



Legislative Assembly of Alberta

The 29th Legislature  
Third Session

Standing Committee  
on  
Families and Communities

Missing Persons Act Review

Thursday, January 18, 2018  
1 p.m.

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

**Standing Committee on Families and Communities**

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Smith, Mark W., Drayton Valley-Devon (UCP), Deputy Chair

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Ellis, Mike, Calgary-West (UCP)  
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\* substitution for Barb Miller

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**Office of the Information and Privacy Commissioner Participant**

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**Standing Committee on Families and Communities**

**Participant**

Ministry of Justice and Solicitor General

Kelly Hillier, Barrister and Solicitor, Legislative Reform



1 p.m.

Thursday, January 18, 2018

[Ms Goehring in the chair]

**The Chair:** I would like to call this meeting to order. Welcome to members, staff, and guests in attendance for this meeting of the Standing Committee on Families and Communities.

My name is Nicole Goehring, and I'm the MLA for Edmonton-Castle Downs and the chair of this committee. I would ask that members and those joining the committee at the table introduce themselves for the record. I will then call on those joining us via teleconference. I will start to my right.

**Mr. Orr:** Good afternoon. Ron Orr, MLA for Lacombe-Ponoka.

**Ms Renaud:** Marie Renaud, MLA for St. Albert.

**Mr. Dach:** Lorne Dach, MLA for Edmonton-McClung.

**Ms Woollard:** Denise Woollard, MLA, Edmonton-Mill Creek.

**Mr. Horne:** Good afternoon. Trevor Horne, MLA for Spruce Grove-St. Albert.

**Mr. Hinkley:** Good afternoon. My name is Bruce Hinkley, MLA, Wetaskiwin-Camrose.

**Mr. Shepherd:** Good afternoon. David Shepherd, MLA, Edmonton-Centre.

**Ms Robert:** Good afternoon. Nancy Robert, research services.

**Mr. Koenig:** Good afternoon. I'm Trafton Koenig with the Parliamentary Counsel office.

**Dr. Massolin:** Hello. Philip Massolin, manager of research and committee services.

**Mr. Roth:** Good afternoon. Aaron Roth, committee clerk.

**Mr. Smith:** Mark Smith, MLA, Drayton Valley-Devon.

**Mr. Ellis:** Good afternoon. Mike Ellis, Calgary-West.

**Drever:** Deborah Drever, MLA for Calgary-Bow.

**The Chair:** Any other members joining us via teleconference? Thank you.

I would like to note for the record the following substitutions: Mr. Dach is substituting for Ms Miller, and Ms Woollard is substituting for Ms McKittrick.

A few housekeeping items to address before we turn to the business at hand. The microphone consoles are being operated by the *Hansard* staff, so there's no need for the members to touch them. Please ensure all electronic devices are in silent mode. Audio and video of committee proceedings are streamed live on the Internet and recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

Someone has just joined the meeting. If you could identify yourself, please.

**Mrs. Aheer:** Leela Aheer, Chestermere-Rocky View.

**The Chair:** Thank you.

If we could now go on to the approval of the agenda. A draft agenda for this meeting was distributed. Does anyone wish to propose amendments to this agenda? Hearing no recommendations to make amendments, I would ask that a member move that the agenda for

the January 18, 2018, meeting of the Standing Committee on Families and Communities be adopted as circulated. Moved by Mr. Shepherd. All in favour of the motion, please say aye. On the phones? Any opposed? On the phones? Thank you. The motion is carried.

Dr. Swann, did you want to introduce yourself?

**Dr. Swann:** Yes. My apologies for being late. My dyslexia with numbers. Calgary-Mountain View. Thank you.

**The Chair:** Thank you.

We will now move on to approval of the meeting minutes, which is agenda item 3. We have the minutes from our last meeting. Has anyone identified any errors or omissions that need to be noted? On the phones?

Hearing and seeing none, would a member move adoption of the minutes, please. Moved by Mr. Orr that the minutes of the September 13, 2017, meeting of the Standing Committee on Families and Communities be adopted as circulated. All in favour of this motion, please say aye. On the phone? Any opposed? Thank you. This motion is carried.

Agenda item 4, the review of the Missing Persons Act, research services, a crossjurisdictional comparison. Hon. members, the committee is continuing its review of the Missing Persons Act. To assist us in our review, research services has prepared a number of briefings for the committee, which were posted to the committee's internal website in early December.

At this time I would like to invite Ms Robert to provide an overview of the crossjurisdictional comparison.

**Ms Robert:** Thank you, Madam Chair. Yes, the first document I will talk about is the crossjurisdictional comparison for the Missing Persons Act review, which was posted to the internal committee website in December for all members of the committee.

I'm just going to give you a brief overview of the document. It's quite long, so I won't get into too many details about it. I looked at the missing persons legislation in all of the jurisdictions in Canada that have it other than Alberta. Other than Alberta, B.C., Manitoba, Nova Scotia, and Newfoundland and Labrador have missing persons legislation. The Yukon Territory has just passed a Missing Persons Act, but it passed at the end of November. It's not in force yet. It, for the most part, is modelled after the other legislation in the country, so it was not included in this review.

I'll just also note that Saskatchewan has a missing persons act, but it's quite a bit different than the Missing Persons Act in Alberta and the other jurisdictions. It's mainly a mechanism to apply for a court order to declare a person missing for the purposes of appointing a property guardian to deal with the missing person's estate. It also provides a mechanism to declare a missing person dead. Now, it does have a provision, though, to authorize the court to compel access to records when a person has been reported missing to the police. To that degree, I have included it in the comparison, but that's the only similarity between that act and the acts in the other jurisdictions.

So those are the acts that are considered in the comparison.

The matters that were considered in the comparison are the definition of missing person in the different jurisdictions, record access orders, third-party record access orders, search orders, emergency demands for records, the use and disclosure of information and records, the retention and disposal of information acquired under the act, and offences under the act and penalties.

There are a great number of similarities across the legislation. All five jurisdictions have a mechanism to apply for a record access order to help police in the search for a missing person. All jurisdictions also have the ability for the police to apply for and for the

court to grant a third-party record access order; that is, a record access order for a minor or, in some cases, a vulnerable person in Alberta, a person who's represented under the guardianship and trusteeship act. If there's evidence to suggest that the missing person who does meet that criteria is with another person, the police can apply for a record access order for the records of that other person in the hopes of finding the missing person. There are also a great number of similarities with respect to search orders and, again, with respect to the use and disclosure of information, the retention and destruction of records, and offences and penalties. So a lot of the acts are structured in a very, very similar way.

However, there are a few differences, and I'll just point out a few of them for you. The definition of missing person varies somewhat across the jurisdictions. Nova Scotia probably has the most stringent definition of missing person in that it's the only definition that includes a component that there be a reasonable urgency or necessity to locate the individual. None of the other jurisdictions include anything like that. Nova Scotia's definition also contains three circumstances. All of them must be met in order for a person to be considered a missing person whereas in the other jurisdictions it's an either/or type of situation. So that's a bit of a difference.

There are differences with respect to who can make a court order. In Alberta it's a justice of the peace. In other jurisdictions it could be a judge or a justice. That's all laid out in the document.

Methods of application for an order under the act. All jurisdictions except Alberta allow for applications to be made not just in person but perhaps electronically or by telephone. Alberta's act is silent on these types of application methods.

#### 1:10

With respect to emergency demands, which are demands that the police can issue for records without the court being involved in emergency situations, all jurisdictions except for Nova Scotia have those, have that ability in the act. When emergency demands are used in all the jurisdictions that have them except Alberta, a written report is required. With respect to the use of an emergency demand in Alberta, that requirement does not exist.

