



Legislative Assembly of Alberta

The 30th Legislature
Third Session

Standing Committee
on
Private Bills and Private Members' Public Bills

Bill 204, Anti-Racism Act
Bill 205, Human Tissue and Organ Donation (Mandatory Referral)
Amendment Act, 2022

Thursday, April 21, 2022
5 p.m.

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Standing Committee on Private Bills and Private Members' Public Bills

Rutherford, Brad, Leduc-Beaumont (UC), Chair
Nixon, Jeremy P., Calgary-Klein (UC), Deputy Chair

Amery, Mickey K., Calgary-Cross (UC)
Frey, Michaela L., Brooks-Medicine Hat (UC)
Irwin, Janis, Edmonton-Highlands-Norwood (NDP)
Jones, Matt, Calgary-South East (UC)*
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Nielsen, Christian E., Edmonton-Decore (NDP)
Rehn, Pat, Lesser Slave Lake (UC)
Rosin, Miranda D., Banff-Kananaskis (UC)
Sigurdson, Lori, Edmonton-Riverview (NDP)
Singh, Peter, Calgary-East (UC)**
Sweet, Heather, Edmonton-Manning (NDP)
Toor, Devinder, Calgary-Falconridge (UC)***

* substitution for Miranda Rosin

** substitution for Michaela Frey

*** substitution for Martin Long

Also in Attendance

Shepherd, David, Edmonton-City Centre (NDP)
Sigurdson, R.J., Highwood (UC)

Bill 204 Sponsor

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Standing Committee on Private Bills and Private Members' Public Bills

Participant

Bill 205, Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022PB-495
Chad Mitchell, Assistant Deputy Minister, Pharmaceutical and Supplementary Benefits, Health

5 p.m.

Thursday, April 21, 2022

[Mr. Rutherford in the chair]

The Chair: Good evening, everyone. I'd like to call the meeting of the Standing Committee on Private Bills and Private Members' Public Bills to order and welcome everyone in attendance.

My name is Brad Rutherford, MLA for Leduc-Beaumont and chair of the committee. I'm going to ask members and those joining the committee at the table to introduce themselves for the record, and then I'll ask those joining by videoconference. We will begin to my right.

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

Mr. Rehn: Pat Rehn, MLA, Lesser Slave Lake.

Member Irwin: Janis Irwin, Edmonton-Highlands-Norwood.

Mr. Shepherd: Good evening. David Shepherd, Edmonton-City Centre.

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

Ms Sigurdson: Good evening. Lori Sigurdson, Edmonton-Riverview.

Ms Robert: Good evening. Nancy Robert, clerk of *Journals* and committees.

Mr. Huffman: Good evening. Warren Huffman, committee clerk.

The Chair: Thank you.

Now we will go online. We will start with MLA Singh.

Mr. Singh: Good evening, everyone. Peter Singh, MLA, Calgary-East.

Mr. Amery: Good evening. Mickey Amery, MLA, Calgary-Cross.

Ms Sweet: Good evening. MLA Heather Sweet, Edmonton-Manning.

The Chair: MLA Toor. We're going to come back to you, MLA Toor. You might have had mute on there.

Let's go over to MLA Jones for a moment.

Mr. Jones: MLA Matt Jones, Calgary-South East.

The Chair: Thank you.

MLA Toor, if we could try that again. Okay. We're going to come back to that as soon as we figure out that audio portion of that.

I'm going to note some substitutions: MLA Toor for MLA Long, MLA Jones for MLA Rosin, and MLA Singh for MLA Frey.

A few housekeeping items to address before we turn to the business at hand. I'd just like you to note that microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and videostream and transcripts of meetings can be accessed via the Legislative Assembly website. Members participating remotely are encouraged to have your camera on while speaking and your microphone muted when not speaking. Remote participants who wish to be placed on the speakers list are asked to e-mail or send a message in the group chat to the committee clerk, and members in the room are asked to please just signal the chair. Please set your cellphones and other devices to silent.

Moving on to agenda point 2. Are there any changes or additions to the draft agenda? MLA Nielsen, go ahead.

Mr. Nielsen: Thank you, Mr. Chair. As I've been advised by Parliamentary Counsel and consultation with, of course, yourself, there are some changes that I'd like to make, but I believe it does have to start with rescinding a motion from a previous meeting. If I may, I will make that motion.

The Chair: Please go ahead.

Mr. Nielsen: Okay. I move that the committee rescind the motion that was moved by Mr. Amery that the Standing Committee on Private Bills and Private Members' Public Bills invite up to six stakeholders, three proposed by the government caucus, three proposed by the Official Opposition caucus, to make presentations regarding Bill 204, Anti-Racism Act, at the upcoming meeting and provide a stakeholder list to the chair by noon on Monday, April 11, 2022.

The Chair: Okay. We'll just get that up on the screen. If you want to just go over that wording, Mr. Nielsen, just to make sure that looks good.

Mr. Nielsen: Yep.

The Chair: Okay. Perfect. Any other comments to it?

Mr. Nielsen: Yeah. Unfortunately, Mr. Chair, while we were trying to schedule stakeholders for this meeting, we had a little bit of a lack of clarity around timing, stakeholders' questions, and it kind of runs into a bit of missing a deadline. Like I said, in consultation with yourself and Parliamentary Counsel, this is the first step to a couple of other motions to be made so that we could actually hear from stakeholders this evening in a bit of a modified fashion, however, to Bill 204. I would hope that members of the committee will support rescinding this motion so that we can move on and get the other ones done, too.

The Chair: Okay. Thank you for those comments.

Any other comments to the motion?

Mr. Shepherd: Mr. Chair.

The Chair: MLA Shepherd, go ahead.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity to speak to the motion. Not wanting to presuppose the outcome, I did just want to take a moment to speak to, I guess, the reason, again, as laid out by Mr. Nielsen. It was, you know, the intent and the will of the committee, clearly by vote at the last meeting, to hear from stakeholders on my Bill 204. As Mr. Nielsen noted, there were some challenges in scheduling guests without a date in mind. I appreciate conversations that I've had with yourself about why that process exists.

Yes, Mr. Chair?

The Chair: I'm just going to interrupt you. Sorry. You know what? Never mind. MLA Amery just muted.

Please continue.

Mr. Shepherd: No trouble.

It would be unfortunate, I think, if we allowed the letter of the law, as it were, to override the spirit and the intent of the committee. We've made some efforts to bring the stakeholders here tonight. We will be putting forward a motion to allow that stakeholder presentation to take place in a way that would not extend the length

of the meeting and I think would be – I would appreciate, hopefully, that we could approach this in a collaborative way to be able to allow for that to occur on what I think is an extremely important bill.

With that, I will leave it there.

The Chair: Okay. Thank you for those comments.

