

Lastly, the bill is based on recommendations from the all-party committee, and there were no recommendations on judicial review. Thus, the existing protection for the commissioner is preserved except as mentioned in relation to reprisals.

As members of the all-party committee will know, there were many recommendations, and our government considered each and every one very carefully. The committee's work on this legislation and the broad support this bill has received here in the Legislative Assembly are proof of what can be accomplished by working together. If passed, I'm confident that our proposed legislation would be among the most comprehensive of its kind in Canada. Madam Speaker, it is clear that the Members of this Legislative Assembly recognize that wrongdoings need to be reported and addressed and that when someone blows the whistle, they should be celebrated and encouraged rather than punished.

I'd like to thank all members for their comments and support up to this point and to encourage everyone to continue to back the bill at this stage. Thank you, Madam Speaker.

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

**Connolly:** Thank you very much, Madam Speaker. It's my pleasure to rise today and speak once more to Bill 11, the Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017, which has been tabled by the Minister of Labour and democratic renewal.

Just to remind everyone, on June 25, 2015, the Legislative Assembly passed Government Motion 12, which appointed the Select Special Ethics and Accountability Committee, an all-party committee made up of 17 members, to review the Public Interest Disclosure (Whistleblower Protection) Act along with other bills. I was very proud to sit on that committee for, while not the entire tenure, a large portion of the mandate. This all-party committee put forward a number of recommendations, all of which were seriously considered in the making of this bill. Some of them are incorporated into the legislation, and some are not. I'll read out details about each recommendation and how they're handled by the bill as we go along.

Albertans deserve a government that is committed to the highest standards of responsibility, accountability, ethics, and transparency. It's important that public-sector employees feel safe and are free from reprisal when they report serious wrongdoings. This legislation will help increase the chances of wrongdoings being both reported and addressed, and that is the right thing to do, both for employees and Albertans in general. By strengthening this act, we hope that it will encourage more people to come forward when a matter needs to be investigated, and it will also help protect these

whistle-blowers from reprisal by their employers. That's the main part of this bill. Why it's so important is because we need people to come forward when something does arise, whether that be someone from an MLA's office, whether that be someone from a ministry's office, whether that be anyone in the public sector. We do need those people to come forward because sometimes there are wrongdoings, and we need to address those.

It's important that employees feel safe and free from reprisal when they report serious wrongdoings, and that includes employees contracted to fill government services. At the same time, these government-contracted entities should also be investigated if there is an alleged wrongdoing related to their work in the public sector. The all-party committee recommended that the legislation be expanded to these entities, and it is only fair that they be consulted before moving ahead. That's why we need to make sure that we look at that before we put that in the regulations.

At this time we are accepting the all-party committee's recommendations, but much more work needs to be done to determine how to cover public-sector services carried out by third parties without stepping over the line into the private sector. If the act is passed – and I certainly hope all members will vote for this bill – we will consult with government contractors and delegated service providers to determine how best to move forward on the details of this recommendation.

The all-party committee that reviewed the legislation, which, of course, many members sat on, agreed that there was significant room for improvement. By strengthening the act, we hope it will encourage more people to come forward when a matter needs to be investigated. It will also help protect these whistle-blowers from reprisal by their employers. For example, the existing legislation needs to be changed to ensure that a whistle-blower who has suffered punishment or retaliation from their employer is entitled to a remedy. Our proposed legislation also clarifies that staff in the offices of the Premier and ministers, like I was saying, are protected as well and that members of cabinet could be investigated when a disclosure is made. The bill also addresses some administrative issues experienced by the commissioner, including access to records, records management and retention, and the authority to delegate.

Does this legislation capture agencies, boards, and commissions such as AHS? That is very important. ABCs are already covered as provincial corporations as defined in the Financial Administration Act. School boards, AHS, Covenant Health, and other health entities are also covered already. While this legislation does not expand the purview over agencies, boards, and commissions, it does strengthen those people's rights to come forward and makes sure that there are no reprisals if they do end up coming forward.

In the 2015-16 fiscal year the commissioner received 17 disclosures of wrongdoing and seven complaints of reprisal. Two investigations identified instances of wrongdoing. The year before 21 disclosures of wrongdoing were received along with eight complaints of reprisal. The year before that was the first year of the commissioner's existence, and there were five disclosures of wrongdoing but no complaints of reprisal. There is certainly a problem, and we're hoping that this legislation, if it is passed here in the Legislature, will aid more people and encourage more people to come forward to disclose wrongdoings within government agencies and government in general.