Disclosure of information with respect to a missing person who is a minor to a parent: B.C. and Alberta are the only jurisdictions that contain information in their legislation with respect to that issue.

The use of a silver alert. A silver alert system is a mechanism to broadcast information about an older person who is missing if the person is considered vulnerable for a number of reasons. Up until very recently Manitoba was the only jurisdiction to contain that component in its legislation, but as members are aware, our Legislative Assembly passed a bill in the fall sitting with respect to using a silver alert system in Alberta. It's very similar to the system in Manitoba, and while it's passed and been given royal assent, I don't believe it's been proclaimed into force yet. Just so you know that the document is updated with that information, because the act wasn't passed when this document was prepared.

The only other things I just want to briefly touch on are these. With respect to third-party access orders and search orders, most jurisdictions allow for the police to apply for third-party access orders and search orders with respect to minors or vulnerable persons. Vulnerable persons in all the jurisdictions are defined in the document on page 13. In Alberta the legislation is written a little bit differently. "Vulnerable person" is not a term that's used in the legislation. Rather, the term is: a person who is considered a represented person under the guardianship and trusteeship act. So that's a little bit of a difference.

The other thing I just want to briefly touch on is a person at risk. B.C.'s is the only legislation that defines and deals with a person at

risk who's a missing person. A person at risk is someone who perhaps is a missing person and might be a substance abuser, is likely to self-harm, perhaps is involved with prostitution, that type of thing possibly. B.C. is the only jurisdiction that includes that in their legislation; the other jurisdictions do not.

That, I think, is a basic overview of the document. I'll stop there, and if anyone has any questions, I'll try to answer them.

Thank you.

**The Chair:** Does anyone have any questions? I'll start a speakers list.

**Mr. Smith:** If you could put me on the speakers list, please.

**The Chair:** Go ahead, Mark.

**Mr. Smith:** Yeah. Ms Robert, I guess I just have two questions with regard to the silver alert act and its impact on the Missing Persons Act. I guess the first one is this: does the document, the crossjurisdictional comparison, need to be updated to reflect that so that we have access to it as a committee?

Secondly, how is this going to affect the committee's review of the Missing Persons Act? In other words, should we be adding in speakers, oral presentations, or written submissions with that slant to this Missing Persons Act now that it's been passed into law even though it hasn't been proclaimed yet?

Those are the two questions. Thank you.

**Ms Robert:** I'm sorry, Mr. Smith. There was a bit of feedback on the phone, so please correct me if I've got this wrong on the questions. Are you wondering if the crossjurisdictional needs to be updated to reflect the fact that the amendment to the Missing Persons Act in Alberta was passed? Was that the first question? Was the second question: should the stakeholders be apprised of the fact that the act was amended in this way? Was that what you were asking?

**Mr. Smith:** Yes, with regard to the first one. Absolutely. With regard to the second one, is this going to have an impact? Should we be considering stakeholders, whether written submissions or moving forward into the oral submissions, with regard to the silver alert and the idea of seniors being an identifiable in this Missing Persons Act?

**Ms Robert:** With respect to your second question I suspect that will come up later in the agenda, when we talk about the next steps and if the committee is going to hear from stakeholders or other individuals with respect to the act. So perhaps that will be discussed, and the committee can make a decision about that at that time. With respect to the crossjurisdictional, again, I mean, the transcript will reflect the update, but I guess if the committee would like the document updated to reflect the change in the legislation, certainly research services can accommodate that.

Thank you.

**The Chair:** Thank you.

**Mr. Smith:** Would that need to be a motion?

**The Chair:** Not if there is consensus. I guess, is there consensus that this be included? All those in favour, say aye. Anyone opposed? It seems we have consensus. Thank you.

**Ms Robert:** Certainly, I will update the document and have it reposted.

**The Chair:** Thank you.

Before we move on to the next question, I would like to ask the two members that just joined the meeting to introduce themselves. We'll start with Mr. Tany Yao.

**Mr. Yao:** Hi. Tany Yao, the MLA for Fort McMurray-Wood Buffalo.

**The Chair:** Thank you.

**Ms Luff:** Robyn Luff, the MLA for Calgary-East.

**The Chair:** Thank you.

Next on the speakers list I have Mr. Dach.

**Mr. Dach:** Thank you, Chair. It's a pleasure to serve this afternoon on this committee. I'd first like to say a big thank you to research services for the work that they do and that they've done consistently on this and other reports. I'm forever impressed with the detail and the depth of the research that's gone into it and the quality of the reports. It lays it out in a way so that someone who is new to the subject matter can brief themselves quite easily on it, and it's once again the case with this report here as well. I appreciate that and your briefing just moments ago. The crossjurisdictional analysis and comparison is really quite detailed, and it's going to be quite useful when considering proposed changes to the act.

Another thing that I'd also like to say is that it's important to note that Alberta was one of the first if not the first jurisdiction in Canada to create missing persons legislation. As we look at the differences as shown in the crossjurisdictional analysis, we should keep that in mind. We can't assume that every change made to the other provinces' legislation is an improvement, but we should at least consider that they had an opportunity to look at our legislation first and may have changed some of their acts with improvement as a goal.

With that in mind, I had a couple of questions. I'm wondering if it's possible to direct some of our questions to the representatives, Madam Chair, of the office of the Information and Privacy Commissioner and Justice and Solicitor General.

**The Chair:** Absolutely. Perhaps if the folks that are involved with those offices could come to the table and introduce themselves.

**Mr. Dach:** Thank you, Chair. I'll wait for them to settle a moment.

Thank you for attending this afternoon. Welcome. This question is to the office of the Information and Privacy Commissioner.

**The Chair:** If you could introduce yourselves for the record, please.

**Ms Hillier:** Sure. Hi. I'm Kelly Hillier, and I'm a lawyer with legal services at Justice.

**Mr. Brower:** Hello. LeRoy Brower, assistant commissioner.

**The Chair:** Thank you.

Go ahead, Mr. Dach.

**Mr. Dach:** Thank you, Chair, and once again, welcome.

As I mentioned, my first question is to the office of the Information and Privacy Commissioner. I noted on pages 6 and 7 that Alberta has the least stringent definition for missing person of any Canadian jurisdiction. I'm thinking that if the definition is more stringent, the person's privacy, their, quote, unquote, right to disappear is better protected. If possible, I'd like to hear the office of Information and Privacy Commissioner's opinion of whether or

not our definition is strict enough to safeguard the fundamental freedom to disappear, or if the definition should be made stricter.

1:20

**Mr. Brower:** Thank you. We have considered that in taking a look at the definition. When we looked at it and when we also examined the crossjurisdictional scan, which I agree was outstanding and very clear and easy to understand, what we felt was that there might be some opportunity here for the committee to consider clarifying that definition. I think you're right in that adding specificity to the definition might be useful and it may assist with some privacy protection, but I also think there are some other considerations there for the committee as well that the committee might want to look into.

It's possible that specific terms in the definition might lead to a different or unintended consideration by a justice of the peace who might interpret the specifics as being exclusive as opposed to being inclusive. The committee might want to consider whether adding specificity might have an unintended consequence of narrowing the definition and narrowing the understanding of what a missing person might be, although that clearly would not be your intent.

The other thing that I think the committee would want to consider here is that with a justice of the peace needing to consider the request, an expanded definition with more specificity might lead the justice of the peace to need to ask for additional information from the police officer, the investigating officer, who is making the request. That's not necessarily a problem, but it might change the way in which these orders are sought today and the information that is required in order for a justice of the peace to consider it and then grant the order.