MLA Amery, do you have comments to make?

Mr. Amery: Yeah, certainly. Thank you, Chair, and thank you to the colleagues on the opposition side for the representations they have made. Now, at the last meeting this committee agreed to invite stakeholders, and that was rightfully identified by members of the opposition caucus. That motion was, I think, supported by all members of this committee, including members of both the government and opposition.

Yet I have to say that I am a little bit frustrated by this motion in general. I'll tell you why and I'll give you my reasons, and I hope that the committee will consider them. To my surprise, we just learned that MLA Shepherd did not, and nor did any other opposition member, submit or bring forward any list of stakeholders to support Bill 204 that we would have the opportunity to discuss their presentations with.

Now, I've got a number of issues here, folks, the first being that I find a problem with the motion as it's brought forward because I do not believe that it represents what I would characterize as procedural fairness. The time to prepare, the time to review the list of stakeholders, the time to review the individuals and/or the organizations and to examine the information before us is now lost because members of this committee did not have a reasonable opportunity to review that list with sufficient time. Now, I think the value of this committee is the ability to examine the information before us, to review the materials beforehand to determine the veracity of the information that we receive, and to determine as a committee the weight that we place on the presentations and the information before us, so it comes a frank surprise to me, to say the least, that we did not get the opportunity to review this information prior to this motion being brought forward right now.

Now, MLA Shepherd mentions that he does not want the letter of the law to be an issue in why we oppose this motion, but I oppose this motion on procedural fairness, really, on the ability to have that chance well in advance to review and to prepare, and more importantly, I think that we need to have – all members of this committee need the ability to do that and to be well prepared here. This is not, you know, trial by fire. This is not an opportunity for us to set, I think, what would be otherwise a dangerous precedent within this committee by allowing, quote, unquote, the rule of the law to be ignored here. For those reasons, I do not believe that we should support this motion.

Thank you.

The Chair: Thank you.

MLA Shepherd is next on the list.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the remarks from Mr. Amery. I would note that he is incorrect in stating that we did not submit a list of stakeholders. Indeed, we did submit a list of stakeholders on Tuesday morning, after our staff had reached out to the clerk to clarify if it would be possible to grant an extension. We heard back from the clerk on Thursday that that, in fact, would not be possible due to the nature of the motion that had been passed, at which time I reached out directly to you, Mr. Chair, to inquire if there might be some way that we could find a way to resolve this, of course. We had a conversation, then, by phone on Monday afternoon. You spoke with the clerk and provided the information

yesterday on the motions it would be necessary in order for this to occur. So, indeed, there was the attempt to abide by the rules and to move forward.

5:10

Mr. Amery speaks of procedural fairness. Again, we reached out to many of these stakeholders that are here and we had discussions with them, and indeed many expressed interest. But, of course, for folks who work as academics or experts in a number of different fields, it is challenging for them to be able to commit if they do not have a specific date. The challenge that is set up – again speaking of procedural fairness, Mr. Chair, by which we are required to submit a list of three stakeholders and then are only able to invite those three stakeholders without knowing the date and therefore not having any way to confirm whether the three stakeholders which we wish to invite will actually be able to present, adds additional difficulty.

In terms of Mr. Amery's concerns, I guess, about preparation opportunities I cannot speak to how the committee has normally functioned in that regard before, whether they indeed provided presentations from stakeholders ahead of time, whether those documents were received, at what time members were notified of the stakeholders that would be the specific stakeholders that would be presenting at the meeting. I cannot speak to what has been done in the past.

I can say that we all as members of the Legislature, I think, have the ability to be somewhat fleet of foot. If the intent was to consider and discuss this bill and genuinely members of the committee were interested in having more information, certainly we are all capable of hearing from a stakeholder and digesting that information. There is an opportunity for questions. I don't see that this is in any way wrong-footing any individuals. I'm not sure what they're concerned that the stakeholders might say that they feel might put them in an unfair or unreasonable position.

Secondly, I would note that no member of the government stepped up to suggest any stakeholders, unless, of course, they submitted theirs late as well. That's possible, and that was not disclosed, but from what Mr. Amery said, it sounds like no member of the government felt that they needed to invite a stakeholder to hear from on this bill. From that, I can only guess that members of the government perhaps have already set their minds on the bill. I hope that is not the case.

Again, there is no disrespect meant within this. I think it was an honest mistake, an honest challenge, and it would be very disappointing to see government members make use of these procedural arguments to prevent an opportunity for us to engage in the kind of democracy that members of the government have said that they are indeed in support of. This is a government that has been very vocal and outspoken about wanting to improve democracy, both in terms of engagement and participation. This is a government who has been very vocal about their commitment to reducing and ending red tape, noting many times the fact that an unreasoning commitment to bureaucracy and letter of the law over the spirit of the law can keep many good things from getting done. So it would be incredibly unfortunate and disappointing if they were to let precisely that prevent a good thing from happening today.

As I have said before, I did not bring forward this bill and I am not bringing forward these stakeholders out of any partisanship, out of any will to try to trick or wrong-foot the members of the government. I am simply looking for the opportunity to engage in good-faith debate on a bill that has received a wide amount of consultation, a wide amount of discussion, and indeed, as you can see from the presence of the stakeholders and others in the gallery here today, a significant amount of community support.

It is my hope that members of the government would be open to allowing this to occur today. It will not extend the length of the meeting. It will not in any way further inconvenience this committee. Again, it would be very disappointing to me if members of the government are going to choose to use procedural issues to prevent the very kind of democratic engagement and participation, indeed, particularly from communities that have been traditionally marginalized within many of these spheres – to prevent the opportunity for us to hear from these stakeholders tonight, who, I believe, have some very important and valuable things to share.

Thank you, Mr. Chair.

The Chair: Thank you for those comments.

MLA Sweet, you're next on the list.

Ms Sweet: Thank you, Mr. Chair. I will try to be quick. I just want to highlight a couple of things. I sit on quite a few committees. One of the committees that I sit on is, actually, the Real Property Rights Committee, which has been touring around Alberta on a different topic. At that committee we have allowed people, Albertans, who have concerns who want to speak to the different pieces of legislation that are currently being consulted on under that committee the opportunity to register the morning and in the time of that committee. That opportunity has been where we've had a couple of people show up right as the meeting starts. They register when that meeting begins. They present. We take a break. We give an opportunity for more Albertans to arrive and to register in real time to then also present.

I think that as elected officials we have the ability to listen to Albertans when they have thoughts and concerns that they want to present to committees around different topics. We have structured the committees to be able to do that, the real property committee being a prime example, which is happening as we speak through the same process that this committee also sits. I just came back from a tour in southern Alberta doing this very thing. I think that it's disingenuous for the government to say that they need to be given advance notice to be able to be prepared to listen to Albertans about real concerns, because we're doing it in every other committee.