The current act establishes strict penalties, up to \$25,000 for the first offence and up to \$100,000 for each subsequent offence. Offences include the following: committing a reprisal; withholding information; making a false or misleading statement or counselling or directing another person to do so; obstructing or counselling or

directing another person to obstruct any individual acting in an official capacity under the act; destroying, mutilating, altering, falsifying, or concealing any documents or a thing that may be relevant to an investigation or directing or counselling another person to do so. There are no new penalties under the new legislation being put forward though whistle-blowers who are subjected to retaliation would now be entitled to remediation as determined by the Labour Relations Board.

The act has a formal disclosure process, which does not include disclosures to the media to help ensure that investigators are able to conduct their work without undue influence from outside parties. Whistle-blowers are protected as long as they make a disclosure in accordance with the act, and with our amendments whistle-blowers will have more options and greater protection. Since the act applies to a very large assortment of public-sector entities, maintaining a formal disclosure process will also help ensure consistency in the application of the act. The office of the commissioner publishes investigative reports on their website, of course. This commissioner is also required to publish annual reports, and the proposed legislation would require these reports to be much more detailed than they are now. Of course, it adds to transparency within governments and adds to what can be shown in the media.

**11:30**

The current act states that it “applies only in respect of wrongdoings that occur after the coming into force of this Act,” which was in 2013. The current act also states:

- (2) The Commissioner is not required to investigate a disclosure . . .
  - (a) if more than 2 years has passed since the date that the wrongdoing was discovered.

Our amendments are based on recommendations from the all-party committee, of course, and none of their recommendations involve changing these provisions. When an employee has reason to believe there has been wrongdoing, we would encourage them to bring it to their designated officer as soon as possible so that it can be investigated and addressed in a timely manner.

Of course, the all-party committee noted that there are many outsourced government functions or governmentlike functions that do not fall within the scope of the act but for which government spends a lot of time and money to provide a service to the public. In other words, those who carry out activities on behalf of the government should feel safe and free from reprisal when they report serious wrongdoings rather than just those who are directly employed by government. At the same time, these entities should also be investigated if there is an alleged wrongdoing related to their work in the public sector.

However, the all-party committee also recommended that the act not be expanded to include the private sector. At this time we are accepting the all-party committee recommendations, but much more work needs to be done to determine how to cover public-sector services carried out by a third party without stepping over the line into the private sector. So if this act is passed, we will consult with government contractors and delegated service providers to determine how best to move forward on these details with recommendations. Of course, it will be in the regulations, which is currently stated in the act, as to what we’ll do.

Who, exactly, will be covered under this expansion of the act? More work needs to be done to determine how to cover public-sector services carried out by third parties without stepping over the line of the private sector, like I said before. If this act is passed, we’ll certainly be consulting with contractors and delegated service providers to determine how best to move forward on the details of the recommendation. After a complete analysis of who should be

added and any consequences of doing so, we will draft regulations to fully and properly implement the all-party committee’s recommendations.

To be clear, no contractors or delegated service providers will be subject to this act until consultations have occurred and regulations have been drafted. That’s, of course, to make sure that we are not stepping on anyone’s toes, not stepping over the line when looking into the private sector but also ensuring that we are safe, that government agencies, that ministries are being transparent and that people who are being contracted have the right to come forward as whistle-blowers. It is incredibly important because they do work that, well, people in government ministries cannot do. That’s why we outsource to private enterprises. Having those people under the regulations is something that we certainly need, and I’m quite glad that we are waiting for the regulations to make sure that we’re doing it right.

Like I was saying, very soon after our government was elected, we reached out to all political parties to come together and review the legislation. The all-party committee concluded that “no changes [should] be made to the Act to expand its scope to the private sector.” The legislation is meant to improve ethics and transparency in the public sector and to help ensure accountability to taxpayers, so, really, to all Albertans. That’s certainly why we’re not expanding into the private sector and why we’re waiting to review the regulations before we look at our private-sector contractors. As of right now Manitoba is the only place that prevents reprisals against a contractor if the contractor or an employee of the contractor makes a disclosure.

With that, I will just ask all my colleagues in the Legislature to support this piece of legislation. I look forward to working with all of you again.