If that was the case, that would also lead to additional and more detailed information about a missing person being included in a court file. So there might need to be some additional consideration, if that did play out in that manner, as to whether or not it's appropriate to have that information in the court file and whether there's any additional protection that would need to be put in place to perhaps consider ensuring that those records are sealed, particularly where they contain information about a missing child.

**Mr. Dach:** All right. Thank you for that.

The second question is to the Justice and Solicitor General. Thank you once again for being here. On pages 7 and 8 of the crossjurisdictional analysis it was noted that the jurisdictions vary "in terms of which judicial authority can make these types of orders." In Newfoundland, for example, Chair, it has to be a judge, while in Alberta they can be ordered by a justice of the peace. Are you able to explain to us what kind of functional difference it would make in the application of the act in Alberta if Alberta was to move to judges making these types of orders?

**Ms Hillier:** Sure. I happen to be a member of the law society of Newfoundland. I articulated there and practised for three years. The first thing is that Newfoundland doesn't have justices of the peace, so they wouldn't have that option. The reason that justices of the peace were used when the Alberta act was written was to allow for the fastest, quickest, and most access to get the order throughout the province, particularly in the rural areas.

**Mr. Dach:** Okay. Thank you for that.

**The Chair:** Thank you.

Next I have on the list Mr. Orr.

**Mr. Orr:** Thank you. My question relates to the Saskatchewan piece that includes the presumption of death piece. I mean, they've

obviously taken a totally different tack than everybody else, but I guess I'm wondering. It does seem to me to be a subject area that may have some importance to it. Does Alberta cover the intent or the needs of that particular piece in separate and other legislation, or is it a complete gap in Alberta legislation?

**The Chair:** Go ahead.

**Mr. Koenig:** Thank you, Madam Chair. I might try and answer that one as legal counsel for the committee. Without having done a lot of research, it would be difficult for me to tell you where those provisions would exist in Alberta legislation. But that concept of being able to declare someone legally dead and distributing the proceeds of their estate: that would be something that would be quite common and would exist, I would imagine, in all jurisdictions across Canada. I mean, there would have to be a legal means of dealing with that person's estate if it wasn't clear what exactly happened to them but, you know, that person was presumed to have died.

**Mr. Orr:** That's what I would have assumed, but not being a lawyer, I just thought I would ask. So thank you.

**The Chair:** Is there anyone on the phones wanting to ask a question?

**Mr. Smith:** Madam Chair, I've got one more question if I could, please.

**The Chair:** Go ahead, Mr. Smith.

**Mr. Smith:** I just would like a little bit of clarification here if I could. Because the silver alert bill has not yet been proclaimed, how will the committee's work reflect the legislation's existence if it's still unproclaimed when the committee needs to provide its recommendations?

**The Chair:** Go ahead.

**Mr. Koenig:** Thank you, Madam Chair. The requirement for the review of the act is part of the act itself, that it be reviewed. Because the provisions contained within the bill that was passed in the fall sitting haven't been proclaimed yet, technically it's not part of the act at this point. What has been raised by Ms Robert is that once it is proclaimed, it will become part of the act, and it may be something that the committee wishes to consider. I would suggest that, you know, if there was a desire by the committee to comment on that, there wouldn't be anything preventing them from doing so. However, just to be clear, the requirement is to review the act as it exists, and currently those sections are not yet in force.

**The Chair:** Thank you.

Ms Woollard.

**Ms Woollard:** Thank you, Madam Chair. Again, thank you to research services for creating this crossjurisdictional comparison. It's very good. On pages 11 and 12 you talk about the definition of person and who would be subject to a record access order. It's noted that a corporation is not part of the definition in the Alberta act but that the Alberta Interpretation Act includes corporation in the definition of a person, so I just wanted to clarify to make sure that I understand. If a police force in Alberta needed to make a record access order or a third-party record access order or an emergency demand and they needed to do so to a corporation, would the current legislation allow them to do that?

**The Chair:** Go ahead.

**Ms Robert:** Thanks, Madam Chair. I think I'm going to defer to the Department of Justice on this because I think I know the answer, but I'm not a lawyer.

**Ms Hiller:** Yes, it will because of the definition in the Interpretation Act.

**Ms Woollard:** Okay. So the Interpretation Act, then, would kind of supersede the . . .

**Ms Hiller:** Yes. It's the choice when we are drafting between person and individual.

**Ms Woollard:** Thank you. Okay. That really clarifies. I have one more question if I may.

**The Chair:** Go ahead.

**Ms Woollard:** Okay. Thank you very much. This question is specifically to Justice and Solicitor General. On pages 19 and 20 of the crossjurisdictional summary it talks about reporting where an emergency demand is used. Now, emergency demands are very powerful tools for police. They can demand the release of very private information without going before a justice of the peace. I can understand how they are critical for police in some circumstances, but they're also a substantial infringement of privacy. Yet in Alberta there is no requirement for a police officer to report to his or her commanding officer or to anyone that they have issued this demand. In addition, there is no requirement for an annual report about the number of times that emergency demands have been issued.

Can Justice and Solicitor General explain what kinds of checks and balances are in place to ensure that the use of emergency demands are being monitored and evaluated?

**Ms Hiller:** You are very correct that there is no written report and that there is no annual reporting in the act.

**Ms Woollard:** Okay.

**Ms Hillier:** When the act was developed, it was developed in co-operation with the Association of Chiefs of Police. One of the first things that was done was to model out, actually, all of their investigation processes, and the act was developed to fit into those. At the time the act was developed, it was very clear that the missing persons investigations in units within the operation of the police forces were under a great deal of control with what they did on a daily basis, so it was never considered, and it didn't end up in the act. But you are correct that it is in other provinces that came after Alberta.

1:30

**Ms Woollard:** Thank you. That gives us, I think, some pretty good information. Thank you, Madam Chair. Thank you very much for your help.

**The Chair:** Thank you.

**Mr. Ellis:** Chair, may I speak when appropriate?

**The Chair:** Absolutely.

At this point I have Mr. Orr.

**Mr. Orr:** Thank you, Madam Chair. My question relates to the reality that most of the other provinces seem to have a penalty of up to \$10,000 for noncompliance with these things. Maybe for the



office of Justice and Solicitor General: is there a reason that can be identified why Alberta would not have pursued that? It would have seemed to me quite appropriate. Is there a reason why it wasn't included in Alberta when this was first done? Does anybody know?

**Ms Hillier:** I think they're looking at me because I was the person who was there. At the time we were creating an act from a blank sheet of paper, so as we created it, the issue never arose. Sometimes when creating something completely out of nothing on a blank sheet of paper or on a blank screen on a computer – nobody brought it up at the time.

**Mr. Orr:** If I may follow up.

**The Chair:** Perhaps Ms Robert could interject.

**Ms Robert:** I'll just maybe clarify. Section 12 of the act, though, does say that a person is liable to financial penalty of "not more than \$10 000" if that person is guilty of an offence under the act.

**Ms Hillier:** Well, it's the use of the information or breach of the privacy protections, and the reason that one is there is because it mirrors what's in the FOIP Act. The Missing Persons Act narrowed down quite substantially what you could use the information you collect under Missing Persons for compared to the FOIP Act, so the provision was put back in to mirror that one.

**Mr. Orr:** Okay.

**Ms Hillier:** But as for other offences or anything else that you do, an offence under the act, there's nothing in the act for that.

**Mr. Orr:** Then as a follow-up – and I do appreciate that clarification; that is good – for the first part is it something in hindsight now that your office would recommend, or you're not prepared to speak on that?

