



Legislative Assembly of Alberta

The 30th Legislature  
First Session

Standing Committee  
on  
Private Bills and Private Members' Public Bills

Bill 201, Protection of Students with Life-threatening Allergies Act  
Bill 202, Child, Youth and Family Enhancement (Protecting Alberta's Children)  
Amendment Act, 2019

Tuesday, June 11, 2019  
8:15 a.m.

Transcript No. 30-1-2

**Legislative Assembly of Alberta  
The 30th Legislature  
First Session**

**Standing Committee on Private Bills and Private Members' Public Bills**

Ellis, Mike, Calgary-West (UCP), Chair  
Schow, Joseph R., Cardston-Siksika (UCP), Deputy Chair

Glasgo, Michaela L., Brooks-Medicine Hat (UCP)\*  
Gotfried, Richard, Calgary-Fish Creek (UCP)  
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Neudorf, Nathan T., Lethbridge-East (UCP)  
Nielsen, Christian E., Edmonton-Decore (NDP)  
Nixon, Jeremy P., Calgary-Klein (UCP)  
Pancholi, Rakhi, Edmonton-Whitemud (NDP)  
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\* substitution for Richard Gotfried

**Also in Attendance**

Armstrong-Homeniuk, Jackie, Fort Saskatchewan-Vegreville (UCP)

**Bill 201 Sponsor**

Armstrong-Homeniuk, Jackie, Fort Saskatchewan-Vegreville (UCP)

**Bill 202 Sponsor**

Ellis, Mike, Calgary-West (UCP)

**Support Staff**

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Philip Massolin	Manager of Research and Committee Services
Sarah Amato	Research Officer
Aaron Roth	Committee Clerk
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

**8:15 a.m.****Tuesday, June 11, 2019**

[Mr. Ellis in the chair]

**The Chair:** Good morning. I would like to call this meeting, of course, to order and welcome everyone in attendance.

My name is Mike Ellis. I'm the MLA for Calgary-West and chair of the committee. I would like to ask members, staff, and guests at the table to introduce themselves for the record, starting to my right with the deputy chair.

**Mr. Schow:** Joseph Schow, MLA, Cardston-Siksika.

**Mr. Neudorf:** Nathan Neudorf, MLA, Lethbridge-East.

**Mr. Sigurdson:** R.J. Sigurdson, MLA, Highwood.

**Mr. Horner:** Nate Horner, MLA, Drumheller-Stettler.

**Ms Armstrong-Homeniuk:** Jackie Armstrong-Homeniuk, MLA, Fort Saskatchewan-Vegreville.

**Mr. Jeremy Nixon:** Jeremy Nixon, MLA, Calgary-Klein.

**Ms Glasgo:** Michaela Glasgo, MLA, Brooks-Medicine Hat.

**Ms Pancholi:** Rakhi Pancholi, MLA, Edmonton-Whitemud.

**Ms Sigurdson:** Lori Sigurdson – two Sigurdsons in here; it's kind of strange – for Edmonton-Riverview.

**Mr. Nielsen:** Good morning, everyone. Chris Nielsen, MLA for Edmonton-Decore.

**Dr. Amato:** Hello. Sarah Amato, research officer.

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

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

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

**The Chair:** Wonderful. Thank you very much for the introductions. Nobody is teleconferencing in that I'm aware of.

Substitutions: Ms Glasgo for Mr. Gotfried, who has some other meeting at the moment here.

I have a few housekeeping items to address. Please note that the microphones are operated by *Hansard*. Please set cellphones and other devices to silent for the duration of the meeting. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and video stream and transcripts of the meetings can be accessed via the Legislative Assembly website.

Approval of the agenda. Are there any changes or additions to the agenda? Okay.

Seeing none, would a member like to move that? Okay. Mr. Neudorf would like to move that the agenda for the June 11, 2019, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be approved as distributed. Any discussion on the motion? Okay. All in favour? Any opposed? Thank you. The motion is carried.

Approval of the minutes. We have the draft minutes from our June 4, 2019, meeting. Are there any errors or omissions to note? Okay. If not, again, would a member like to move that the minutes from the June 4, 2019, meeting of the Standing Committee on

Private Bills and Private Members' Public Bills be approved as distributed? Thank you, Mr. Nielsen. Any discussion on the motion? No? I see none. Okay. All in favour? Any opposed? Thank you very much.

Okay. We will go to the committee review process and scheduling. Hon. members, before we begin discussing the process the committee may wish to follow in its review of private members' public bills, I would like to draw your attention to the fact that the committee's deadline for reporting bills 201 and 202 has changed. Since the Assembly did not meet for a Thursday sitting as the Wednesday meeting of the Assembly was not adjourned until 7:43 p.m. the following day, the deadline for reporting these bills to the Assembly is now June 24, 2019.

I would like to call on Mr. Koenig from Parliamentary Counsel to speak about the review process and scheduling. Mr. Koenig, please.

**Mr. Koenig:** All right. Thank you, Mr. Chair. I would like to make some brief comments, just to clarify the discussion from the end of the committee's last meeting on June 4 with respect to the timing of a bill report once the committee has completed its deliberations. Hopefully, this is helpful for committee members as you begin to consider what the process will look like for the review of bills 201 and 202.

Once the committee has completed its review, the chair will rise during the daily Routine to present the report to the Assembly. That can happen on any regular sitting day, so Monday to Thursday, and then the Assembly will be asked to concur in the report. This is the trick here. If no members wish to speak to the concurrence motion, then a vote will take place. On the other hand, if there is a desire to debate the concurrence motion, that debate only can happen on the next available Monday sitting. Without getting too complicated into the process here, members should just keep in mind that a debate on a bill at second reading won't come up the same day a report by the committee is concurred in in the Assembly. That's sort of the bottom line in terms of when a bill could come up for second reading debate. Hopefully, this clarifies somewhat the process after the committee reports back to the Assembly, and if anyone has questions about how that might happen in practice, I'm happy to answer any questions.

**The Chair:** Okay. Thank you very much, Mr. Koenig.

Are there any questions for Mr. Koenig? No? Okay. Thank you very much.

Report of the subcommittee on committee business. Hon. members, the subcommittee on committee business met on June 5, 2019. As members will recall, the subcommittee was tasked at our last meeting with developing recommendations on the review process for private members' public bills that will come before this committee and the scheduling of the meetings. A draft report of the subcommittee was posted on the committee's internal website.

I'd now like to call upon Mr. Schow to speak to that report.

**Mr. Schow:** Thank you, Mr. Chair. At the last meeting the committee directed the subcommittee on committee business to develop recommendations on scheduling meetings and a process for the committee's review of private members' public bills. The subcommittee met on June 5, 2019, and considered the process for the invitation of bill sponsors, ministry officials, and stakeholders; the process for the time allotment; and processes for the scheduling of the eight-day review period.

I will now provide an overview of the subcommittee's recommendations, which are presented in section 3 of the report. Before providing the overview, I'd like to note that the

subcommittee's recommendations have attempted to provide for some flexibility in the process and to strike an appropriate balance between the need to give due consideration to private members' public bills of varying complexity and the need to report to the Assembly within a relatively short period of time.

Turning now to the recommendations, with respect to whom the committee should invite to present to the committee, the first recommendation is

that the Chair of the Committee invite the Bill Sponsor after the Bill has been introduced in the Assembly to present to the Committee the following business day . . . and that the Bill Sponsor be afforded the opportunity to present in person, or via teleconference.

In practice this means that if a bill were introduced on a Monday, the committee would have its first meeting on the bill on Tuesday, likely during the dinner hour, where it would first hear from the bill sponsor before making any decisions about the bill.

A related recommendation is that the chair of the committee may invite representatives from affected ministries, where appropriate, to present to the committee at the first meeting or possibly at a subsequent meeting.

Another recommendation is

that should the Committee decide to invite stakeholders, the Government and Official Opposition caucuses [would] each have an opportunity to invite a maximum of three stakeholders . . . and . . . that the Committee may also receive written submissions respecting the Bill.

The subcommittee also recognizes that it may not be necessary to hear from the stakeholders for every bill.

Turning now to the subcommittee's recommendations with respect to time allotment, the subcommittee recommends

that a total of five minutes be allocated for the Bill Sponsor to present to the Committee,

followed by 20 minutes of questions and answers.