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

**Mr. Sucha:** Thank you, Madam Speaker. It’s my honour to stand and speak in favour of Bill 11, Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017, in third reading.

Similar to the Member for Calgary-Hawkwood, I had an opportunity in the last segment of the Select Special Ethics and Accountability Committee to sit in during deliberations on the recommendations we were going to make for the whistle-blower disclosure act. I think it was quite a constructive experience. We worked diligently into the summer to make sure that we could hold a bit more transparency towards our public service.

When I reflect on how we want our public service to operate – and I don’t necessarily disagree with the bulk of this – we want to make sure that we have good governance. We took a lot of cues off what we already see within the private sector and some of the leadership that we see there. At the end of the day, when it’s private-sector businesses and their operation, they’re utilizing other people’s money to operate. Many of them are publicly trusted and held companies, and they’re accountable to their shareholders. Similar to that, our public service here in Alberta is accountable to its shareholders, which are the millions of people who pay taxes, are users of these services, and live in this province. It’s great to see that, you know, we’ve expanded the scope of what this is. At the end of the day, we as MLAs, whether it’s the MLA, the Premier, or any of our ministers, are employees of the people within Alberta.

With that being said, I’ll quickly sort of reflect back on one popular culture reference for those watching at home to kind of understand what I’m getting at with the fear of reprisal. In the film *Alien* the *Nostramo* was responding to a distress call, and it was a

very adverse situation. They went onto the ship, and they noticed some weird eggs, and someone was attacked. Science Officer Ash ignored Warrant Officer Ripley's wanting to abide by quarantine regulations because she was really worried that they were going to infect the other people on the ship. As it turned out, these aliens came to life and murdered a lot of people. If she had had a system in place in which she could have blown the whistle on the leaders within that scenario, I think the outcome of that story would have been a lot different.

I say these popular culture references in a positive light as it's very hard for some of us who may not have been involved in a situation where we had to blow the whistle on an employer or have been in an unethical workforce to understand the challenges that happen when someone is not following proper conduct or regulations or rules within a system.

I think it's important, as we move forward, that we don't have any adverse disasters happen within our province, that we have safe, secure workforces, that we're using the public purse appropriately. That's why I'm going to support Bill 11 in its third reading, and I encourage all members to do the same.

Thank you very much.

**The Deputy Speaker:** Standing Order 29(2)(a) comes into effect if there are any questions or comments for the previous speaker.

Seeing none, I will recognize Fort Saskatchewan-Vegreville.

**Mrs. Littlewood:** Thank you, Madam Speaker. It's my pleasure to stand and just share a few words on third reading of Bill 11, Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017. I just wanted to say that it was an incredible honour to be involved with the committee last year, to go through all of the

public submissions and all of the different stakeholder submissions and especially the submission that came from the Public Interest Commissioner, Mr. Peter Hourihan, and his office. I want to thank them all for their work and wish Mr. Peter Hourihan all the best and just say that we learned a lot from him and that he's been an incredible asset to the province in that role and that I look forward to seeing a new Ombudsman and Public Interest Commissioner come into the office that will bring the same level of scrutiny and investigation and trustworthiness.

**11:40**

I just wanted to quote from Chief Justice Milvain from 1970, who wrote that the Ombudsman "can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds," just to remind us all of what we're talking about when we make sure that legislation like this is working to the best of its ability for the public and for the province.

With that, I will conclude my remarks and just again thank Mr. Peter Hourihan for all of his service.

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

Seeing none, any further members wishing to speak to the bill in third reading?

Seeing none, are you ready for the question?

[Motion carried; Bill 11 read a third time]

**Cortes-Vargas:** Madam Speaker, seeing the great progress that we've made this Tuesday morning, I say that we call it 12 o'clock and come back at 1:30 p.m. I move to adjourn.

[Motion carried; the Assembly adjourned at 11:41 a.m.]







## Table of Contents

Prayers .....	1191
Orders of the Day .....	1191
Government Bills and Orders	
Committee of the Whole	
Bill 205 Advocate for Persons with Disabilities Act .....	1191
Third Reading	
Bill 11 Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017 .....	1199

*Alberta Hansard* is available online at [www.assembly.ab.ca](http://www.assembly.ab.ca)

For inquiries contact:

Managing Editor

*Alberta Hansard*

3rd Floor, 9820 – 107 St

EDMONTON, AB T5K 1E7

Telephone: 780.427.1875