**Ms Hillier:** I don't have authority to speak to it.

**Mr. Orr:** Okay. Fair enough.

**Ms Hillier:** All I can do is tell you that it isn't there.

**Mr. Orr:** Okay. Thank you.

**The Chair:** Thank you.

**Mr. Ellis:** Now, one comment and one question. As somebody who is a former incident commander in regard to missing persons investigations, I can tell you that, you know, in police services – and I guess I'll speak on behalf of the Calgary Police Service at this time as that's what I was a part of – they are taken with the utmost seriousness. You will not have a lone investigator just going out on his own doing whatever to locate that individual. They will always be working in conjunction either with another officer, or they will usually – and I say usually because nothing in this world is ever a hundred per cent – be working in conjunction with the commanding officer, which would have been somebody like me, to monitor the situation. Then we have in the Calgary Police Service what is called the Real Time Operations Centre, which is a central hub that, again, provides assistance in dealing especially with high-profile cases such as a missing persons case. I'll just say that.

Secondly, I just want to ask in regard to, let's say, one of the critical elements. Maybe one of our lawyers in the room might be able to assist and answer this question. As society started to evolve over the last number of years and everyone started to have a cellphone, the ability to ping, which is the terminology we use,

somebody's phone: obviously, if it met the criteria where somebody's life was at risk or a person was certainly in jeopardy, we would contact a service provider such as Telus, Bell, or Rogers Communications. Now, sadly, there are many, many, for a multitude of various reasons, missing person cases that go on, whether it be in the city or, you know, the province. The service providers, at least from my perspective, were growing frustrated with the amount of work that was entailed in pinging somebody's phone if the criteria was met to their satisfaction.

Now, I have been, obviously, away from the police for three or four years, and I do understand that there may have been some court legislation on that. I was wondering if any other jurisdiction has addressed that issue and, of course, the importance – again, we're talking about somebody who is in a critical situation, where their life might be in jeopardy or where there is a concern for that person's safety – in assisting with the co-operation of the service providers to locate or assist in locating that individual to, obviously, save their lives.

Thank you, Chair.

**The Chair:** Is there anyone who would like to answer that question? Go ahead.

**Mr. Koenig:** Thank you, Madam Chair. I don't know if this will answer the question directly. I will be talking a little bit more about the case law summary that was provided to the committee. There does not appear to be a lot of case commentary from the courts in terms of missing persons legislation. What that means in terms of the question, the specific issue with telecommunications and cellphone records: I could only guess why that would be, but, you know, from my survey of the case law there hasn't been a lot of judicial direction provided on that issue.

**The Chair:** Thank you.

**Mr. Ellis:** Thank you, Chair.

**The Chair:** I've exhausted my speakers list. At this point are there any other members wishing to ask a question or make a comment regarding the crossjurisdictional comparison?

**Mr. Smith:** Madam Chair, I've got one more question if I could, please.

**The Chair:** Go ahead, Mr. Smith.

**Mr. Smith:** If I understood the answer to my question here about the inclusion of the silver alert amendment act as part of the review of the Missing Persons Act, my understanding of the act was that it would happen if the committee chose to do that. I guess the question I've got is this. I'm assuming that that would come in the form of a motion, and I'd like to know if that has to happen at the beginning or if it could happen later.

Thank you.

**The Chair:** Go ahead.

**Mr. Koenig:** Thank you, Madam Chair. Of course, it's always up to the committee in terms of the process, how it wants to deal with some of these issues. I would suggest it's not necessary to have an official motion to deal with this. There's no question that those changes that were passed in the Assembly in the fall sitting upon proclamation will become part of this act. So it's definitely relevant to the review. I suppose, just to clarify my previous comments, if the committee ends up wishing during the deliberations phase to make recommendations that touch upon those issues, you know, I

would suggest that that would be within the mandate. There wouldn't be a problem with that. If committee members wish to hear from stakeholders that may want to provide information with respect to those forthcoming changes, I would suggest that that would probably also be within the mandate. So I don't think this needs to be formalized in terms of having an official motion. I think it's just in terms of where the discussion and deliberations of the committee may go.

**Mr. Smith:** Thank you.

**The Chair:** Thank you.

Mr. Smith, any follow-up?

**Mr. Smith:** I'm good. Thank you.

**The Chair:** Thank you.

At this point I would like to go on to the case law summary. Parliamentary Counsel has also prepared a case law summary for the committee's review. At this time I would like to invite Mr. Koenig to provide the committee with an overview of that summary. Go ahead.

**Mr. Koenig:** Well, thank you again, Madam Chair. I'm doing a lot of talking this meeting, it seems.

Committee members may recall that early in this process there was a request to have a survey of relevant case law. You will find that in my case law summary. To just briefly review what's in the report, there is not a lot of judicial consideration of missing persons acts in general. There is none in Alberta. Just to clarify, what that means is that it's not that orders aren't being granted by justices of the peace with respect to this matter but that they're either not challenged or that justices of the peace are not reporting commentary or direction in terms of why they may or may not be issuing those orders.

There may be several reasons why there is not a lot of case law. I would just point out that one of the primary reasons is that several jurisdictions don't have legislation in this area, including Ontario. Of course, it's a very large jurisdiction. Oftentimes they generate a lot of case commentary, but in this case there is none to go to. There is also no legislation in Quebec and New Brunswick.

**1:40**

Legislation is also relatively new, so that may also be a reason why there's not a lot of case commentary. Again, these are all potential explanations; I couldn't tell you exactly. There may also be a third reason, that organizations or bodies are choosing to comply with these orders. The order is issued to disclose records, and that occurs in the normal course, so there would be no need for further comment by a justice of the peace or sort of through an appeal process.

The two jurisdictions that do have some comment on this type of legislation are Saskatchewan and British Columbia. In the case of Saskatchewan it was mentioned by Ms Robert that their legislation is a bit different than ours in that it deals with the presumption of death, so a lot of that case commentary deals with when you can presume someone to be dead for the purpose of distributing their estate. For the purpose of this committee that case commentary isn't necessarily as relevant.

There is one case reported by the Provincial Court in British Columbia, I would suggest, that provides really excellent commentary that I would encourage the committee to consider. Their review dealt with a case of a missing person and a request by police for an order to obtain banking information to locate this person. What was interesting in that decision – and it's quite a short

one, but it has a lot of interesting commentary – is that the legislative objective of the Missing Persons Act in British Columbia is to “enhance the ability of police to make enquiries . . . and to ensure the safety of missing persons.” But, at the same time, legislation shouldn't be “used by the police as a tool to assist in the execution of” arrest warrants for missing persons. Judges or justices of the peace should consider issues of privacy when applications are being made to compel the disclosure of information. So that is sort of a direct commentary on finding that balance between the right of somebody to personal privacy as well as ensuring the safety of members of the public when they do go missing.

Now, the last comment that I suppose I would offer at this point is that this case law from the Provincial Court in British Columbia isn't binding in Alberta. This isn't to say that these principles that are discussed by the judge in that case would be applicable here, but because there is so little case law, it's likely that if a similar issue did arise here, those types of comments would likely be considered by a court in Alberta.

**The Chair:** Thank you.

Any members with questions or comments? Mr. Shepherd.

**Mr. Shepherd:** Thank you, Chair. Thank you to Parliamentary Counsel and Mr. Koenig for creating this case law summary. It's always helpful to have a sense of what's happened in the courts when we're looking at legislation and some of those comments.

Now, I apologize. I think you may have answered this question. I was distracted for a moment and just caught a piece of what you were saying, so I just wanted to clarify. We are aware that there is no requirement under Alberta law for a police service to report when it's issued an emergency service access request or when it's simply requested the information and the organization has provided it. In the case law summary, just to be clear, you're provided the information, then, from proceedings only when the initial request has been refused and a provincial court has become involved? Is that correct?