During meetings that include stakeholder presentations, the subcommittee recommends that the stakeholders should be organized

into panels where appropriate,  
that they be allowed

to present to the Committee in person, via teleconference or videoconference;

that a total of five minutes be allocated to each stakeholder to present to the Committee, a further total of 15 minutes be allocated for the Committee to question each stakeholder, and that the total time allotted for meeting with stakeholders [per review] not exceed two hours.

Also, the subcommittee recommends

that when recognized to speak, a committee member be allocated one question and one supplementary question per [turn].

With respect to the time allotment for deliberations

the Subcommittee discussed allocating a maximum of 60 minutes for deliberating a Bill, and the need for flexibility depending on the contents of the Bill.

This is a subject that the committee may wish to deliberate on further.

As mentioned earlier, the subcommittee recognizes that it may not be necessary to hear from stakeholders for every bill, so with respect to scheduling of reviews during the eight-day review period, the subcommittee recommends that the committee should decide at the first meeting to review a bill whether the review should include presentations by stakeholders or whether the review should be expedited.

I will just briefly summarize here the two main options of conducting an expedited review versus conducting a review that includes stakeholder presentations.

**8:25**

If the committee chooses to conduct an expedited review, it will proceed to deliberating the bill immediately after hearing from the bill's sponsor and ministry officials if they are present. After finishing deliberations, the committee would then provide directions to LAO staff to prepare the draft report and may authorize the chair or the deputy chair to approve the draft report. The idea here is that the draft report would be made available the next business day for members to review. Then the chair and the deputy chair could approve the report after members have had the opportunity to review it, and then the chair of the committee would report to the Assembly on the next business day.

If the committee chose to conduct a review featuring stakeholder presentations, it is proposed that the meeting with stakeholders would take place on either the Thursday or the Friday of the week following the week that the bill was introduced in the Assembly. Depending on the number of stakeholders that the committee chose to hear from, it could either schedule a shorter meeting on Thursday after 4:30 p.m., or it could schedule a longer meeting on Friday. Then after hearing from the stakeholders, the committee would immediately proceed to deliberating the bill and providing directions on the report. The schedule then shows what the next steps of the review would look like, depending on what day of the week it was.

The final recommendation of the subcommittee is that the chair send a memo to all private members who have bills upcoming describing the review process that the committee has decided upon.

With that, I would now welcome any questions and feedback from the committee members. Thank you.

**The Chair:** Okay. I think that before we begin, a couple of things. I just want to publicly thank Mr. Nielsen, Mr. Neudorf, and Mr. Schow for being a part of that subcommittee. Thank you very much. I think you guys did an outstanding job, certainly under the time pressure that we were given.

We also have another member who has joined us. We'd ask Member Irwin if you could just introduce yourself, please.

**Member Irwin:** Absolutely, and apologies. I had a previous commitment. My name is Janis Irwin, and I'm the MLA for Edmonton-Highlands-Norwood.

**The Chair:** Fantastic. Thank you so much.

Going back to what Mr. Schow said, are there any questions at this moment regarding this report?

**Mr. Nielsen:** Sorry – technology. Gotta love it here, right?

Under 3.6 there was a little line in there about a pending recommendation around the maximum of 60 minutes. One of the things the subcommittee talked about was: "Will this be enough? Will it be too much?" We kind of ended up with a bit of a sense that we should possibly kick this to the full committee. One of the things that I did recommend out of that is that – because when I read this, it sounds like we're saying a maximum of 60 minutes but with flexibility. They kind of conflict a little bit, so I was suggesting that we just simply schedule 60 minutes. If we use it all, we use it all. If we have to go over, we have the ability to go over. If we don't need it, shut 'er down, as they say.

**The Chair:** That's a fair point. Is there any further discussion in regard to what Mr. Nielsen said? No? Okay.

So you're just outlining what's in the report. I think that's very fair.

**Mr. Nielsen:** Yeah. And, again, the other concern was just, you know, that we don't want to potentially pigeonhole ourselves here because we said: "Oh, it is a maximum. Oh, gosh, we needed 10 more minutes but, yeah, sorry." No thanks. I think just scheduling a block of 60 minutes gives us that flexibility one way or the other, and we don't have to constantly make motions to continue or whatever.

**The Chair:** That's an excellent point, sir.

Oh, one second. Did you want to interject on this?

**Dr. Massolin:** Yeah, Mr. Chair. You were asking about process in terms of what we're doing here, and the committee is obviously reviewing the report. Should that suggestion be incorporated in the report, I think that all that needs to happen is that the last sentence, "A recommendation is pending," would be stricken from the report.

Thank you.

**The Chair:** Oh. That would be great. Okay. All right.

Ms Pancholi.

**Ms Pancholi:** Thank you. Actually, I would suggest that the wording of it – based on Mr. Nielsen's suggestion, I would actually suggest that we do need to change the wording of that because it says: "allocating a maximum of 60 minutes." I think, rather, it should say, "scheduling 60 minutes," because the maximum implies that we won't go beyond 60 minutes, and what I'm hearing is that there's a consensus that in some situations there might be a need to talk about it for more than 60 minutes if we all agree. Perhaps rather than saying "allocating a maximum of 60 minutes," "scheduling 60 minutes" might be a suggested change.

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

**Mr. Schow:** I'm okay with that so long as it kind of speaks to the spirit of what we're trying to do, which is to deliberate as long as we need to, right? That was so that if we have to go longer, then we can do so with the consent of the committee. If the wording here, according to – if Dr. Massolin thinks that it's sufficient, then great. But if we have to change it, then I'd be in favour of that.

**The Chair:** Dr. Massolin, does this just require a small change, from your perspective?

**Dr. Massolin:** It's what the committee would like. If they agree with that change, then we can change it.

**The Chair:** All right. We'll vote on this, I guess.

**Dr. Massolin:** You could do, yes.

**The Chair:** Okay. I guess I don't have the exact wording in front of me, but I think that if we're going to make a small change – oh, okay. Sorry. What Dr. Massolin indicated, if there's consensus: is anybody opposed to this we'll call it minor change? No? Okay. All right.

Are there any other questions? Yeah. That's all right. We have lawyers in our caucus, too.

**Ms Pancholi:** I was going to say: leave it to the lawyer. Okay. Just looking at I think it's section 3.3 in the draft report, which is Invitation of Ministry Representatives, I'm just wondering if perhaps we could consider – you know, in 3.1 we've made it clear that the chair will invite the bill's sponsor the following day, and 3.3 seems to be allowing for the possibility of government ministry representatives coming to speak on the bill if that's necessary. I

would just suggest that whether or not government ministry representatives come to speak should be at the decision of the committee rather than the chair of the committee just because I think we should make a decision as a group as to whether or not a particular bill requires some input from the ministry. As it's worded right now, it suggests that the chair of the committee makes the decision. It says, "the Chair of the Committee may invite [government ministry] representatives." I think that either, just like the bill, the ministry representatives should automatically come, or it should be the decision of the committee as to whether or not to invite the ministry representatives.

**The Chair:** Mr. Neudorf, you had a comment?

**Mr. Neudorf:** Just to speak to the intent of that, the chair does the invitation on behalf of the committee. The committee does make the recommendation. If the committee feels that this bill could influence a ministry in particular, we invite that ministry to come and speak to that. It's just the invitation that's on behalf of the chair.

**The Chair:** I don't think I'm making the decision; I think I'm just making the invitation on behalf of the committee.

**Ms Pancholi:** I just think we can clarify the wording a little bit to make it clear about that, perhaps that, you know, after the bill has been introduced, should the committee decide to hear representatives, the chair may invite – I mean, there are changes that can be made, I think, to clarify that, that it's the decision of the committee as to whether to bring the ministry, but of course the invitation would come from the chair.

**The Chair:** Yeah.

Dr. Massolin, is it possible to incorporate that?

**Dr. Massolin:** Yes. You know, I would consult with Mr. Koenig, but I would suggest that you could simply say that after the bill has been introduced, the chair of the committee may invite, at the recommendation of the committee, representatives.

**The Chair:** Okay. Is there consensus on that as well, everybody? Okay.

Seeing none opposed, are there any other questions? Ms Sigurdson.

**Ms Sigurdson:** Yeah. One of the other things – and it was already sort of spoken about – about the subcommittee report is that, you know, they're suggesting that if something happens, then on Monday we meet and that kind of thing. The only thing is that our caucus has a conflict on that day during the supper hour, so that would make it difficult for us. I'm just making sure that there is some kind of polling or making sure that we are all involved in the process of when meetings are decided.