I'm not sure I completely understand why members of the Legislature on the government side have the ability to be present and receive information from Albertans when they register within five minutes of presenting but not allow individuals who have obviously made the time and the effort to attend this very committee meeting that we are having today and not give them the same opportunity to speak to the committee. There is precedent, precedent as recent as last week. I would be very disappointed if the government chose to use this as an opportunity to not allow Albertans who have arrived at the committee to speak given a procedural process.

I would highly recommend that we rescind this motion, that we allow the Albertans that have arrived at the committee to have their voices heard, and that we be prepared as legislators to take that information and process it. We have the ability to do that. I would also like to remind the members of this committee that with the last private members' committee that we had, we were only given 24 hours' notice that there were going to be individuals presenting.

So there is flexibility when the government chooses to have flexibility, and then there is a lack of flexibility when the government chooses to not be flexible. Albertans are present in the room today to present to the committee on this private member's bill. We have a responsibility as legislators to listen to Albertans, so we need to provide that opportunity because they are there to present.

I urge all members of this committee to support this motion to rescind it and to allow the Albertans that have arrived today to speak. Thank you.

The Chair: Thank you, MLA Sweet.

I don't have anybody else on the list. I'll just give a moment to see if anybody online or in the room – okay.

Yeah. Go ahead, MLA Sigurdson.

Ms Sigurdson: I think there is a distinction that certainly in Member Amery's comments was not clear. Certainly, my understanding of the situation was that one of the caucus staff did reach out to the clerk before the deadline but, unfortunately, did not hear back from the clerk until after the deadline. So it wasn't like we just totally blew off the deadline. The deadline we understood, but because we didn't have all the details so that we could tell the presenters when they needed to have their schedules clear and so that then they could confirm with us – that was a nuance, I guess, that I think is important to understand.

Thank you.

The Chair: Okay. Thank you for those comments.

Any other comments?

Okay. Hearing none, we'll call the question. On the motion as moved by MLA Nielsen, all those in favour in the room, please say aye. All those opposed in the room, please say no. Now moving online, all those in favour online, please say aye. All those opposed online, please say no. Okay.

That motion is defeated.

5:20

Mr. Nielsen: A recorded vote.

The Chair: A recorded vote has been requested. Ready to go?

Mr. Huffman: Yeah.

The Chair: Okay. I'm just going to call the names in the room. Or do you want the hands raised, Clerk?

Mr. Huffman: Yes.

The Chair: Okay. We'll do it Warren's way. We'll just raise hands in the room for all those in favour: Member Irwin, MLA Nielsen, MLA Sigurdson. Then all those opposed in the room, raise your hand: MLA Rehn, MLA Nixon. And then we'll go one by one online. We'll start with MLA Sweet.

Ms Sweet: Aye.

The Chair: Then MLA Amery.

Mr. Amery: No.

The Chair: MLA Singh.

Mr. Singh: Opposed.

The Chair: MLA Jones.

Mr. Jones: Opposed.

The Chair: And MLA Toor.

Mr. Toor: Opposed.

The Chair: We heard that. Thank you.

Mr. Huffman: Mr. Chair, for the motion, four; against, six.

The Chair: Okay.

That motion is defeated.

Moving on to approval of the agenda, does anybody want to move a motion to approve the agenda? MLA Nixon, I believe, will be moving that the agenda for the April 21, 2022, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be adopted as distributed. Any comments to that motion?

Hearing none, all those in favour of the motion in the room, please say aye. Anyone opposed in the room, please say no. Then moving online, all those in favour of the motion, please say aye. Anyone online opposed to the motion, please say no. Okay. That motion is carried.

On to agenda item 3, approval of minutes. Members, we have the minutes of our April 7, 2022, meeting to review. Are there any errors or omissions to note?

Okay. Hearing none, would a member like to move a motion? MLA Nixon will move that the minutes of the April 7, 2022, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be approved as distributed. Any comments to that motion?

Hearing none, I'll call the question. All those in favour of the motion as moved by MLA Nixon in the room, please say aye. All those opposed in the room, please say no. Moving online, all those in favour of the motion, please say aye. Anyone online opposed, please say no. That motion is carried.

Moving on to agenda item 4, the review of Bill 204, the committee will now begin its deliberations on Bill 204, and at this time the committee must decide whether to recommend that the bill proceed or not proceed. It may also consider observations, opinions, or recommendations with respect to Bill 204. The committee has up to 60 minutes to deliberate. However, that time can be extended if granted by unanimous consent.

With that, I will open up the floor to discussion on the committee's recommendations. MLA Sigurdson.

Bill 204, Anti-Racism Act

Ms Sigurdson: Yeah. I'd like to move that Bill 204 proceed to the Assembly.

The Chair: Okay. I will give you just some better wording, and then we'll see if that matches what you are looking for in just a moment here.

I believe it's going to read that MLA Sigurdson moves that the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 204, Anti-Racism Act, proceed. Is that accurate to what you'd like to move?

Ms Sigurdson: Yes. Thank you.

The Chair: Okay. Any other comments, MLA Sigurdson, to that motion?

Ms Sigurdson: Yes. I'd be happy to talk for a little bit. Certainly, we know that the purpose of this bill is to identify racial inequalities in provincial policies, programs, or services through the collection and assessment of race-based data and to require findings to be reported and tracked and solutions sought per the recommendations of the antiracism council. These are not being tracked right now, and it's very difficult to know what's going on if there's a void of information. This is crucial to be able to make good policy that does make sure that we are not doing anything that is not supportive of Albertans, and we must make sure that that is done.

It's so important that this legislation goes forward. I know that previously in our technical briefing it was said that through FOIP, I think, there was some legislation that gave us the opportunity to collect that, but it's not being collected, so there is a void.

This legislation would make it that it must be collected. Of course, it's a much stronger mandate if it has to be collected, because we know it's not being collected. So how can good policies be created if we're doing that, really, ignorantly, because we don't know exactly? We need that accountability. We need the government to have consistent approaches to these issues.

We know that this bill certainly is laid out so that it does have that kind of direction, that kind of accountability, that kind of mandatory aspect to it. I really encourage all members of this committee to also join me in supporting this motion and that this absolutely should be debated in our Legislature. It is an important issue.

Certainly, we know that very disturbing events have happened in our own province that are race based, and this is a good step forward to address those. I therefore am speaking in favour of this motion.

Thank you, Mr. Chair.

The Chair: Thank you, MLA Sigurdson.

We will now just go online to MLA Singh. Please go ahead.

Mr. Singh: Thank you, Mr. Chair, and thank you, MLA, for the motion. Firstly, I would like to thank MLA Shepherd for bringing forward a bill on this important issue. It is clear that he has put a lot of thought and effort into the development of this bill, and I would like to acknowledge his hard work. We absolutely need to address the racism that we hear from different communities in the province and the discrimination faced by the minority communities. This is something . . .