**Mr. Koenig:** I will do my best to answer these questions. Of course, just keep in mind that I'm not an expert in the area of missing persons legislation.

As I understand it, with emergency demands under the legislation there is no order from the court being made, so those would never be reported because it's not a process that goes through court. My colleague from Justice can correct me if I get any of this wrong.

In terms of orders under section 3 of the act that do go through a justice of the peace, those orders are made ex parte, which means that the police are going without anyone else there representing, you know, what would be the opposing side of that request. Typically an order in and of itself wouldn't be reported. Where you'd get case commentary is where a judge or a justice – for example, you mentioned a refusal to make an order – explains why the order wouldn't be granted. That's the type of thing that would be helpful for the committee in sort of understanding how this functions in practice. What the review of the case law seems to suggest is that that isn't happening very often. Why that might be, I mean, would be maybe something to consider when the committee discusses oral presentations and who's going to be appearing.

There may be police services that have a lot of experience with making these requests ex parte in front of a justice of the peace and how those matters are typically dealt with in court. Those might be questions that they would be really well equipped to answer.

**Mr. Shepherd:** Cool. Thank you. That's some helpful context.

Where I'm kind of going, I guess, and what I'm kind of looking at here is just acknowledging, I think, that if we are going to be

doing an analysis of this legislation and how effective it is and if there are any changes that need to be made, we need to have a good understanding of how often this legislation is actually being used and how often it may be invoked and that sort of thing. From what I've seen so far, there doesn't seem to be a lot of concrete data in that respect, in terms of how often it's actually been utilized by police departments or giving us that context.

Now, I do note that there was an article this past July 4, 2017, by *Edmonton Journal* reporter Emma Graney. She seems to have gotten some information. She noted that, I guess, the act was used "109 times in court since 2012. In 2013, there were 36 requests for a justice of the peace to sign off on a court order . . . This year, there have [only] been just eight such requests." I can only assume that Ms Graney as a journalist was able to use some sources to gain that information.

I guess just looking ahead, then, you're suggesting that those are perhaps questions we can put forward when we invite some of these groups in for oral presentations to try and get a bit more of that information on the record?

**Mr. Koenig:** Thanks, Madam Chair. Yeah. I would suggest that it's up to the committee if there is an interest in finding out exactly how often police services are making these requests and any challenges or obstacles that they experience in that process. That would likely be something that, you know, they could do during the oral presentation phase.

**The Chair:** Thank you.

**Mr. Shepherd:** Thank you, Chair.

**The Chair:** Were there any members on the phone wishing to ask any questions or make any comments?

**Mr. Ellis:** Chair, I have one more.

**The Chair:** Go ahead, Mr. Ellis.

**Mr. Ellis:** Thanks. Sorry to direct this to Parliamentary Counsel again. You may not have the answer because you already did answer my question, but maybe if I could request a little bit of further research on the subject. Just going back to the telecommunications piece, I recall – and, again, I'm just basing this on my memory – some of the telecommunications growing frustrated with the pinging of the phones. I know they were making their argument to us and the police at the time, you know, about the privacy issue. I had thought that they had taken this to a level of court, but I don't know anything further about that. Would it be possible to look and see if any of these telecommunications companies had possibly taken it to court?

**The Chair:** Go ahead.

**Mr. Koenig:** Thank you, Madam Chair. I am, again, going out on a limb here to answer this question because I don't know off the top of my head. I suppose the first thing I would start by saying is that under section 3 of the Missing Persons Act there is an ability to get an order dealing with records related to signals from a wireless device that may indicate the location of that wireless device. There is a provision in the act as it exists that allows, if I'm understanding the question properly, you know, that concept of pinging a phone to determine where it is. That does exist in the legislation, so the fact that there doesn't appear to be any commentary in the case law in Alberta suggests that with respect to this piece of legislation that provision hasn't been challenged.

Now, in terms of more generally, you know, across all legislation, I would hazard to guess that there is probably quite a bit of case law dealing with telecommunications companies and disclosure of records. Where I think the issue may be here, though, is that those arise in criminal circumstances. You would be relying on a different piece of legislation to empower the disclosure of that information. Of course, that would be outside of the jurisdiction of Alberta. The criminal matters would be outside of the jurisdiction of Alberta. Also, the standard that would be applied when trying to get information in the context of a criminal situation would be quite a bit different than under the Missing Persons Act. That would be my guess as to where the case commentary on the legislation would lie.

**1:50**

**Mr. Ellis:** Okay. Yeah. I agree with you. Criminal is a totally different matter, and I one hundred per cent agree with you on that. All right.

So if we're going by, I guess, the understanding that the ability for an officer even in a missing person situation that requires judicial authority – I think that's what you said, sir – are they able to do it via phone? In some of these cases, again, going on my memory here, having been in these situations, you know, time is very precious, right? Not everybody has the ability to run down to a courthouse or to talk to a justice of the peace when we're talking about minutes, if not seconds, when we're trying to locate somebody in order to save their lives. Maybe you can elaborate on that.

**Mr. Koenig:** Thank you. I may defer to Ms Hillier on this since I'm not an expert in this area, but I believe that these types of applications under this act are made in person.

**Ms Hillier:** The Alberta Missing Persons Act doesn't explicitly say. However, it's my understanding that after the act was passed – because the act doesn't explicitly say that the justices do require you to appear in person.

**The Chair:** Thank you.

**Mr. Ellis:** Okay. Thanks, Chair.

**The Chair:** Are there any other members wishing to ask any questions or have any comments related to the case law summary?

Thank you. Seeing and hearing none, we'll move on to the summary of written submissions. Hon. members, at our September 13, 2017, meeting the committee sought input from stakeholders as part of our review. Stakeholders were asked to provide feedback by October 31, 2017. The committee received six responses. Research services has completed a summary of those submissions.

I would now invite Ms Robert to provide an overview of the document. Go ahead.

**Ms Robert:** Thank you, Madam Chair. Yes. The document I'm going to go over for you is the summary of written submissions from the Missing Persons Act review. As the chair noted, six written submissions were received by the committee. Those submissions came from the chair of Native American studies at the University of Lethbridge, the National Centre for Missing Persons and Unidentified Remains, the missing and murdered indigenous women's initiative from the Department of Justice and Solicitor General, the Canadian Centre for Child Protection, the Edmonton Police Service, and the Alberta Association of Chiefs of Police.

I'll just note for the committee's benefit or information that the submission from the Alberta Association of Chiefs of Police arrived

on November 3, which was after the October 31 deadline. Research services did include it in the summary document, though, because it wasn't too far past the deadline, but it's up to the committee, of course, whether the committee wants to accept the submission.

The other thing I will note at the outset is that the submission from the National Centre for Missing Persons and Unidentified Remains didn't make any comments or recommendations with respect to the act. What they submitted was their best practices document for the committee's information, so there were no recommendations or comments with respect to the act, but that document is there if the committee wanted to peruse it.

I'll just very briefly give you a bit of an overview of the issues that were raised in the submissions. Recommendations were made to amend the definition of "missing person" to include vulnerable persons, persons at risk, and the age of a missing person. Recommendations were made that there should be alternatives to in-person hearings to apply for an order under the act, that there should be able to be electronic, telephone, or applications by facsimile.

Recommendations were made to expand the types of electronic records that can be included in a record access order to include things like instant messaging or information that is contained in social media apps that seem to, according to the submitter, collect information about the whereabouts of a person even if the person is not using the app and also to expand the type of records that could be included in a record access order to include records from group homes, shelters, and rehabilitation facilities.

A recommendation was made to clarify the use of force in carrying out a search order for a missing person and the ability to apply for a search warrant.