**The Chair:** Ms Sigurdson, as I stated last meeting – and I've said it several times to a few of your colleagues – this whole thing regarding private members' bills is unprecedented. We will be doing the standard practice of always polling our members.

8:35

**Ms Sigurdson:** Thank you. I appreciate that.

**The Chair:** You're welcome.

Any other questions?

**Ms Pancholi:** Sorry. One more question.

**The Chair:** It's all right. I almost had this page . . .

**Ms Pancholi:** This is just a clarification, actually, under 3.5, about the first line, talking about “organizing stakeholder presentations into panels where appropriate,” which I don’t disagree with. I think that’s a great idea. But then it later on talks about “five minutes [being] allocated to each stakeholder.” So I’m wondering: if it’s a panel of stakeholders, are we saying that a panel still only gets five minutes, or is it five minutes for each individual on the panel? If there are three people on a panel, that’s not very much time.

**The Chair:** Can we just ask counsel about that?

**Dr. Massolin:** Five for each.

**Ms Pancholi:** Five for each. Thank you.

**Mr. Schow:** It was just a way to streamline the process.

**Ms Pancholi:** Absolutely.

**The Chair:** Fantastic.

I’ll ask again: any other questions?

**Mr. Nielsen:** Oh, wait.

**The Chair:** Hey, we can have fun, right?

All right. Decisions regarding the review process for private members’ public bills. Hon. members, the report of the subcommittee on committee business has made recommendations in relation to the process of private members’ public bill reviews as well as the scheduling of meetings in a timely manner so that the committee can meet its obligations to report back to the Assembly under Standing Order 74.11(2). I would now like to open the floor to a discussion on these recommendations and whether the committee wishes to adopt them.

How about I just put forward the possible motion, and we kind of even discuss after that? Okay? We do have a possible motion here that

the Standing Committee on Private Bills and Private Members’ Public Bills approve the report of the subcommittee on committee business and the recommendations contained therein regarding the committee’s process and scheduling for reviewing private members’ public bills.

**Ms Glasgo:** I would like to move that we adopt the report of the subcommittee.

**The Chair:** Okay. Is there any further discussion on that? I think we kind of did this discussion prior to that.

No? We’re all good? Okay. Well, thank you very much, Ms Glasgo. All in favour of this motion? Any opposed? Hearing none, thank you.

The motion is carried.

#### **Bill 201, Protection of Students with Life-threatening Allergies Act**

**The Chair:** Okay. Review of Bill 201. Ms Armstrong-Homeniuk, I’d like to ask you if you’d just please go to the head of the table. All right. Fantastic. Thank you very much. We’re going to do the review of Bill 201, a presentation by Ms Jackie Armstrong-Homeniuk, MLA. At the committee’s June 4, 2019, meeting an invitation was sent to the sponsor for Bill 201, Protection of Students with Life-threatening Allergies Act, to make a presentation in regard to the bill. At this time I’d like to invite Ms Jackie Armstrong-Homeniuk, MLA, to provide a five-minute

presentation. This will be followed by a question-and-answer period.

**Ms Armstrong-Homeniuk:** Hello. Thank you, everyone, for being here today. As you know, my name is Jackie Armstrong-Homeniuk. I’m the MLA for Fort Saskatchewan-Vegreville. I’m here today to present my private member’s bill, Bill 201, the Protection of Students with Life-threatening Allergies Act. Bill 201 was inspired by my own experience as someone who suffers from a life-threatening allergy and as a mother of two children with life-threatening allergies. Someone can have a life-threatening allergy and not have a reaction until one day it’s a severe reaction. This was my experience with my children. I knew the severity of my allergies; I had no idea that I passed them on to my children.

I’ll just briefly tell you a story. My daughter was two years old. She spent the day with her grandparents. They had peanuts out; she ate them; everything was fine. That night we came back to visit grandma and grandpa. She ate a peanut that was on the floor, and she went into a severe anaphylactic reaction. I gave her medication, but it got worse. Her face swelled; her airway closed. We lived in Vegreville, and the doctor had then asked me – she couldn’t do anything more for my daughter. She couldn’t trach her because her airway had closed so badly. She said, “It’s your choice if you want to go by STARS or by ambulance to the Stollery.” I said, like, “Let’s do the ambulance because it would take 25 minutes for STARS to get to Vegreville.”

As we drove to Vegreville, she was getting worse. They were giving her epinephrine every 10 minutes, and it wasn’t even working at all. I actually had to hold her up like this. While I did that, all I could think about was that I have to sing her a song, and all I could think was: A, B, C, D, E, F, G. That’s all I could do. I made a promise that day to God that if He let my daughter survive, I would do anything to help somebody with allergies. No parent should have to go through that.

At the Fort Saskatchewan overpass I could hear STARS overtop, and the ambulance driver said: “It’s your decision whether or not we stop. It’s 25 minutes no matter how you slice it because we’ve got to get her loaded and fly.” I said: “Let’s just drive. Let’s just go.” We drove down Whyte Avenue the wrong way into oncoming traffic because she was blue and limp. I was holding her up. When we got to the hospital, all she said was, “Mommy, I’ve got to go to the bathroom.” She passed the peanut, and the reaction stopped. What that epinephrine did is that it actually forced her to push through this peanut a lot quicker than normal.

The scary thing is that three months later – I had a five-year-old who ate Oh Henry! bars. That was his favourite chocolate bar. The crazy thing about it is that he reacted three months later. He was five years old. You never know when you have a life-threatening allergy. You may have eaten it your entire life. Then we found out two years later that my dad, who was 70 at the time, had reacted.

This drove me to create Bill 201. It will do two things. It will mandate the presence of EpiPens in schools. It would be the first in Canada. Two, it would mirror many of the great policies from Ontario’s Sabrina’s Law. I don’t know if you’re aware of Sabrina’s Law. The bill applies to schools governed by the School Act and the Northland School Division Act. An EpiPen is a standard dosage of epinephrine. When someone has a life-threatening reaction, epinephrine is the only medication that can save your life.

The primary responsibility for a student’s allergy is with the parents. I don’t want anyone to think that it’s to shift the responsibility from families to schools. Boards have been given the freedom to implement this policy and acquire EpiPens in their own way. Many schools that I know about have EpiPens on hand, and I

have donated to schools in the past, as have other parents. There is a cost for EpiPens, but I think that communities and community groups and parent councils, you know, different service clubs will step up if the schools have a hard time with it.

One reason for schools to have an EpiPen is in the case of somebody not knowing they have an allergic reaction, just like my son. Another reason is for those students with an EpiPen at school when they cannot reach it during a crisis, like in Sabrina's Law: she was in the cafeteria, she ate fries, and the fries had been contaminated with cheese. She ran back to her locker, but she couldn't get there quick enough.

**The Chair:** Thank you, Ms Armstrong-Homeniuk, for that very important presentation you had. I really appreciate it.

I'd like to open up the floor to any members who might have any questions. We have 20 minutes.

**Ms Glasgo:** Thank you so much for sharing that story. It's a little personal for me because I also have an anaphylactic nut allergy. I went into anaphylactic shock when I was three years old at my grandma's house as well. You've got to love grandmas, but they have nuts around all the time. I actually never went into anaphylactic shock at school, but I did actually again react at 25. Given that this gets worse every time you have a reaction and the reaction time is smaller, when I went into anaphylactic shock in May, I didn't know when to administer my own EpiPen because the panic was so intense.

I just wanted to hear if you actually had the same experience or if you think that this is maybe something that contributes to your bill. I mean, these are young children, likely, in these schools, and for some of them, the oldest they'd be is, likely, 17. But the assumption is always that the onus is on you to give yourself an EpiPen, but I would actually argue – and I don't know how you feel about this – that that's a little bit more difficult. So I would just like to get your thoughts on that.

8:45

**Ms Armstrong-Homeniuk:** Well, I have anaphylactically reacted, and I can tell you that you do not have the state of mind to administer that EpiPen to yourself because you actually think you're going to be okay. You think you'll be fine. "I'll have some water; I'll be fine," but it does not work that way. To expect young children to be able to do this to themselves is absolutely ridiculous.

Another part of my bill will have schools have a policy that would reduce exposure to allergens and have a communication policy to distribute information about life-threatening allergies. At that point teachers and schools and all the employees can actually do a free online course provided by I believe it is Allergy Canada. It's a very easy course to take, and they do discuss the fact that you cannot administer an EpiPen to yourself. That's part of it. Of course, parents need to be responsible for supplying key medical information and keeping it up to date if there are any changes in allergies. The boards would have the freedom to develop what they consider to be the appropriate level of training.