The Chair: Sorry, MLA Singh. I'm just going to interrupt you for a second, please.

The folks in the gallery: you're not allowed to take photos in here, as far as I understand, so please just refrain from doing that. I'm not going to point out anybody, but it just appeared to me that that just happened. Okay? Thank you.

MLA Singh, please go ahead.

Mr. Singh: Thank you, Mr. Chair. We absolutely need to address the racism we hear from different communities in the province and the discrimination faced by the minority communities. This is something not just understood by me, but it is also something that the UCP government takes very seriously. It is why we have an Associate Minister of Multiculturalism and Immigration and why he has been out engaging and consulting with minority communities. The government and the opposition should absolutely be coming together in the fight against racism, and it is my understanding that there will be fantastic opportunities in the future to do so.

I know that this is something the associate minister is passionate about, and it is something that I am looking forward to seeing brought to realization. The intent of the bill is good, and I understand the rationale behind wanting to collect race-based data, but there will always be concerns where personal information collection is involved. We heard from the departments at the last meeting that this bill, as presented, does not have the sufficient guardrails to guarantee privacy of the information collection or protection to ensure ethical use once collected. These guardrails need to be in place, and we should be working together to determine what those guardrails should be.

As it is, we cannot do this. We need a holistic approach as we discuss and resolve racism. I would rather see a future piece of

legislation or regulations come forward with regard to analyzing systemic discrimination versus passing a hastily constructed and amended bill that may in the future damage Albertans in racialized communities. I think that at this time this bill should not be allowed to proceed to the next stage. Instead, we should move forward together to develop a better strategy to combat racism, one that is guaranteed to protect the personal information of Albertans who belong to minority groups.

It is for these reasons that I'll be voting for the committee to recommend the bill not to proceed. Thank you, Mr. Chair.

5:30

The Chair: Thank you, MLA Singh.

Member Irwin, you are up next.

Member Irwin: It's going to be hard for me to contain my emotions on this one. First of all, I just have to state how incredibly frustrated I am that this UCP government would refuse incredible community leaders who are here today, who would have shared such important insights that they've gathered through their community work. So just a shout-out to all of them for being here today, and I'm so sorry. Wow.

To follow up on those previous comments, the member said something to the effect of a hastily developed bill. I cannot tell you the amount of work and effort and hundreds of hours that went into this bill. That is a credit to my colleague from Edmonton-City Centre, and it's a credit to a whole lot of people in this room who gave up weekends, gave up evenings to often share traumatizing stories of their own experiences with racism. I sat in on some of those consultations. As a white woman with a whole lot of privilege I need to sit back and I need to listen, which is what all of us in this room should be doing. Yeah. I don't obviously want to predict the outcome of this meeting, but I'm hearing already from those previous comments that this government is likely to kill this bill. I really hope that that's just the opinion of one member opposite.

I want to quickly quote, just to get on the record here, Dr. Bukola Salami, who is one of the experts who shared her input on this bill previously. If you don't know, she's a researcher at the U of A who focuses on health and immigration policies. She talked about the fact that in data from other places in Canada where we do see some data collection happening, you know, Black people have worse educational outcomes. She talked about some of the experiences from folks in the Black communities. She talked about folks being more likely to be arrested and incarcerated. She said: here's why Alberta needs data of its own. She said four main reasons: uncover inequities that exist, identify the factors that contribute to those inequities, identify what can be done to address those inequities, and identify interventions and policies that can best address health and social inequities and how different populations respond to those interventions.

There are health reasons, there are social reasons, there are societal reasons why we need to be proceeding with a bill such as this. Until I hear a thorough argument, a thorough assessment as to why we can't proceed and why we can't even debate this in the Chamber, on the floor of the Legislature – yeah. I've seen a lot of wild things happen on this committee before, but this will certainly take the cake.

With that, I will end my comments.

The Chair: Thank you, Member Irwin.

MLA Shepherd, you're next on the list.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity to speak to this motion. Obviously, I do not get to vote on the motion, but I would certainly hope to see members support it. I'd

like to speak to the comments that were put forward by Mr. Singh. I absolutely agree with Mr. Singh that we need to work together to address issues of racism in the province of Alberta, both overt and systemic, and that is precisely what this legislation was intended to do, what it is intended to do.

Mr. Singh spoke and had an interesting representation and interesting interpretation, I think, of what we heard in the technical briefing. I did not hear the representative from the department say that there was, in fact, any danger here. In fact, what they noted is that it was missing a particular definition, which would be very simple to amend and to replace should it be allowed to go for debate in the Legislature. I did not hear the department raise any concerns that this act would violate any of the privacy legislation that exists in the province of Alberta, yet Mr. Singh was suggesting that this would potentially endanger the personal information of minority communities.

I would note, Mr. Chair, that this UCP government, indeed all of the members that were present in the Chamber at the time – I cannot speak to whether Mr. Singh was present in part of that vote – supported Bill 46, the Health Statutes Amendment Act, 2020, that was put forward by the then Minister of Health, which made significant changes to a number of pieces of legislation regarding the personal health information of Albertans.

Now, as I said previously, before I brought this bill forward, I took the time to meet with the Information and Privacy Commissioner, Ms Jill Clayton. We had an excellent discussion with her and her staff to ensure that as we brought this forward, there would in fact not be any violation of existing privacy legislation, and I appreciated the comments and the guidance that she provided.

I would note that on Bill 46, which UCP members supported in the Legislature, Ms Clayton raised serious concerns that she was not consulted in the drafting of that bill. She issued a letter, took an unprecedented step of issuing a letter, laying out all of her concerns with the legislation, and let me quote from Ms Clayton:

While many jurisdictions around the world are introducing new or enhanced privacy laws to build public trust and ensure accountability mechanisms are in place to protect personal or health information, many of the proposed amendments to HIA are heading in the other direction.

Not one member of the government caucus, Mr. Chair, raised a concern or took seriously the warnings from the Information and Privacy Commissioner of the province of Alberta about serious concerns she raised about personal health information of Albertans, including minority communities. I did not hear Mr. Singh speak up at that time. Indeed, we brought forward multiple amendments to address the issues that were raised by Ms Clayton. Every single one was voted down by the members of this government.

For Mr. Singh to now raise a rather specious and vague allegation, to deny this legislation even the opportunity to step foot on the floor of the Legislature, where it could be debated and amended, frankly, to me, is at best disappointing, at worst disgusting. As was said in the technical briefing, there is nothing in this bill that could not be addressed on the floor of the Legislature if there were, in fact, serious concerns. Indeed, if Mr. Singh has specific concerns with specific legislation, by all means, I invite him to put them on the record, but I did not hear such from him. It is disappointing to me that indeed what we have seen here tonight is that members of the government have denied the opportunity to make small changes to the agenda which would have allowed us to hear from stakeholders despite the fact, as was noted by Ms Sweet, that in many other situations flexibility has been present.