A recommendation was made to clarify when hospital records can be used in an emergency demand for records. Apparently, according to the Association of Chiefs of Police that can be a bit of an issue. A recommendation was made to make it an offence to fail to comply with an emergency demand for records.

A recommendation was made with respect to the disclosure of information regarding a minor to a parent or a guardian. The recommendation focused on addressing situations where there's a possibility that disclosure would not be in the best interest of the child; for instance, in a situation where perhaps a child has run away from home because of alleged abuse. The recommendation talked about alternatives for the disclosure to a parent or guardian.

There were a couple of recommendations to amend the act so that the act has interjurisdictional recognition of court orders made in other jurisdictions.

Then there were a number of other sort of miscellaneous recommendations made with respect to publication bans on record access orders, on data collection and the use of data by the police, and on establishing a complaint process under the act. With respect to the prescribed forms the EPS and the Ministry of Justice made some comments with respect to the forms and the regulations to the legislation, ways that they can be improved.

That's basically it, so I will try to answer any questions you might have. Thank you.

**The Chair:** Thank you so much, Ms Robert.

Perhaps at this time the committee should consider doing a motion to accept the late submission. At the end? Forget that. We'll do that after.

Does anyone have any questions or comments? Go ahead, Mr. Horne.

**Mr. Horne:** Yeah. Thank you, Chair. I have a question. I'm not sure if it's better addressed to research services or to Justice. You know, the stakeholder list that the committee put together contained

well over 70 organizations, and as I am well aware of how capable research services is, I have confidence that all of those requests went out; however, we got a very limited number of responses. Do you have any sense as to why so few organizations responded to a request for submissions?

**Ms Robert:** Thank you, Madam Chair. I'm sorry. I don't know. I mean, the letters, obviously, all went out. I'm not entirely sure why we didn't get a lot of uptake on those requests. Sorry.

Thanks.

**Mr. Horne:** Okay.

**The Chair:** Any other members with questions or comments? Go ahead, Mr. Ellis.

**Mr. Ellis:** Thank you, Chair. Yeah. Just in regard to that I just want to speak, I guess, in line with the Alberta Association of Chiefs of Police recommendation in regard to, I guess, AHS and the hospitals and stuff like that.

You know, part of a missing persons investigation, of course, is to contact the hospitals, you know, just to verify that somebody might be there; maybe they're injured. It's just part of the investigation, and it's very common that the police are met with the immediate barrier of FOIP. It's usually what they're met with. I don't know if you or if there's a FOIP representative that could assist in clarifying that, but I will say that from an investigative perspective when – again, it's not about a criminal matter at all. We're just talking about trying to locate somebody on behalf of a family or a concerned loved one, where there's a possible risk to somebody's safety, and it's, again, nothing nefarious. If there is somebody that can provide some clarification in regard to that, or maybe that's part of something we'll be doing in the future, Chair – I'm not too sure – but I will say that that has been a barrier that investigators have had when trying to do a complete, thorough investigation into a missing person's file.

Thank you.

2:00

**The Chair:** Thank you, Mr. Ellis.

Is there someone hoping to answer that question?

**Mr. Brower:** I'd be happy to respond to that.

**The Chair:** Go ahead.

**Mr. Brower:** For Alberta Health Services and for other health information custodians that might hold the health records we're talking about, it's the Health Information Act that governs their consideration as to whether or not there is authority to disclose. That act, of course, does include a provision that says that a health information custodian can disclose health information pursuant to "an enactment of Alberta or Canada" that authorizes the disclosure.

When our office looks at the Missing Persons Act, we believe the act already supports requests for immediate access to information that would prevent imminent harm. To us, it looks like the consideration here is whether there is an actual legal impediment to these disclosures occurring or whether this is the result of a training or awareness issue with health information custodians in the province. We generally look at situations like this and think that where we're considering an amendment to the law to address an issue, it's important for us to understand whether or not the law is the actual problem as opposed to it being a lack of understanding or misinterpretation of the law that might be better addressed through training and awareness.

**The Chair:** Thank you.

**Mr. Ellis:** Chair, could I just follow up?

**Mr. Yao:** Chair, Tany Yao.

**The Chair:** Sorry. Mr. Ellis, you had a follow-up?

**Mr. Ellis:** Yeah. I just want to thank that individual – I'm sorry that I'm not there right now – for saying that. I have strongly speculated, you know, that it may be a training issue. If so, obviously, as a committee and as professional organizations such as AHS and the Alberta Association of Chiefs of Police, we can ensure together – when we're talking about protection or safety of somebody's life, I'm sure we can work together. So I want to thank that gentleman for those comments.

Thank you.

**The Chair:** Thank you.

Mr. Yao.

**Mr. Yao:** Yeah. I just wanted to add to the discussion about the health care professionals. I believe they are restricted by patient confidentiality. So if the rules have to change to impact the freedom for medical professionals to give that kind of information, yeah, other aspects of our laws may have to be tweaked for that to be possible. I think that is [inaudible].

Thank you.

**The Chair:** Thank you.

Is there anyone wanting to respond?

Are there any other members with any questions or comments?

Mr. Hinkley.

**Mr. Hinkley:** Yes. Again to research services – and this is more of a judgment call on your part – on the low number of written responses that we had. Usually, when there's legislation under review, you would think that lots of people would want to have some input into it. But since we didn't get that kind of response, would you say that there are not a lot of concerns from the different stakeholders about this act being used in Alberta, and can we assume, then, that there really are no concerns or very few concerns?

**The Chair:** Go ahead.

**Ms Robert:** Thank you, Madam Chair. I would not want to make any kinds of assumptions just because, you know, when someone doesn't respond, there's no way to know what their motivation or lack of motivation or rationale was. We were not in contact with them.

**Mr. Hinkley:** Well, previous to this, though, was there any feedback from people saying: "When is it going to be reviewed? I have concerns"? Were you getting any feedback like that at all?

**The Chair:** Go ahead.

**Ms Robert:** Thank you, Madam Chair. I do not believe that the Legislative Assembly Office has – I've not been notified of any kind of communication from the public, from stakeholders in that regard. I don't know that the Legislative Assembly Office would be necessarily the venue for that kind of request, but nothing came in that I'm aware of.

**The Chair:** Thank you.

Go ahead.

**Dr. Massolin:** Thank you, Madam Chair. I just wanted to underscore what Ms Robert said in saying that it's very difficult to read in a rationale or a reasoning as to why somebody would or would not – well, especially would not – respond.

But I also wanted to offer, Madam Chair, that the committee has another opportunity coming up quickly in the agenda to solicit more stakeholder feedback. So there is an opportunity for you to gauge that response by potentially inviting stakeholders to this meeting, hopefully receiving positive responses in the first instance, and then in the second instance having a dialogue with those groups and asking further questions.

Thank you.

**The Chair:** Thank you.

**Mr. Hinkley:** With regard to that, though, then, in your opinion are there any particular stakeholders that we might want to invite? You know, again, we've sent out 70. Have we covered everybody?

**Dr. Massolin:** Madam Chair, I think that's coming up on your agenda in terms of your next steps.

**Mr. Hinkley:** Okay.

**The Chair:** Thank you.

Mr. Orr.

**Mr. Orr:** Thank you, Madam Chair. One of the items that comes up with regard to the definition of missing persons is the references to age. I don't know who wants to respond to this, but I guess my question might relate to the issue with age becoming a prohibitive grounds of discrimination, if we need to be very careful about language there or how we think our way through on that one. I think that just based on age, we could get ourselves potentially into a difficult spot. Comments?