There's a standard dosage of EpiPen. You can't overdose on an EpiPen. I think we all know that it's orange to the thigh, blue to the sky. Easy to do. The training should be enough that an employee can help a student with a life-threatening allergic reaction without taking time away from the other classroom initiatives. Employees will have liability protection when helping a student. They will have peace of mind that they can help a child and maybe save their life without fear of legal consequence.

I hope that the committee finds the bill in the public interest and that it can continue to be debated in the Legislature. I'm happy to take any questions.

**The Chair:** Ms Irwin.

**Member Irwin:** Thank you. I appreciate you sharing your personal story as well, so thank you for that. I was a teacher and an administrator in rural Alberta as well, so I definitely appreciate the work that you're doing here. I'm just curious, from the board level, from the school level: have you spoken to many stakeholders? You know, what have you heard from them? As you alluded to, a lot of boards already do of course have policies in place, so I'm just curious what you've heard to date on this.

**Ms Armstrong-Homeniuk:** Well, first of all, the ATA is supportive, okay? It brings better . . .

**Ms Glasgo:** Consistency?

**Ms Armstrong-Homeniuk:** . . . consistency – sorry – across the boards on how allergens are addressed. They want plans to be school based and to have one plan for everyone but individually specific to each child, like: I have this allergy, so this is what we do. They want to ensure that regular training is not burdensome on teachers. The boards themselves would like to be the ones who are setting out the policy, I guess.

**Member Irwin:** Just a follow-up on that.

**The Chair:** Go ahead.

**Member Irwin:** Did you speak with any individual boards? Did you speak to, say, the Alberta School Boards Association?

**Ms Armstrong-Homeniuk:** I believe it was the ASBA.

**Member Irwin:** The ASBA. Okay.

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

Mr. Neudorf, I think you have a question.

**Mr. Neudorf:** Those were my questions.

**The Chair:** Oh, well, very good.

Are there any other questions? Mr. Horner.

**Mr. Horner:** Yeah. Great story, Jackie. Thank you for sharing it with us. I was just curious, as someone that doesn't have a lot of background with this, what the expected cost would be. I believe the pens expire. Maybe if you could just go into some of the details around the pens specifically.

**Ms Armstrong-Homeniuk:** Okay. Myself, when I go to the pharmacy, I ask for a far-dated EpiPen, and I make them order me one. That's usually a year and a half – okay? – and the pens are about \$150. There are some pharmacies, actually, that will sell them to you for \$100. That's very small in a whole school budget, I think, to carry a \$100 EpiPen in your emergency kit. I think \$100 per school or \$150 per school is still very reasonable. You know, we have to worry about bee stings, too – right? – wasp stings. There's always that. Having that EpiPen there just gives that little bit of comfort, I think, for the teachers, too.

**The Chair:** Mr. Nielsen.

**Mr. Nielsen:** Thank you, Mr. Chair. And, again, thank you for sharing that story. As someone who came from the food industry, I

know how serious it is around cross-contamination, limiting the contact of allergens, and, of course, as a parent with a child that has many health challenges. We also had an allergy scare, just simply eating a Fudgee-O cookie. Again, it was only a scare. It's never occurred since, but for a while my daughter did walk around with an EpiPen.

When I'm thinking about this a little bit, one of the questions that comes up is that usually schools will have more than one child with potential allergies. While I definitely agree that it would be great to have an EpiPen on-site, even though normally doctors will tell the patient to carry a pen around anyway, I'm wondering what your thoughts are around – you know, I would definitely hope that this would never ever happen, but if we had a case of multiple allergic reactions at the same time, obviously we would need more than one EpiPen. What are your thoughts around that?

**Ms Armstrong-Homeniuk:** Well, I would think most parents will send an EpiPen with their child to school. This is for the one-off, the one time that, you know, maybe someone gets stung in the school playground. In Sabrina Shannon's case, she couldn't make it to her locker quick enough – it was locked in her locker – and she died on the floor. This way someone could have run to the office, grabbed the EpiPen. It's more of a protection of a one-off. That's really what it is.

**Mr. Nielsen:** Just a follow-up.

**The Chair:** Yeah, absolutely.

**Mr. Nielsen:** Do you think there might be some merit in possibly having, say, for instance – I don't know – one per child?

**Ms Armstrong-Homeniuk:** Well, that's probably too much, I would say.

**Mr. Nielsen:** Okay.

**Ms Armstrong-Homeniuk:** I would say that that's too much.

**Mr. Nielsen:** Thank you.

**The Chair:** Any other questions?

Okay. Great. If there are no further questions, I'd like to thank Ms Armstrong-Homeniuk for making her presentation today.

We'll go then to decisions on the review of Bill 201. Hon. members, the committee will now need to make a decision on how to proceed with its review of Bill 201. I would now like to open the floor to a discussion on how the committee would like to proceed with respect to this bill. Any further discussion on what we just heard?

**Mr. Sigurdson:** For me right now this seems like a no-brainer. I mean, we've identified that there's a situation that could possibly happen where time is of the essence. Considering EpiPens and how easily they're administered and the fact that there's very negligible cost and training to it, I think this is a no-brainer. I don't think we need to go into any further discussion on this. I mean, personally, for me this just seems to be a very easy decision, moving forward on this, in my opinion anyways.

**The Chair:** Ms Pancholi.

**Ms Pancholi:** Thank you. I didn't get a chance to thank Ms Armstrong-Homeniuk personally. I appreciate it very much. My daughter at eight months old also had an allergic reaction, so I appreciate the scare. Luckily, she's managed to outgrow her allergy, but I was very moved by what you were saying.

I agree that this is something we can all agree on in terms of child safety and everything like that. Absolutely. I do believe, though, that this is probably something that I'd like to hear a little bit more from stakeholders about. My background in the education world is that I've worked in education for 13 years. I know that a lot of school boards do already have anaphylaxis policies. I'd like to have a little bit more information to address the one-off situations that the bill sponsor has brought forward.

I'm not sure if those policies – well, some of them, I think, do already accommodate for those one-off situations, but I think it would be good to hear from some of the school boards as well as perhaps the school superintendents to sort of get an idea of what the status is across the province of school boards. While it's certainly not an extensive cost – I mean, there are a lot of schools operating in this province, and \$100 to \$150 per EpiPen per school. They expire quite regularly, so they'd have to be repurchased. I think that is something that we should be looking into, what the cost to the system would be for that.

I think this is a situation where I would like to suggest that we should hear from some stakeholders just to get feedback on some of those details so we have a better sense of what's going on.

8:55

**The Chair:** Okay.

Are there any other comments?

**Mr. Neudorf:** Thank you to Ms Armstrong-Homeniuk for that. Just to do a little bit of math very quickly. I just did some research here. There are 379 school authorities, which approximately have in Alberta 676,000 students. On basic numbers of approximately 200 students per school, that gives us 3,300, 3,400 schools. For EpiPens purchased once a year, it would be roughly half a million dollars across the entire province, so it's a fairly minor cost. I think that's significant to know. Those are not exact numbers. I didn't have a chance to do all that math, but that gives you a little bit of a ballpark of what we're talking about in terms of numbers.

As well, I appreciated the comments that many local community groups are willing to sponsor these kinds of pens to get this started, so that cost could be brought down even further. I would like to suggest that in her research she did reach out to the ATA. The ATA does support that.

In order to move this forward without delaying it any further, I would like to just ensure that we understand that the intent of this bill can still be debated after second reading if we need to do that, and private members can consult with stakeholders if they want to talk to them. But I would like to see if we can continue to move this forward without delaying any further.

**The Chair:** I mean, certainly, we have an opportunity in second reading, Committee of the Whole, third reading. You know, it's our understanding that Ms Armstrong-Homeniuk also did her research in regard to this bill and consulted with stakeholders. I certainly appreciate the comment made by Ms Pancholi, and it is noted.

I would still open up the floor for further discussion on the issue. Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. One of the things I picked up on when you were talking about, I guess, sort of standard operating procedures – I don't know if that's the right word – is that there might be some differences between jurisdictions. You know, again, as somebody with a background in health and safety I would love the chance to be able to see if it's possible to standardize so that we have the best practice moving forward all the way across the board. That way there's never any guessing on, "Are they maybe below the curve?" or things like that.