I don't want to ascribe partisanship to the members of the government in choosing to deny that or indeed in choosing their

vote, should they choose to vote, not to allow this to go forward for debate in the Legislature, but I would note that the track record so far for this government in terms of private members' bills from the opposition being allowed to move forward for debate in the Legislature is a very poor one compared to the number of government members' bills which have been allowed to move forward. Indeed, it would be troubling to think that the mechanism of this committee is being used in such a way to prevent the opportunity for members of the opposition to bring forward good bills that have the support of significant numbers of members of the community. Indeed, for the members of this committee to take the limited information, which they've decided they want to limit themselves to, to determine that this bill does not deserve the due process of democracy is an insult.

5:40

Mr. Singh said that he's excited that he knows of some sort of future legislation which may be coming which we could work on collaboratively. While that is lovely that Mr. Singh has the inside track on what a minister may or may not do, I find that an incredibly specious reason to prevent my bill from having the opportunity simply to go to the floor of the Legislature to be debated. We are not asking the bill to be passed here today. We are not asking the members of this committee to declare that the bill is perfect in all forms and structure. Indeed, that is the point of going to the Legislature. We have all participated in that process. We have brought forward a number of amendments as the Official Opposition to try to improve government bills.

Let's be clear again. As Mr. Singh talked about passing a hastily constructed and amended bill, let us not forget that Mr. Singh and his colleagues supported Bill 10, which made significant changes to the powers that were awarded to the Minister of Health despite very real concerns that were brought forward, a number of amendments which we presented on the floor of the Legislature, which were denied by the government only to have them then strike a committee to review all of the changes that they had made within the act, with Bill 10, and end up rescinding the entire act, including making changes in the process of doing so through future legislation to incorporate the very amendments that these members voted down at the time.

Again, for these members now to stand and say that this legislation, which we have worked with Parliamentary Counsel to draft, to enact one of the key recommendations from Alberta's antiracism advisory committee, something that we profoundly heard from a wide swath of Albertans in our own consultations over a number of months as being a key issue, as we have a number of people here today who are vastly in support of enabling the collection of race-based data to address very real issues of systemic racism – for the government members, then, to use this kind of language to deny the opportunity for this bill simply to be debated is an insult to all of the folks who have called for this work, who continue to call for this work, who have been doing this work in the community.

Let me be clear, Mr. Speaker – or Mr. Chair; not to give you a promotion. This is not a bill that is a “nice to have.” The collection of race-based data is not something that: ah, it would be nice if we did it. It is essential. There are very real and pressing impacts on racialized communities every single day because of systemic racism, bias that exists within the systems, the programs, the services that are operated by government, and in saying that, let me be clear that I am not saying it is because any particular individual within those systems and processes is personally racist. Systemic racism is something that exists because of something as simple as an oversight in how a program has been designed, a lack of

awareness of how some policies or processes may impact a particular racialized community differently.

For example, there have been stories out of the U.S. about systems that have been designed to simply turn the lights on in a room when somebody enters. These are digital processes, so it sort of reasons it. You know what, Mr. Chair? In some cases with some of those systems that have been designed, they found out that when a Black person entered the room, the lights didn't come on because the system had been designed and tested in such a way that they did not think in that process to have people of different skin colours participate in the testing. So it's not that any individual was racist. It's just simply that in the process and in the testing they overlooked that piece, and then that had to be addressed. That is effectively what we are talking about here.

To be clear, this bill provides enormous latitude for government to shape the process of how this will be brought forward. Mr. Singh spoke of concerns about how this could impact racialized communities in the province of Alberta. Mr. Chair, the bill prescribes an entire regulatory process that requires consultation with the Information and Privacy Commissioner, with racialized communities across the province of Alberta, with everyone who could potentially be impacted in the drafting of the regulations, which would determine how this information could be collected.

There is nothing in this bill that would hastily rush into that process. It lays out a very thoughtful framework to allow that process to take place. So, again, I do not see that as a reason to prevent this bill from having simply the opportunity to be debated on the floor of the Legislature.

I can't speak to whether this government has an intent to bring forward some other legislation or some other piece which may accomplish the same thing. It would be deeply troubling to me if they decided to kill this legislation simply because they decided: we'd rather do it ourselves. Certainly, there has been the opportunity since this bill has been tabled for government to step forward and say: hey, by the way, we were working on a similar thing; could we have a conversation? I would have been happy to do that, Mr. Chair, at any time.

I recognize that in the process of our work on the floor of the Legislature, in the media, and other places, indeed, we engage in some fairly spirited debate, but there are indeed opportunities for collaboration. Indeed, I just met – I have had opportunities to meet with ministers and talk with others, you know, about things off the record to sort of see if there are ways that we can work together, and certainly that opportunity was afforded here. But to effectively kill this bill at a committee to deny it the opportunity to be debated by all members of the Legislature in fair and open debate because the government has some other agenda which it does not want to speak to, again, would be deeply troubling.

It'd go against the very principles which these members have continued to say that they espouse, those of wanting to open democratic engagement. Indeed, they've passed legislation to try to offer more opportunities for people to get engaged in the process, to bring forward petitions, to bring forward potential legislation, other things, all sorts of opportunities with this government because they said that they are a government of the grassroots.

Mr. Chair, this is a bill from the grassroots fulfilling something which many, many have called for, which many, many in racialized communities are saying is essential and long overdue. It would be deeply disappointing and deeply troubling to me if, based on the very small amount of time which has been given by the members of this committee to consider the bill, they would decide that it should not continue, that it should not receive any fair and open debate, that it simply should be killed here today, that which so many of these individuals have been calling for government to take

action on to address a real and pressing problem for racialized communities, Indigenous, Black, and other people of colour in this province. I'll end my remarks there for now.

Thank you.

The Chair: Thank you, MLA Shepherd.

We'll go online now. MLA Toor, you're next on the list.

Mr. Toor: Thank you, Chair. Can you hear me?

The Chair: Yes, we can hear you. Go ahead.

Mr. Toor: Okay. Well, thank you. I just want to start by saying thank you to the member, Mr. Shepherd, for his work on this bill. It's an important bill, and it should be tabled for discussion. We should all appreciate that. I think that this bill that we are talking about in here . . .

The Chair: MLA Toor, we're just losing your audio a little bit. Maybe if you turned off your video, you might get a clearer signal. We do know it's you; that has been confirmed. Please go ahead. Hopefully, it comes across clearer.