**Mr. Koenig:** This one is a really tricky one.

**Mr. Orr:** Sorry.

**Mr. Koenig:** Having looked at the Human Rights Act, I believe there are some provisions in there that allow for, you know, dealing with age, that there is some kind of – I don't want to call it an exemption, but there are means of dealing with that. Human rights provisions are not absolute in that there may be provisions that are reasonable where you treat someone differently, and a good example of that would be, let's say, drivers' licences, in treating younger drivers differently than older drivers. I suppose that if the committee has a concern about this, I could provide a legal opinion. My guess, though, is that the Human Rights Act probably would not have a great deal of applicability here because in this case the Missing Persons Act likely was drafted this way because there is a recognition that minors may be more vulnerable than adults, may be less equipped to deal with specific situations.

So that would be my attempt at answering that question, but I don't know if I sort of hit the nail on the head there.

**Mr. Orr:** Yeah. I guess my thoughts on that one go more to the issue of seniors and just language. You know, I mean, yes, I accept the fact, and I think everyone would understand it in cases – and some of the language goes to this – where there are questions of ability or dementia, stuff like that. We understand that, but that isn't an issue of age per se. I just think we should stay away from age and focus in on the actual issues that may be a risk.

**Mr. Koenig:** Absolutely. That may be a recommendation during a deliberations phase. I mean, that may be where this goes. I suppose, just to sort of underline my understanding of the act right now, the three sort of categories that it deals with are: minors, adults that are subject to the adult guardianship act, and then all other people. So that would be sort of the general categories now. Some of the aspects that you've raised with regard to maybe seniors may be more specifically dealt with in things like the silver alert amendments that will be made to this act, where they may be a bit more targeted in terms of the person. But I'll leave it there.

**The Chair:** Go ahead.

**Ms Robert:** Thank you, Madam Chair. I'll just clarify because maybe the use of "age" as the heading topic wasn't the best use of a word. The recommendation that came was specifically with respect to age when the missing person is a child.

**Mr. Orr:** That does clarify it.

**Ms Robert:** The submitter talked about, you know, more than 3,000 missing children and youth reports being filed in Alberta. So I think that was the intent of the recommendation.

**Mr. Orr:** Yeah. That's helpful. Thanks.

**The Chair:** Thank you.

Mr. Horne.

2:10

**Mr. Horne:** Yes. Thank you, Chair. Just one question for Justice and Solicitor General and possibly follow-up. Several of the submissions recommended amending the act to include inter-jurisdictional recognition of court orders under the act. During the technical presentation Ms Hillier mentioned that there was no such provision at this point, and the interjurisdictional comparison didn't include that, so I'm assuming that no other province does it either. If that was something that this committee or, really, anybody was looking at, do you have any insight on how such a provision would work?

**Ms Hillier:** You are correct. As I said before, there is no current provision in the act. I would just point out that it would mean, of course, that if one were put in and developed, Alberta would have the ability to recognize orders under certain conditions that had been issued in other provinces. Not being prepared to draft it here at the table, we do have other situations when we do that, and they work in various ways. If you think of family law, for example, you know, in child support orders and such, we do have other situations where we recognize orders from other jurisdictions. There are models out there.

**Mr. Horne:** Okay. If we were to look at such a clause, I suppose, would other jurisdictions have to amend their legislation to likewise recognize Alberta's?

**Ms Hillier:** They do not, but we can set a good example, I suppose, as we did with the act. It would be up to their choice and their Legislatures whether they wanted to include one.

**Mr. Horne:** Okay. Thank you.

**The Chair:** Thank you.

I don't have anyone else on my list. Are there any other members wishing to ask any questions or make any comments?

Seeing and hearing none, I'll move on to next steps – sorry. As Ms Robert had pointed out, there was a late submission for a

stakeholder. If we could have a member move a motion that the Standing Committee on Families and Communities accept the submission from the Alberta Association of Chiefs of Police, which was received on November 3, 2017. Could someone move this motion? Thank you, Mr. Horne. Any discussion or questions? Anyone on the phones?

Hearing none, moved by Mr. Horne that

the Standing Committee on Families and Communities accept the submission from the Alberta Association of Chiefs of Police, which was received on November 3, 2017.

All in favour of this motion, please say aye. On the phones? Any opposed? Thank you. The motion is carried.

Now I would like to move on to the next steps. At this time the committee should consider its next steps in its review of the Missing Persons Act. At this stage in the process it's a common practice for a committee to consider whether it wishes to receive additional information; for example, inviting oral presentations. Research services, working with the Ministry of Justice and Solicitor General and the office of the Information and Privacy Commissioner, has provided committee members with a list of possible presenters should the committee decide that it would like to proceed with oral presentations. Members were also encouraged to review these suggestions and consider whether they would like to hear from others.

At this time I would like to open the floor to discussion and comments relating to the next steps of our review. At this point I'll start a speakers list. Mr. Orr, go ahead.

**Mr. Orr:** Thank you, Madam Chair. Yeah. I appreciate the work that's been done here already. I think that in light of the fact that so few actually chose to respond to the written invitation, I'd like to at least sort of maybe expand the list a little bit for possible oral presentations. I'll make some suggestions here, and maybe some of these people will take us up on that. I'd like to add, if I may: Alberta Law Reform Institute, Canadian Centre for Child Protection, Alberta Seniors Advocate, Telus, Rogers, and Bell, and the Alzheimer Society.

Thank you.

**The Chair:** Did we get them all?

**Ms Luff:** Could I be on the speakers list, please?

**The Chair:** Yes. Just one moment, please.

**Mr. Orr:** I can go over it again if you want.

**Mr. Koenig:** One more time, please.

**The Chair:** Mr. Orr, do you happen to have a list of that that you could supply to us?

**Mr. Orr:** Yes. It was submitted by e-mail earlier today.

**The Chair:** Okay. Submitted to whom? To the clerk?

**Mr. Orr:** To, I think, Mr. Roth.

**The Chair:** Okay. Yeah. Sorry. Mr. Roth is just going to confirm.

**Mr. Roth:** Yes, Madam Chair. The Alberta Law Reform Institute.

**Mr. Orr:** Correct.

**Mr. Roth:** The Canadian Centre for Child Protection, the Alberta Seniors Advocate, and the Alzheimer Society.

**Mr. Orr:** Yes. Then also the corporations Telus, Rogers, and Bell.

**Mr. Roth:** Okay.

**Mr. Orr:** Particularly them because of the issues over telecommunications stuff.

Thank you.

**The Chair:** Thank you.

Member Drever, go ahead.

**Drever:** Thank you, Chair. I think it also would be beneficial to invite the following organizations to give an oral presentation even though they did not provide a written submission. If you don't mind, I'd like to just list off the following organizations that I would like to recommend, and I would be happy to follow up with an e-mail to the committee clerk with the names of those organizations: the Institute for the Advancement of Aboriginal Women; the Bent Arrow Traditional Healing Society; the Alberta Civil Liberties Research Centre; the Seniors Association of Greater Edmonton; the Calgary Seniors' Resource Society; Alberta Family Counselling Centres; the Canadian Mental Health Association, Alberta branch; and the Ministry of Seniors and Housing.

Thank you.

**The Chair:** Thank you.

Are there any other members wishing to comment? Go ahead, Mr. Ellis.

**Mr. Ellis:** Thank you, Chair. I think it could be important to have a representative from Alberta Health Services, based upon our previous conversation, maybe to assist with some clarification as well. As I previously indicated, again, during a point of an investigation AHS's hospitals are certainly somewhere that the investigation potentially leads.

I'd also like to add our vulnerable persons' shelters such as in Calgary the drop-in centre and the Mustard Seed in Edmonton and Homeward Trust and, I think, Boyle Street – please correct me if I'm wrong – and maybe also some of our rural stakeholders that deal with our most vulnerable population. Again, those are places where investigations, when we're looking for somebody in a missing persons case, tend to go as well as we just need to uncover all stones. I think it's important to have stakeholders involved in this as well. If we can extend an invitation, that would be greatly appreciated.