I do notice that in the bill you have a coming-into-force date, potentially, of the 1st of January, 2020. Given the tight timelines that our committee has in order to get this back, I still think that we wouldn't be, I guess, slowing it down too much to just try to get a bit of a sense from stakeholders on, you know, can we maybe achieve that standard? I think that leaving it, there's a bit of a human nature sometimes of: well, we'll just do what we have to do rather than what we could do. I'd like to see that "what we could do" be the standard right across the board because our kids deserve the best, absolutely the best. I think that that would give us an opportunity to see if there's a way that we could try to just get everybody to raise that bar.

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

**Mr. Sigurdson:** Well, I guess that when it comes to stakeholders, I sort of disagree on that a little bit. I mean, it says right in here under establishment of policy that "every board shall establish and maintain an anaphylaxis policy." I think that there's a difference across the province when you're going from rural to urban. I think that this gives the flexibility for the individual schools and the school boards to be able to devise a plan that fits the area and the geography in which they exist. I think that this gives better flexibility for individual areas to establish that, and like Member Pancholi was saying as well, if some already do have a policy in place, they can adapt or just move, and it gives them the flexibility to move.

I think it's laid out pretty simply in here, and it could be built upon as we move forward.

**The Chair:** Mr. Schow, you had a comment?

**Mr. Schow:** Thank you, Mr. Chair, and thank you, Ms Armstrong-Homeniuk, for your moving presentation. I appreciate your remarks.

Just in response to Mr. Nielsen's comment, there are a lot of schools that do in fact already have policies in place for this. I think this is just taking the step to ensure that all schools have a policy in place. One of the concerns that I had with the remarks was that standardizing this process would, without question, require a much higher level, I want to say, kind of bureaucratic process. I would prefer to defer to the school boards and the individual schools. Mr. Sigurdson had said that even how individual schools want to implement this – so long as there's one there, it would be based on their proximity, probably, to first responders and those kinds of things. I would actually probably try to get away from a standardization so long as the spirit of the bill is met with regard to having an EpiPen on-site and having a process to have it administered in the event that someone has a reaction.

**Ms Glasgo:** Much of what I was about to say was covered in Mr. Schow's comments, but I do think that the flexibility to be able to make this policy specific to each area is really important. For example, I know that there are areas in my riding specifically where it would take a really long time to get to emergency services as well. Much like in Ms Armstrong-Homeniuk's case, to get an air ambulance is pretty darn hard when you live in southern Alberta. HALO isn't necessarily available in all areas of my riding either, and it's overlapped by STARS. I feel like if we had this ability to make it specific to the area, it would be a lot better. Standardization: while in theory I think it's a great idea to make sure that there's a standard, it doesn't really work in practice, especially not in my riding.

I would just like to comment on the cost part of this as well because I know that was a question. In speaking with Ms Armstrong-Homeniuk as a guest on this committee – I didn't think

I'd be here today – as far as the cost goes, when I grew up, my mom worked at Safeway and my dad worked in the oil and gas sector, so we didn't have any kind of coverage that would cover the cost of my EpiPen. They were a lot more expensive back in the day as well. I had to wear an EpiPen, and that was a major cost for my parents. So this is also, I believe, good for a kid who might come from a lower income background or whose parents maybe can't afford to renew that EpiPen, that there's something available in the school for them in case they do go into anaphylaxis. Obviously, the assumption is that you would carry your own, but I think this just covers our bases. I can't express from my perspective and from my personal experience – I got bullied for wearing a fanny pack with an EpiPen in it – how important this bill is to me, and how much I appreciate Ms Armstrong-Homeniuk bringing this forward.

**Mr. Nielsen:** Just so there's no misunderstandings here, I am in favour of this. Absolutely. I'm in favour, again, being a parent that has been with a child that has, you know, congenital heart disease and spent lots of time in hospitals and stuff like that. I want our kids to have the best, no questions asked. I'm not even so much for even asking how much it costs. I think we should just do it. I want to make sure that we're not cheating, I guess. Give them the best.

**The Chair:** Are there any other comments?

Okay. What I'm hearing is not consensus on how to move forward. Just discussing with counsel here and the clerk, we're going to put forward a motion, I believe. We need to decide on how to move forward. Somebody will have to move a motion either to move forward with further stakeholder consultation or to expedite the process, and then we'll put it to a vote.

**9:05**

**Mr. Sigurdson:** I move to expedite the process.

**The Chair:** Okay. I will ask the clerk if he could put a motion on the screen. Is that it? Okay. Great. I will read the motion as put forward by Mr. Sigurdson: that

the Standing Committee on Private Bills and Private Members' Public Bills proceed with the expedited review process of Bill 201, Protection of Students with Life-threatening Allergies Act, as outlined in the committee's report on the bill review process.

Further discussion?

**Ms Pancholi:** I just want to say that I'm in support of the concept behind this bill. I agree with supporting all children, particularly those with life-threatening allergies. However, my background is that I have worked in education for a long time, with education stakeholders very closely. I realize that this measure came up a number of years ago. I'm ballparking around the time frame, but it would probably be about 2008 to 2010 when this issue came up about introducing a private member's bill specifically on introducing the same Sabrina's Law measures. While I can't recall exactly why it didn't go forward, there was some push-back, I recall, from stakeholders. I just would feel better about going forward if we had some stakeholder engagement so that we can have some consensus around this.

I think we absolutely all agree with the objective. I don't disagree with the bill at all. I just think that in terms of what we're deciding here, the process to go forward, there are going to be some private members' bills where there aren't clearly defined groups of stakeholders that are affected, but in this case we have some very clear, well-organized, articulate stakeholders, whether it be superintendents, the ATA, the school boards, students, and I would just love to hear from them.

That's really all I'm going to say. I just want it put on the record that I support the objective of this bill, but I think that whenever we're making government policy, we have an obligation to make sure that we make policy with the best information, and I would encourage and look forward to hearing from stakeholders on this. I just wanted to put that on the record.

**The Chair:** Point taken. Thank you, Ms Pancholi, for your well-thought-out comments as well.

Are there any other comments?

Okay. We're now going to vote on the motion that we have before us and as I have just read, and we will identify the votes as we go around the table. Oh, a voice vote. My apologies. All those in favour, please say aye. All those opposed?

That's carried.

Thank you very much, everybody, for participating in this.

Now we just need to move forward on a recommendation for moving forward with this bill. If I can ask somebody to make a motion that we are going to let the Assembly know that we support this bill. We'll put a motion forward, a motion to proceed. Mr. Clerk, go ahead.

**Mr. Roth:** Thank you, Mr. Chair. Perhaps something like this might work: that

the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 201, Protection of Students with Life-threatening Allergies Act, proceed.

**The Chair:** Okay. Any further discussion?

**Mr. Neudorf:** Ms Armstrong-Homeniuk, in consideration of the comments made, I would recommend that you get a stakeholder letter for when this is at second reading, for any support. I think that would be helpful at the debate stage if you were able to table that information.

**The Chair:** Okay. Anything else?

All those in favour, say aye. Any opposed? Okay.

The motion is carried.

Thank you very much.

We're going to move to Bill 202. As you are all fully aware, that is my bill. I'm going to recuse myself at this time. Mr. Schow will take over, and we will do the presentation.

[Mr. Schow in the chair]

### **Bill 202, Child, Youth and Family Enhancement (Protecting Alberta's Children) Amendment Act, 2019**

**The Deputy Chair:** All right. Thank you very much. I'd like to recognize, replacing Mr. Trafton Koenig, Earl Evaniew, a representative for Legislative Counsel, who will be taking a chair up here.

At the committee's June 4 meeting the committee decided to invite Mr. Ellis, the sponsor of Bill 202, Child, Youth and Family Enhancement (Protecting Alberta's Children) Amendment Act, 2019, to make a presentation in regard to the bill. At this time I would like to invite Mr. Ellis to provide a five-minute presentation. This will be followed by a question-and-answer period.

Mr. Ellis, the floor is yours.

**Mr. Ellis:** Thank you very much, Chair. How did we get to where we are today in regard to a bill commonly known as Serenity's law? Former journalist Paula Simons, who is now a Senator, dug into the tragic story of a four-year-old indigenous child, Serenity. Serenity arrived at the hospital in central Alberta on September 18, 2014,

hypothermic and weighing just 18 pounds, the weight of a typical nine-month-old baby. Notes from the emergency room described multiple bruises all over her body, some green in colour, others purple. The notes describe bruising to the child's pubic area and that her hymen was gone. Serenity was airlifted to the Stollery children's hospital in Edmonton. Doctors determined that she had suffered a severe and horrific brain injury, with no hope of recovery. Serenity died on September 27, 2014.