Mr. Toor: Okay. I'll be quick, but let me say that the intent of the bill is very noble. You're attempting to address a very real problem we all face in society, especially Albertans in the minority communities, we all hear very loud and clear. So thank you for bringing this. But the important thing is that we need to address racism and take actionable steps to make life better for all Albertans, including all the minorities there are. You know, Alberta is the best place to live in the world, so we have lots of minorities from different cultures, and we all need to stand together and fight the real problem.

5:50

The only problem I have, as the member said earlier – and you might agree, Mr. Shepherd, with me – is about the consultation. I think consultation on this bill is important, and making consultation as robust as possible is the key. For me to vote on this bill, I need more information, because I'm facing this problem not only for my constituents but for all Albertans. I will say that I think it is important for government and opposition members, when we sit in this committee, to work together to combat this issue. It's not a political issue; it's not an issue based on any ideology; it is our common issue. I think this is really a great opportunity for collaboration and working together. This is not the kind of legislation or initiative that should be rushed. It's a serious problem; we need to make a serious effort. Instead, we should address this thoughtfully and comprehensively.

We have an Associate Minister of Immigration and Multiculturalism who is doing extensive outreach, going to community after community, a lot of cultural communities. I heard that he is reaching out and he's been working with those minority communities for Alberta to determine which initiative they would like to see. We need to take more time and work together on the solution that Albertans want to see to tackle this issue.

I think at this time the bill should not proceed in order to allow for a better and more collaborative strategy going forward. I would also like to remind the opposition that we're not voting on this bill directly. We're merely providing a recommendation to the Legislature. It is the Assembly that will ultimately decide. So let's not confuse this; let's work together. Maybe we need more time.

This is a real issue, and I think it needs real effort and real time to put together. We're making this recommendation based on the information.

Chair, as I said, I won't take long, but can I make a motion?

The Chair: Sorry. At this time, MLA Toor, we do have a motion on the floor that was moved by MLA Nielsen – sorry. MLA Sigurdson. So at this point, no, MLA Toor, unless you're planning on amending, but that frankly isn't necessary at this point because, depending on how this one goes, it basically decides the opposite side. There's really nothing we can amend on this in terms of this deliberation, so at this point the answer would be no, the long answer to that. I'm assuming that was the end of your comments, MLA Toor? I guess so.

MLA Nielsen, you're up.

Mr. Nielsen: Thank you, Mr. Chair. Well, I guess, to start, I'm very, very disappointed. I also even feel the need, I think, to look to our folks in the audience here this evening and apologize that this committee can't seem to come together to be able to at least discuss a bill and hear from you about an issue that is so incredibly important. I mean, you know, I'm the first to say that we've certainly made some strides, I guess, but there is so much more work to be done.

Listening to some of these comments here so far during deliberations, I think, first, I'll start with Mr. Singh. I wonder if his bill – and having sat on this committee since the start of the 30th Legislature, I've seen them all. With his bill coming to this committee to recognize certain genocides around the world, which I was very much in favour of, of course, I did notice that there was one very glaring omission when that bill was before us, and that was the genocide of the Indigenous people right here in our own country of Canada. Why was that missing? I never actually did get a good answer, and that's beside the fact. The bill still needed to go forward to the House to get that opportunity to be debated and maybe even find out why that was missing.

Now, much to my surprise, one of his caucus colleagues then ended up amending that bill, which, in my opinion, significantly changed what that bill was intended to try to do. Yet we're heading down the road where we won't maybe get the chance, as my colleague Mr. Shepherd said, to amend that piece of legislation? That's, frankly, very, very confusing, Mr. Chair.

Now, of course, listening Mr. Toor's comments, I'm hearing these buzzwords that keep coming up: "We need to work together. We need to work together." How come we haven't worked together on a single opposition private member's bill? We have not debated one single private member's bill from the opposition side in the entirety of this 30th Legislature. Oh, sure, the committee has recommended that a couple go forward. I think the heat was probably getting a little too big, so they thought, "Well, let's pass a couple, make some recommendations, and go into the House," and then procedurally things don't happen. We move to other things, holidays, whatever, and magically prorogue the session, and all those bills fall off the table. It was funny because, when we think about protecting the eastern slopes, first it was shot down, then it was recommended to proceed, and then it was shot down. So it's, quite frankly, not looking very much like working together.

Now, Mr. Toor also mentioned that, well, we'll get a chance when it goes back, because it's only a recommendation from the committee, and he is right. It is just a recommendation. We can recommend to the House that it proceed. We can recommend that it doesn't proceed, and it is up to the entire Chamber to decide whether we will concur with that. The problem with that, Mr. Chair: it's one hour of debate only. That's it. There is no chance in one hour that you can possibly get your arguments across in enough of a fashion. I mean, look at us. We've already taken up 35 minutes just trying to debate that it should proceed. So – I'm sorry – that argument doesn't hold water as to why this bill shouldn't proceed.

Now, the last thing I'd like to quickly address. I kind of got the sense that, okay, maybe there is other legislation coming, that things are being done right now. I would argue that right now things are not happening around the collection of race-based data. I would draw people's attention to section 33 of the FOIP Act. In section 33 it says here:

No personal information may be collected by or for a public body unless

- (a) the collection of that information is expressly authorized by an enactment of Alberta or Canada,
- (b) that information is collected for the purposes of law enforcement, or
- (c) that information relates directly to and is necessary for an operating program or activity of the public body.

6:00

Right now there are no real directives for race-based data to be collected. It's missing. There's no way that we could possibly know those outcomes unless we move on something, create that, essentially as Bill 204 allows, provide under 33(a), for the purposes of very clearly outlining for the purposes of the clause, to be able to collect that data.

If members opposite really truly believe they want to work together, there is absolutely no reason why they can't support this bill going for debate. Otherwise, I would then challenge them to explain to me, to explain to the rest of the committee, to explain to the people in this audience tonight why this is a problem, why actually working together, creating a piece of legislation – and if we need to, we can amend it in the House, as the House sees fit, to be able to get to something, I think, as my colleague Mr. Shepherd said, not something that would be nice to have; it needs to be done, and it needs to be done right now. I am very much going to urge members of the government caucus to reconsider what I believe is going to be their position this evening. I challenge you: how bad do you want to work together?

Thanks, Mr. Chair.

The Chair: Thank you, MLA Nielsen, for those comments.

We're going back online to MLA Sweet.

Ms Sweet: Well, thank you, Mr. Chair. I'll be quick. I just wanted to support the motion that the bill proceed for debate. You know, I've heard from most members of the government speaking about the importance of consultation, and I don't disagree that consultation is very important. I believe that my colleague, in drafting this private member's bill, has done an extensive amount of that. However, the argument of the government, saying that they don't feel like they have the information available, I think is a problem. If this bill were to be debated in the Legislature, the ability for the government to spend some time consulting and talking to people to get whatever information they feel like they don't have enough of could happen during phases of debate.