Thank you.

**The Chair:** Thank you, Mr. Ellis.

Mr. Smith.

**Mr. Smith:** Thank you, Madam Chair. In light of the fact that we will be dealing with some seniors' issues here, I thought it might be worth suggesting that Inspector Patty McCallum from the Calgary city police and Ms Kim Savard, the program manager of Carya, could be invited. Dr. Lili Liu, professor and chair of the department of occupational therapy in the Faculty of Rehabilitation Medicine at the University of Alberta, has done significant research on seniors and would probably be worth being approached. I think we had the Alzheimer Society already mentioned. I'd also consider the Alberta Council on Aging.

**The Chair:** Thank you, Mr. Smith. We're having some difficulty in hearing you. Perhaps you could send us an e-mail version of the list. We heard bits and pieces. Is that an option?

**Mr. Smith:** I believe the list has already been sent, but I can do that.

**The Chair:** Okay. We have indicated that we do have the list. Thank you. Mr. Roth will read it out.

**Mr. Smith:** Thank you.

**Mr. Roth:** Just to confirm, Mr. Smith, I have the Alberta Council on Aging and the Alzheimer Society of Alberta and Northwest Territories. Were there particular individuals, one from the Calgary Police Service?

**Mr. Smith:** Yes. There was Inspector Patty McCallum, who's done a significant amount of work on seniors and missing seniors through the Calgary city police department.

**Mr. Roth:** Okay. Kim Savard?

**Mr. Smith:** Yeah. She's the program manager for Carya, formerly Calgary family services.

**Mr. Roth:** And Dr. Lili Liu?

**Mr. Smith:** Dr. Lili Liu, who is out of the University of Alberta.

**Mr. Roth:** Thank you.

2:20

**The Chair:** Any other members wishing to add to the discussion? Mr. Orr.

**Mr. Orr:** Thank you, Madam Chair. Yeah, there are a couple. I didn't read my list properly here, so I will suggest a few others: RCMP K Division, the Information and Privacy Commissioner, the Child and Youth Advocate, the Ministry of Children's Services, the Missing Children Society of Canada, and also, I think an important one, the office of the Chief Medical Examiner.

**The Chair:** Thank you.

Are there any other members on the phone wishing to add to the discussion? Go ahead, Mr. Ellis.

**Mr. Ellis:** Okay. You know, one thing, just in regard to an investigation, that I think a lot of folks don't know is that although the police have access to driver's licence information and identification information as would be provided by provinces – maybe it would be the stakeholders in the police that would like, certainly, to argue the case for this, or maybe the registries or registry offices might be able to provide some insight into this – the police do not have access to a photograph of an individual. When we are conducting an investigation, especially in certain cases, with the urgency of that investigation, I always felt it very peculiar that although we had access to everything else on a driver's licence, we did not have access to the picture, and of course in a missing persons case the ability to know what the person looks like certainly aids in that investigation in locating that individual.

I don't know if anybody can – whether it's a question being asked or a stakeholder group, Chair, I think it's certainly something that this committee needs to consider giving investigators the opportunity to look into.

**The Chair:** Thank you, Mr. Ellis. I guess we need to determine whether or not this is something we want to bring forward as a recommendation and if so, who that stakeholder could possibly be. I heard you identify the registries, but I'm not sure that that's . . .

**Mr. Ellis:** Yeah. I mean, they would be an extension, but they certainly have access to the pictures of, you know, the individuals, hypothetically, of course, if we're looking for them, and the police

do not have access to a picture of an individual, especially in a case where it's a missing person. I'm sorry; I don't know the specific stakeholder. The registries would have input, but I don't think they're the ones that are in the decision-making process.

Thank you.

**The Chair:** Go ahead.

**Ms Robert:** Thank you, Madam Chair. I'm going to make a comment about this, and I'll ask Ms Hillier to correct me if I'm wrong, because I may well be wrong. I do not believe that photographs are a record that can be subject to a record access order in Alberta.

**Ms Hillier:** They certainly can. Yeah.

**Ms Robert:** Oh. Is that right?

**Ms Hillier:** Yes, because the act actually has right on the end: any other record that the justice would want to send. The act actually says that a photograph is one of the items that a police agency is authorized to release if they collect it under the act.

As long as I'm talking, I'd add that the motor vehicle registry is under the guidance of Service Alberta.

**The Chair:** Thank you.

Does that satisfy your question, Mr. Ellis?

**Mr. Ellis:** Well, yeah. I mean, obviously, if a police officer obtained, you know, a photo – I worked myself in the arrest processing area, and of course we had numerous photos of individuals, some of whom, sadly, had gone missing. However, in many, many cases they never had contact with law enforcement, and our only access is through motor vehicles in order to get a photo, again, making another assumption that that person has an identification card with a photo or a driver's licence with a photo. But I will say that, again, in some cases that photo on a driver's licence or that photo on an identification card may be the only photo that law enforcement has in order to do the investigation, so being able to provide them access to it, whether it be through a court order or whatever the case may be, some sort of mechanism that allows them to have access to that, certainly would help in an investigation. I hope that helps as well.

Thank you.

**The Chair:** Thank you.

Ms Luff.

**Ms Luff:** Yeah. Thanks, Chair. I just wanted to make a comment, a question, I suppose, to the committee. Since most of the written submissions that were included did include the recommendations for changes they'd like to see, I was just hoping that if we are writing to ask for oral submissions, could we ask each of the organizations to provide their recommendations for changes just so

that that saves us time, you know, if people are coming to the committee prepared with any recommendations they may want to make?

**The Chair:** I believe that that can be included in the letter. I'm getting nods. Yes. I'm being told: absolutely. Thank you.

Mr. Yao.

**Mr. Yao:** Thank you. Considering that there were some aspects mentioned that do reflect on our health care and those professionals regarding confidentiality as well as co-operation, would it be prudent to invite, say, the college of physicians as well as maybe a representative from the nurses' association or someone to that effect, to just ask about that aspect of these issues that we're dealing with?

Thank you.

**The Chair:** Thank you, Mr. Yao.

Any other members wishing to join the discussion? Thank you.

Hearing none, we have a potential motion that I will read out. The Standing Committee on Families and Communities will invite individuals and organizations identified in the proposed list of oral presenters prepared by research services to make an oral presentation in relation to the committee's review of the Missing Persons Act as well as the individuals and organizations submitted by committee members at the committee's meeting of January 18, 2018, as approved by the chair and the deputy chair.

Can someone move that motion? Mr. Orr. Any discussion, questions, comments? On the phone? Okay.

Hearing none, Mr. Orr moves that

the Standing Committee on Families and Communities invite individuals and organizations identified in the proposed list of oral presenters prepared by research services to make an oral presentation in relation to the committee's review of the Missing Persons Act as well as the individuals and organizations submitted by committee members at the committee's meeting of January 18, 2018, as approved by the chair and the deputy chair.

All in favour of this motion, please say aye. On the phones? Any opposed? The motion is carried. Thank you, members.

As we're having oral presentations, the next step for the committee will be to schedule a meeting with presenters.

Thank you, everyone, for your participation.

Other business? Are there any other issues for discussion before we conclude the meeting? On the phones? Thank you.

The date of our next meeting will be at the call of the chair.

At this time I would like to call for a motion to adjourn. Moved by Mr. Horne that the meeting be adjourned. All in favour of the motion, please say aye. On the phones? Any opposed? The motion is carried.

Thank you, everyone.

[The committee adjourned at 2:30 p.m.]