There were multiple adults, other than those charged, that were residing in that home where Serenity lived. It is absolutely outrageous and devastating, what was allowed to happen not only to her but also to her two siblings. It needs to be clear to all Albertans that they cannot turn a blind eye to a child who is in need, a child who is facing abuse.

**9:15**

Dr. Juliet Guichon from the University of Calgary made a presentation which I attended, and we discussed how to make legislation better and stronger to help protect children. The bill that I had first come up with was a bill known as Bill 216, which was presented in the fall of 2017. It was a higher numbered bill, and we did not have the time to debate this in the Assembly as we eventually went to an election. There may have also been some misunderstanding as to the intention behind the legislation. I'm glad to say that I have met with the Minister of Children's Services, who has also consulted with her department, and it's my understanding that we are all on the same page as to what this bill actually does.

Now, what Bill 202 does: this bill reinforces that it is the legal responsibility of all adult Albertans to contact authorities if they know a child is at risk or in danger or in need of intervention. Current legislation requires adults to contact a director if they are aware of a child in need of intervention. Bill 202 adds two words, "police officer," to provide Albertans with a clear option as it is not obvious how to contact a director or who constitutes a director. The bill increases the maximum penalty for failing to report from \$2,000 to \$10,000 and up to six months in prison, which is actually consistent with the current legislation.

From a CBC article from 2017: former NHL hockey player Sheldon Kennedy, who brought to light sex crimes by his former junior hockey coach Graham James, said that there are usually people who know what is happening and don't report it.

If the law is there, he said, it should be used.

"I think it is a lost opportunity," said Kennedy, now an advocate for child-abuse survivors.

"The reality is other people a lot of times have gut feelings that something's not right but [they] don't do anything about it. Somehow we need to enforce an act or empower people with the confidence and knowledge to make them act."

Crossjurisdictional analysis that we did, whom to report. Now, Saskatchewan's Child and Family Services Act section on duty to report states:

Every person who has reasonable grounds to believe that a child is in need of protection shall report the information to an officer or peace officer.

Prince Edward Island also has a Child Protection Act, that states: . . . every person who has knowledge, or has reasonable grounds to suspect that a child is in need of protection shall

(a) without delay, report or cause to be reported the circumstances to the Director, or to a peace officer who shall report the information to the Director.

Penalties are fairly consistent in places like British Columbia and, from what I saw, in Nova Scotia as well.

Additional notes. There have been no convictions under the current section, usually because of the challenges of proving how one should contact or how to contact a director. The bill would

come into force upon royal assent if accepted by the Assembly. There was discussion about “police officer” versus “peace officer,” and the consensus was that “police officer” was more suitable; “peace officer” was too broad. Consultation with Alberta Justice and, of course, Children’s Services: both preferred “police officer.”

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

I’d now like to open the floor up to questions for Mr. Ellis from members of the committee.

**Mr. Neudorf:** Thank you, Mr. Ellis. I would like to just hear the final thoughts you had on that.

As well, if you could explain: if someone was to have a suspicion or a concern about a child and they report it to a police officer and the person that they had indicated was, in fact, innocent, would there be any negative repercussions for that person, the opposite effect? If you could explain those two scenarios.

**Mr. Ellis:** You know, having been a police officer for approximately 13 years – I mean, if there is an indication where somebody reported neglect or some form of child requiring intervention, they’re going to contact social services, and the current process, which is not going to change, is going to follow through. Ultimately, the police are going to conduct their investigation, and whether they deem charges are necessary – that’s how it’s going to go. To determine guilt or innocence is not something that we discuss at this time.

**Mr. Neudorf:** Thank you for clarifying.

**Ms Sigurdson:** Thank you very much, Mr. Ellis, for your presentation. I have a social work degree, and I worked in child welfare some years ago now, so I feel like I intimately understand some of the challenges that we have with child welfare, of course. I think that there are some issues with just education of the public, too, about this act. I mean, it’s been a long-standing part of the legislation that it’s mandatory to report, that you must report if you are aware of that. But I think that many Albertans don’t understand that, so I think that needs to be part of any plan going forward, that people need to be educated about that.

I just want to say that there are significant issues also just with follow-up when reports are done.

There is a concern I have about professionalism within child welfare because, you know, if you’re a teacher in the school system, you must have a BEd. You must have a bachelor of education. But if you work in child welfare, you don’t have to have a bachelor of social work, and actually 60 per cent of the staff have a generic – may have a diploma here or there. The standard for the workers should be a BSW – and they are in many other jurisdictions – but in Alberta, certainly, I think, it was under Ralph Klein, the Premier, really just a focus on deprofessionalism.

I think that this looks at a piece of it, something that existed and something we have to do more education about, but there are so many other fundamental issues so that kids in Alberta are safe and taken care of. You know, I guess I’m certainly wanting to speak to other aspects: education; having professional staff in the ministry; that BSW, RSW are the baseline. That’s just not present; I mean, I’ve had a deep concern about this all the time.

And then just implementation of the act that’s already existing: how come people haven’t been charged if they were aware of something? I don’t know if we really know the full story on that. I know that you did mention some points about that.

Okay. Go ahead.

**Mr. Ellis:** Yeah. Well, first of all, you make an excellent point. Education is key, right? You’ve probably heard me talk about this before: education, prevention, intervention. Educating the public is vitally important to any form of success that we can have with pretty much any bill that we have.

In regard to why nobody is charged, you know, from a police officer’s perspective, the ability to form the reasonable suspicion, the reasonable and probable grounds that you should have called a director: that’s really what the issue is, right? Everybody knows or everybody should know that if a child requires intervention, you should contact police. To say that a person should have known or ought to have known to contact a director, in the eyes of the people that are laying the charges – they have some issues with that. That’s why nobody has ever been charged under that piece of legislation. That’s why when you see the crossjurisdictional analysis with the other provinces – and I think that one of the provinces I mentioned mentioned “director,” but they also mentioned “peace officer.”

It’s just, to your point, Ms Sigurdson, the education, to let everybody know that if a child requires intervention – and we’re talking about a child who is in desperate need, where their life is in danger – they have a responsibility, not just a moral responsibility but a responsibility now, which already exists under law, to contact the police, right? That’s where we’re at.

Thank you.

**Mr. Neudorf:** Mr. Ellis, do you have any further comments? I know that in Lethbridge there are several schools that do have a police liaison that visits the school, that establishes this connection with a person of authority that they could report to. Do you know if that’s common practice across the province, if this is part of that education that would make this bill more enforceable as well as more in touch with the community? Is that common practice?

9:25

**Mr. Ellis:** Well, I mean, I can speak for Calgary. You know, we have police officers in schools.

But that’s kind of taking away from what this is really about. In the case of Serenity, in the case of some other very high profile cases in Alberta, in these cases, yes, there were caregivers who were charged and, I would almost argue, rightly so. But through the investigations there were other adults in these residences who knew or ought to have known that these children were on the verge of death, and they did nothing.

That has been the frustration from the consultation I’ve had with law enforcement officers, defence attorneys, other stakeholders, the doctor of laws Ms Guichon, who I spoke with – that was part of her frustration – that in many of these high-profile cases there were other adults who knew or ought to have known that these children were at risk. As I pointed out, Mr. Kennedy’s comments – I’m paraphrasing, of course – were that, yeah, there were probably people that knew that this abuse was going on, yet they chose not to say or do anything about it.

This is simplifying something that is already in existence. This already exists, that you need to call the authorities, but we’re just making it simple, whether it be the investigators with social services, whether it be the police officers, that when they go into these homes and there are charges laid against the caregivers and, through their investigation, they find out that there are other people who knew or ought to have known and they’re able to form those reasonable and probable grounds, they say, “Hey, wait a second; you are just as responsible as well,” and there’s a mechanism of what we call accountability, right? Right now, under the current legislation, why nobody has been charged is that, although it’s

written there, they can't hold anybody accountable. That's the frustrating part for all these stakeholders.

**Mr. Neudorf:** Thank you for explaining that. I just appreciate the link, that the police officers are actually the link in the bill to the students, to the public, because they form that. They are that recognized authority that makes that connection possible, which is why I fully support this initiative. Even myself: when you say, "report to a director," I have no idea where to find a director, who that is referring to, right? But I do know police officers. I appreciate that connection.