As an opposition member my responsibility is to consult on every piece of legislation that is introduced into the Legislature. How can I be a good opposition critic if I don't talk to people about the bills that the government is introducing? We don't get the benefit of seeing the bills being introduced to the House until they're introduced into the House, and then our job as opposition members is to go out, to talk to Albertans about those pieces of legislation, and to come back into the Chamber and be ready to debate the content of the legislation. Do it all the time. I appreciate that the government doesn't have as much expertise in doing that as the opposition members do, but I do believe that it is the process and has historically been the process. That is how bills proceed through the Legislature.

I appreciate that the government has created a new system, specifically related to private members' business, where the history of the Legislature, the past practices of the Legislature, the way that governance in relation to private members' business has occurred has shifted significantly, and the voices of private members have been quashed quite a bit. Now, I fundamentally disagree with this structure; however, I as an opposition member will move through the process.

But I do believe that if the government wants to be legislators and respect the institution of governance and the institution of the Legislature, which the Premier speaks to often in regard to the history of the Legislature and the way things work, that this wouldn't proceed and that the government would take their responsibility seriously and consult on the contents of the bill and talk to stakeholders and talk to members of the communities and hear their feedback in relation to the bill that the member has put forward as drafted, that if they receive from community members and Albertans that there are concerns within the piece of legislation that need to be amended, that they draft those amendments and they provide them in the Legislature and make the bill better. It is what we do every day in the Legislature, and as opposition critics and opposition members we do it all the time.

I encourage the government to take on that responsibility and to consult, to draft amendments, to present those amendments in relation to this bill specifically if that is the major concern. To be clear, that is all I have heard from the two members from the government that have spoken so far, that it's about consultation and getting enough information, and then there may or may not be a concern around health information. Well, go and speak to the experts. Find out if those concerns are valid, and if they are, I would encourage you to draft an amendment, present that in the Legislature, and work through the process of creating good legislation. That is what we do as legislators.

To not debate this bill on the very premise of consultations speaks to the fact that the government doesn't want to go out and talk to Albertans if that's the case, if that is the true issue here. If it's not the issue and it's something else, then the government should be honest about that piece. But if it's really truly about consultation, then go out and talk to Albertans, find out if there are actually concerns with this piece of legislation, fix the bill, and let's move forward with actually doing good governance.

To not allow this to be debated, to not allow Albertans to provide feedback, and to not engage in the process of moving through the stages of debate, which give us a significant amount of time to speak to Albertans because private members' business only happens on Monday – to get through second reading, Committee of the Whole, and third reading takes a substantial amount of time. That is quite a bit of time for members to go out and to speak to Albertans, to hear from them, and to see whether or not this legislation needs to be amended. Maybe they will hear that it doesn't need to be amended and that it works and it's doing the things that the member who has proposed this piece of legislation wants it to do.

To say that it shouldn't proceed through the debate process in the Legislature based on consultation, I will say, fundamentally is a weak argument. I encourage all members to reconsider their position and to move through the legislative process and honour the institution that we represent and that we work within and honour that the opposition members have a right to a voice, no different than the opposition members have to stand up and debate government legislation and have to consult with Albertans on government legislation. It works both ways.

Thank you.

The Chair: Thank you, MLA Sweet.
Back to MLA Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity to speak again in regard to the motion and in particular to respond to some of the comments made by Mr. Toor. I thank Mr. Toor for his acknowledgement of the intent of the bill, his acknowledgement that this is a real problem that, as he said, he has heard about from communities across the province of Alberta, and I appreciate his acknowledgement that we need to address racism and hate with actionable steps, which is precisely what this bill is intended to do. This is a very actionable step that government can take.

Now, the government has had the recommendations from the Alberta Anti-Racism Advisory Council on its desk for over a year. We have not heard anything from any minister about steps they are taking to fulfill those recommendations. We have not seen any specific action on them. Here is one that I'm bringing forward based on their recommendation, the collection of race-based data in all areas under provincial purview and the use of that data specifically to address inequities for racialized communities in government programs, processes, and services.

6:10

Now, Mr. Toor suggested that, you know, his vote against this proceeding to the Assembly and should the majority of the committee – it sounds like that would be mainly government members at this point – make the recommendation that it not proceed for debate in the Legislature, that, well, that's simply a recommendation. Well, the entire existence of this committee, Mr. Chair, is to give consideration and to make recommendations based on a supposed expertise to make that recommendation to the Assembly.

Now, certainly, the Assembly can decide what they wish to do with that recommendation, but if Mr. Toor votes that this not proceed for debate, then Mr. Toor is sending a very clear message about his personal thoughts on this bill, as is every other government member of this committee. What they are saying is that they don't feel that addressing this issue is worthy of their time and effort. They are saying that it is not worth taking the time to debate and discuss this on the floor of the Legislature. They are saying that there is no value in the members of the Assembly sitting down and having actual fulsome debate on this issue before making a decision on whether to vote, that there is no value in taking the time to look at amendments or ways that the legislation could be improved. That is what they are saying if they cast that vote.

Let me be clear here, Mr. Chair. There is no danger in allowing this to proceed. None. As my colleague Ms Sweet laid out quite well, there is a considerable process that this bill would have to go through in the Legislature. Let me be clear. The government controls the agenda in the Legislature. If they choose, they don't have to necessarily even allow this to come to the Order Paper. But there is a lot of opportunity, if this is allowed to proceed for debate, to engage in the very consultation that Mr. Toor said he would like to see. Mr. Toor said that he needs more information. Mr. Toor and every one of his colleagues voted against receiving more information here tonight.

We have knowledgeable stakeholders in this field. We have an individual here tonight who heads an organization, who went out of her way to do her own survey across Canada to collect race-based data to look at the impacts of COVID-19 on racialized and Black communities. She could have spoken to this committee to offer the more information that Mr. Toor said he desires to have about what that process was like, how they engaged it, what value that has brought to a report that has received national attention based on that work, Mr. Chair. Mr. Toor voted not to hear that information.

Mr. Toor spoke about how we need to work together on this, that this is not a political issue, that this should be an opportunity for collaboration, that we should address this comprehensively. Mr. Chair, that is precisely what allowing this bill to go forward for debate would do. Again, as my colleague Ms Sweet ably laid out, there are a number of stages which this legislation would have to proceed through, which would allow for a lot of opportunity for members to engage with consultations with their stakeholders, with folks from their constituency, with folks from the community. Heck, they could choose to reach out to the Information and Privacy Commissioner to discuss their concerns and to get her thoughts. There is much opportunity that is here if the government members vote tonight – to say that they recommend that it not proceed for debate, they are saying that that is not worth their time, that this issue, this pressing issue, is one that is not worthy of that work.