**Mr. Ellis:** Quite frankly, most – you know, take this out of here. Police officers are traditionally what we call the pointy end of the stick. That good Samaritan who does notice the child who's at risk will typically call a police officer. They call 911. Part of our debate on our legislation when we were doing this: I think one of the original drafts was "call 911." But through consultation with the Alberta Association of Chiefs of Police, consultation with ministries, everybody felt comfortable with the term "police officer," and that's what we've gone with here.

**Mr. Neudorf:** Thank you.

**The Deputy Chair:** Mr. Sigurdson.

**Mr. Sigurdson:** Yeah. Member Neudorf actually touched on it a little bit. I like the simplicity of this, that it's just, you know, "police officer," because looking at this, I'm a little shocked. Like I said, I don't know who a "director" is and how you contact. I don't know if you want to comment on that. I'm sure there are difficulties with that.

**Mr. Ellis:** Well, that's the frustration. That's the frustrating part, right? It's the director of social services. Of course, if you're able to manoeuvre through the websites, you know, there's a phone number to contact. But, again, for most people, as we experienced even during the 29th Legislature in consulting and talking with other members, nobody really knew. What did that mean? Your question was actually consistent with past members of this Legislature, which is: "Well, what does 'director' mean? How do I contact a director?" Now, those that are in the business, we'll say, of social services or dealing with vulnerable children: they know. But most people, normal Albertans, don't know how to contact. But everybody does know how to contact the police.

**The Deputy Chair:** Ms Pancholi.

**Ms Pancholi:** Thank you. I want to thank you for bringing this forward. I think it's a really important conversation. I appreciate, actually, the conversation we've had so far because when I first read the bill, I thought it was to address primarily that issue of helping Albertans know who to contact when they have a duty to report because, you know, as Mr. Neudorf said, people don't often know who the director is but they know who a police officer is. But I actually really appreciated the context that you provided, Mr. Ellis, that it's also about understanding that the failure to report has consequences.

You know, I think you're right. There's a case in the news right now about the young boy who was left dead outside a church. There's a criminal case, and the woman who lived with the family members said she knew that the child was being abused and clearly never reported it. Certainly, there is an issue, there's a big issue, about people not reporting when they know a child is in need. I very much appreciate that other piece of it.

I'm wondering, because there haven't been convictions under the existing provisions – it's one thing to sort of increase the scope of people that can be contacted to report and to increase the penalty for failure to report. But how do you think, from your conversations either in your experience as a police officer or your experience, that will be enforced? Do you think that there is a capacity for police officers or willingness to take forward convictions? Will this help them do that because I think that's what we're trying to get at here, right? It is trying to mandate people to say: "It's your social responsibility. If you know a child is in need, you need to report it, and failure to do so: there are consequences for that." How do you think these changes support that?

**Mr. Ellis:** I think as you and likely others are aware, when the police go in and they conduct their investigation, they're going to investigate the totality of what has happened in that particular incident. Through their investigation, as I've already previously indicated, you know, you have the people that they charge or may not charge, but then you also have this group of individuals who knew or ought to have known, and that becomes the frustrating part. You hit the nail on the head with the example that you gave, right? For me, if I was investigating that case, I mean, yes, I'm looking for the person responsible, but through my investigation I'm noticing this avenue that's leading me down to people who knew or ought to have known.

Again, I don't want to be the defence attorney here, but, you know, if I went under the current piece of legislation to that person who knew or ought to have known and as the defence I go: "Well, contact the director? How do you contact the director?" I could never prove this charge or prove that that person should ought to have known to contact a director because most people, even those in this room, don't really know. But if I add just the simple words "a police officer," then that just gives the investigator, whether it be the police officer or Children's Services, whoever the peace officer is who is doing that investigation, it gives them the ability to provide accountability – right? – to the people who knew or ought to have known that those children were at risk. I hope that helps to answer your question.

**The Deputy Chair:** Ms Irwin, please.

**Member Irwin:** Thank you. Again, just echoing Ms Pancholi's comments, I very much appreciate the work that you've put into this. One of the questions that I wanted to ask was just around the consultation that you've done. I know you noted that you've spoken with, obviously, your former colleagues and whatnot and academics as well.

Now, we know that more than 10,000 children and youth are currently requiring child intervention services across this province and over 60 per cent are indigenous. My riding has one of the highest urban indigenous populations, so I speak a lot with folks who are working with indigenous folks. One of my questions for you is: have you spoken to indigenous stakeholders? What have they said? I also know that I've heard sometimes that their relationship with police is not wonderful either. It's just a fact. What have you heard from indigenous communities, if anything?

9:35

**Mr. Ellis:** Yeah. For sure. When this whole Serenity case came up and, of course, for those – Ms Sigurdson, you were here – in the Legislature, it almost felt like the topic of the month. We were really discussing this on a daily basis. Certainly, we all much appreciated the previous government for creating a children's panel that really went into investigating this, but one of the things that I did was I reached out to Serenity's mother. Of course, I cannot name her, but

she is indigenous. She is very much a supporter of this bill. Her family – again, I can't get into details – are leaders within an indigenous community just outside of this city. They as well were very much supportive of this piece of legislation. To echo the words of Serenity's mom, because she knew that there were other people within that residence at the time who were aware that these children were being abused, not only her daughter but her other two children, who are survivors actually, she had indicated that this small change to this piece of legislation could have saved those children and saved Serenity's life.

Yeah. You know, I used to be a part of the Alberta Secretariat for Action on Homelessness. I'm very proud. I was the only law enforcement officer ever part of that committee. I certainly understand the issues that some folks in the indigenous community may have with police, but that's not what this is about. It's not about we'll call it the relationship with the police. I mean, I can get into that and probably talk for an hour on how to build better relationships with all communities, not just the indigenous people. Again, it goes back to education, prevention, and intervention. What I do want to say is that this is just a mechanism to provide accountability for those people who are ignoring a child who is in need of intervention, to say: you can't ignore this anymore, and we in Alberta are really going to hold you accountable. That's really what this is about.

**Member Irwin:** May I just do a follow-up, then, on that?

**The Deputy Chair:** Certainly. I need to make an apology, Member Irwin. I referred to you as "Ms Irwin" here and it's preferred to be "Member," so I do apologize for making that mistake.

**Member Irwin:** No problem. Thank you. I appreciate that.

Just to follow up. Again, I'll play the new card in that I obviously wasn't in the Legislature during the last session. The Ministerial Panel on Child Intervention, which you referred to and you acknowledged the work on, I believe your caucus did not support. Is that correct?

**Mr. Ellis:** We didn't support the ministerial panel?

**Member Irwin:** Sorry; the recommendations out of the panel. Is that correct?

**Mr. Ellis:** Well, I will say this. They were not allowed to talk specifically about Serenity. They weren't allowed to talk about Serenity or the Serenity case. I'm not going to speak to the recommendations or nonrecommendations or support. That's kind of getting off track. This really is about this bill, right?

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

**Mr. Ellis:** Thank you for the question.

**The Deputy Chair:** The allotted time has expired. I would like to thank Mr. Ellis for his presentation.

Before proceeding, however, I would like to ask consent of the committee to return briefly to agenda item 5(b). The committee will need to give direction on reporting Bill 201 back to the Assembly. If I could get consensus on that. Is anybody opposed? I'm hearing not opposed. May I have a drafted motion here, and does anybody want to move this motion? Mr. Horner.

**Mr. Roth:** Thanks, Mr. Chair. Perhaps something like this might work. That

the Standing Committee on Private Bills and Private Members' Public Bills direct research services to prepare a report regarding

its review of Bill 201, Protection of Students with Life-threatening Allergies Act in accordance with the committee's recommendations and authorize the chair to approve the committee's final report to the Assembly on or before June 13, 2019.

**Mr. Horner:** Yes, that sounds acceptable.

**The Deputy Chair:** I'll open the floor to any discussion.

Hearing none, we'll go to a vote. All in favour? All opposed?  
The motion carries.

Returning back to the decision on the review of Bill 202. Hon. members, the committee will now need to decide on how to proceed with this review of Bill 202. I'd like to open the floor to discussion on how the committee would like to proceed with respect to this bill. Just to be clear, we are deliberating on whether to go the expedited route on this bill or to invite stakeholders in to be heard on this bill. I will now open the floor up to discussion on that.

**Mr. Neudorf:** As it looks like this bill is really about adding two to three words to legislation that's already passed through the House, I would like to make a motion that  
we move it to an expedited process.

**The Deputy Chair:** Given that we are still just in a conversational process, I want to know if there's anyone else who wants to add anything to that.

**Ms Pancholi:** On that motion?

**The Deputy Chair:** Not on the motion, just on the issue of moving forward to an expedited process or to inviting stakeholders.

**Ms Sigurdson:** As I said in my comments earlier, we want to make sure that we understand. I think that there are many different challenges within our system here, and I think hearing from the Alberta College of Social Workers, I mean, to have access to sort of their view on this, front-line workers that are represented through the Alberta College of Social Workers – and I think that also the ministry policy people may give us some more information about this as well as AUPE. That's front-line staff again. I think that making sure that we do have a presentation – I think that this isn't quite as straightforward as it has been presented, and doing a fulsome discussion with stakeholders present is certainly what I put forward.

Thank you.

**The Deputy Chair:** I do apologize. The motion was moved, so we're actually deliberating whether or not to move towards the expedited process. If anyone would like to speak on that? I apologize, Ms Sigurdson, for not being clear on that.

**Mr. Horner:** Yeah. I would just like to speak to those latest comments. I think that for what our committee is to do here – I don't know – with this being an amendment act that's been presented so clearly and presented twice, we're not fixing all the problems. We're fixing a faulty piece of legislation. In that context, I don't think that we'll have a simpler decision before us all session. I would certainly be in the vein to expedite.

**Ms Glasgo:** Yeah. I'd just like to echo that and also acknowledge the immense amount of work that Mr. Ellis has done on this bill already. I think that to imply that we need more consultation on it, which was kind of the sense that I got, I don't think is really necessary. I mean, obviously, we need to be involving all people that would be affected by this, but I think that the longer we wait,

the more room there is for this to go unreported and more children could be affected and potentially lose their lives because of a process issue in this area.

Like I said, I think that also Mr. Ellis' experience as a police officer himself and sitting on these committees is stakeholder consultation. Ms Armstrong-Homeniuk alluded to the children being the stakeholders in this as well, and I would argue that they are the largest stakeholders in this situation. I think that it would be advantageous for this committee . . .

9:45

**The Deputy Chair:** Ms Glasgo, unfortunately, I do have to interrupt. The time is now 9:45, and in order to proceed, I need to seek consent of the committee. Otherwise, we would be forced to adjourn.

So can I put on the floor: is anyone opposed to continuing debate on . . .

**Ms Pancholi:** Can I just ask a quick clarification question?

**The Deputy Chair:** Sure.

**Ms Pancholi:** Just to clarify, if we go forward with an expedited process, we'd still have the opportunity for a ministry technical briefing, though, right? That's part of the expedited process?

**The Deputy Chair:** Actually, we do need to answer this question before I can answer that question. I do need to get consent from the committee.

Is there anyone opposed to extending our meeting here this morning? I hear none. Okay.

Your question again, Ms Pancholi.

**Ms Pancholi:** The expedited process would still include the opportunity for a government ministry technical briefing, because I see that as part of the expedited process. I just want to clarify that.

**The Deputy Chair:** That is correct.

**Ms Pancholi:** Okay.

**The Deputy Chair:** Anyone else want to speak on this motion? Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. Again, I guess I'm thinking about our timelines here as a committee for making decisions. They are very tight, which means we're not spending a lot of time. I would suggest that getting stakeholders in to talk about this – I mean, we are pushing the envelope here to get them in. I don't know if what is essentially going to be a week more, just to make sure – I know that in my experience, labour contracts, language, sometimes three words being changed, you find out later on, creates some other issues, where had you been given a chance to think about it, you might not have put those in. Just given our tight timelines I think we can still get some stakeholders in, get their feedback, and still get this to the House in a timely fashion. It's unfortunate that we didn't get the chance to debate this at an earlier time. I just want to make sure that we cover our bases.

**The Deputy Chair:** Thank you.

Anyone else who'd like to speak on the motion?

Hearing none, we'll call the question. All in favour of the motion to move to an expedited process for this bill, say aye. All those opposed, say no.

The motion carries.

We'll now open the floor to discussion as to whether we want to hear from the ministry, to just proceed with the bill to the Legislature, or not to proceed. The committee does have to end at 10, so at this time we're deliberating on whether or not we should proceed with the bill. The recommendation is to proceed or not to proceed with the bill or to bring in a minister. We are deliberating now on whether the committee wants to hear from a minister, whether we should proceed with this bill, or whether we should not proceed with this bill.

Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. I'm going to suggest that we hear from be it either the minister or staff, whichever is most readily available, and the sooner the better. Like I said, I do want to see debate on this proceed. The faster we can get at least a little bit of information, I think the better off our committee will be.

**Ms Pancholi:** I'd just concur. Obviously, I've already expressed that I do think it's important to have a technical briefing from the ministry. I really am hesitant that there is a narrative forming here and that any input from any stakeholders – we've talked about two private members' bills today that have direct stakeholders that are affected, where children are affected, where caseworkers, front-line staff are affected, and I think we need to make sure we make informed decisions. At the least, I believe that the technical briefing should go forward.

**The Deputy Chair:** Anyone else like to speak on this? Mr. Nixon, you raised your hand.

**Mr. Jeremy Nixon:** My question would be: which ministry? From my perspective, this is more of a Justice issue in regard to their ability to prosecute people that are already breaking the law.

**Ms Pancholi:** This is legislation that falls under the responsibility of the Minister of Children's Services. It's not criminal law. It's actually the child and youth enhancement act, which falls under the responsibility of the Minister of Children's Services.

**Mr. Neudorf:** I would just like to say . . .

**The Deputy Chair:** If I could say to just address through the chair, if we could, please.

**Mr. Neudorf:** Sorry. Thank you, Mr. Chair.

I would just like to say that this is legislation that's already in force. It's already enacted. We're not changing that legislation or debating the legislation. All we're doing is adding words to make it more accessible for those very children and the public as a whole. I would be in favour of moving this, for the chair to recommend to the House to have debate in second reading in the House, as opposed to slowing that process down.

**The Deputy Chair:** Any further comments?

I'd like to have someone possibly move a motion as to what the recommendation is.

**Mr. Neudorf:** If I'm understanding this right, Mr. Chair, I would like to make a motion to move that the chair take this bill to the Assembly. Okay. You'll work on the wording?

**Mr. Roth:** May I, Mr. Chair?

**The Deputy Chair:** Yes, please.

**Mr. Roth:** This is just some wording. Moved by Mr. Neudorf that

the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 202, Child, Youth and Family Enhancement (Protecting Alberta's Children) Amendment Act, 2019, proceed.

Does that capture your intent?

**Mr. Neudorf:** So moved.

**The Deputy Chair:** I'll open the floor to discussion on that.

Hearing nothing, all those in favour of the motion, say aye. All those opposed, say no.

The motion carries.

At this time we'll ask the committee: you need to give direction on reporting Bill 202 back to the Assembly. We have a draft here.

**Mr. Roth:** Mr. Chair, perhaps this might work. That the Standing Committee on Private Bills and Private Members' Public Bills direct research services to prepare a report regarding its review of Bill 202, Child, Youth and Family Enhancement (Protecting Alberta's Children) Amendment Act, 2019, in accordance with the committee's recommendations and authorize the chair to approve the committee's final report to the Assembly on or before June 13, 2019.

**The Deputy Chair:** Mr. Sigurdson, you'd like to move that?

**Mr. Sigurdson:** I move as stated.

**The Deputy Chair:** Any discussion on that?

Hearing none, all those in favour, say aye. All opposed, say no.

The motion carries.

Yes, Mr. Nielsen.

**Mr. Nielsen:** Mr. Chair, just some clarification around the minority report.

**Mr. Roth:** The rules do allow for a minority report. It just has to be before the deadline that was established by the committee.

**Mr. Nielsen:** And what is that deadline, please?

**Mr. Roth:** The 13th.

**Mr. Nielsen:** Thank you.

**The Deputy Chair:** Now to other business. Do any members have any other business they'd like to bring forward at this time?

Hearing none, the date of the next meeting: at the call of the chair. We will sort that out.

Then I would ask if a member would like to move to adjourn. Mr. Nixon moves to adjourn. All in favour? All opposed? Hearing none, this meeting is adjourned.

[The committee adjourned at 9:54 a.m.]