Indeed, I would note that there have been opportunities in the past when there have been concerns, I guess, about further consultation that has been needed on a bill. The Assembly has the opportunity to refer that bill, then, for study by a committee. We see that taking place right now. Bill 206, the Property Rights Statutes Amendment Act, 2020, that was brought forward by Mr. Barnes, passed through the committee, it was recommended for debate in the Legislature, and in the Legislature it was elected to refer the bill to a committee. Indeed, as Ms Sweet noted, that committee is now going around the province of Alberta and holding consultations, speaking with folks about these issues, gathering the information that's needed. So that's a possibility if the government members are willing to allow this to move forward for debate in the Legislature. If they are not, they are saying that it is not worthy of that opportunity, that they do not consider this issue to be as important for racialized Albertans as property rights are for rural Albertans.

Now, I understand, Mr. Chair, that I have a significant personal stake in this. It's my bill. But I'll be clear again that I did not bring this bill forward with any intent to try to wrong-foot the government. This is not a political play. This is a real and pressing issue that I have heard about from racialized Albertans from all points on the political spectrum. Let me be clear. I've spoken with conservatives in this province who recognize the need for this work, the need for the government to take action on this.

Indeed, I have attended a number of events recently with the Minister of Labour and Immigration, and at every one of those events he has spoken about the very real and pressing issues of racism and discrimination in our province. That minister is on the record acknowledging the very real and pressing issue of systemic racism in the province of Alberta. I would love for this bill to have the opportunity to be debated in the Legislature so that the Minister of Labour and Immigration would have the opportunity to weigh in. The minister of multiculturalism, as has been noted: by all means, I would welcome his thoughts and his input on this bill. I would welcome an opportunity to hear from him what work he is doing in this regard. I would welcome the opportunity for all members to have that debate. If this is not the best way to fulfill it, then let's have that discussion.

We are not hearing that from the government members today. What we are hearing from them today is that this effort, in their view, is not good enough. But they are offering no other opportunity to potentially make the bill better, to address any specific concerns, and again we have not had any specific concerns put on the record. We've had very vague comments. Frankly, to take a bill that has had so much thought put into it, a good deal of consideration, that has considerable support in the community, and to stop it dead based on these sorts of vague, ill-defined concerns is troubling when we could have the opportunity for an actual fulsome debate on the floor of the Legislature, where we could delve into the actual

specifics, where members can present alternatives or ways to make this bill better. I would welcome that, Mr. Chair, but I am unfortunately getting the sense that government members are not going to agree to that here tonight.

But I will say, Mr. Chair, that even if the government members should choose to recommend that this bill not go forward to debate, I will certainly take my opportunity to speak about it then, when there is the debate for concurrence on the floor of the Legislature. I will certainly take the opportunity to continue to speak with folks in the community and continue to push for this action to take place, because, as I said, this is not a partisan issue, and it is not a nice-to-have; it is a must do. I will look for every opportunity to continue to use the processes that are available to me as a member of the opposition, indeed including this rare opportunity which is given to private members.

Let's be clear again, Mr. Chair, just how rare that is, to have your name drawn from that hat, to be given the honour and the opportunity to do the work of drafting a piece of legislation. Let me be clear. I took that responsibility very, very seriously. As soon as I had that opportunity, I knew what piece of legislation I wanted to bring forward, and it was this one.

6:20

That was over a year and a half ago, and we have since done considerable work to determine how we could best structure this, bring this forward. To have it this callously, casually dismissed, with so little actual content in the arguments against it, is deeply disappointing, Mr. Chair.

Thank you.

The Chair: Thank you, MLA Shepherd.

I don't have anybody else on the list at this current time. I'd just give a pause for anybody online or in the room who wants to join in for the last three and a half minutes.

Hearing none, we will go to the question. On the motion as moved by MLA Sigurdson, all those in favour in the room, please say aye.

Mr. Shepherd: Sorry. You got peer-pressured into it.

The Chair: I have noted that one, MLA Shepherd. We know you're excited about this bill.

Let's just start that again. All those in favour in the room, please say aye. All those opposed in the room, please say no. Moving online, all those in favour online, please say aye. All those opposed online, please say no.

The motion is defeated.

Mr. Nielsen: A recorded vote, please, Mr. Chair.

The Chair: A recorded vote has been requested. We will start in the room. All those in favour of the motion, please raise your hand: Member Irwin, MLA Nielsen, and MLA Sigurdson. All those opposed in the room, please raise your hand: MLA Rehn and MLA Nixon. I will call names one by one. We will start with MLA Sweet.

Ms Sweet: Aye.

The Chair: Then we will turn to MLA Singh.

Mr. Singh: Opposed.

The Chair: To MLA Amery. I don't know if you've unmuted. Okay.

MLA Jones.

Mr. Jones: Opposed.

The Chair: MLA Toor.

Mr. Toor: Opposed.

The Chair: Sorry. I'm just trying to make sure we didn't have a technical issue.

Sorry. I'll just pause. MLA Amery, we'll try one more time to make sure if you tried to vote or not. I just see that your screen was flickering there. I will leave it at that.

Mr. Huffman: Mr. Chair, for the motion, four; against, five.

The Chair: Okay.

The motion is defeated.

That means, just from the precedent from other meetings and from the advice, that the recommendation, then, is that the bill not proceed, which is the only other option that we have.

Members, that concludes the deliberations on Bill 204, and now we should consider directing research services to prepare a draft report, including the committee's recommendations. Would a member want to move to direct research services to prepare a draft report?

Mr. Amery: Opposed.

The Chair: Okay.

Member Irwin: Too late.

The Chair: It is. I understand, Member Irwin, that that is too late. I'm sorry. It threw off my train of thought.

Mr. Jeremy Nixon: I'll do a motion.

The Chair: You'll do a motion, MLA Nixon. We will put it up on the screen and make it slightly bigger, apparently.

MLA Nixon, why don't you just read that into the record, and then we'll see if there are any comments to it. Go ahead, please.

Mr. Jeremy Nixon: That

the Standing Committee on Private Bills and Private Members' Public Bills (a) direct research services to prepare a draft report on the committee's review of Bill 204, Anti-Racism Act, which includes the committee's recommendations, and (b) authorize the chair to approve the committee's final report to the Assembly on or before 4 p.m. on Friday, April 22, 2022.

The Chair: Any other comments to that motion? Okay. Any other comments from the committee on that motion? It's a pretty straightforward and standard one.

Hearing none, I will, then, call the question. All those in favour of this motion, please say aye.

An Hon. Member: Aye.

The Chair: Yeah. I did not specify. I appreciate that. Anyone opposed to this motion in the room, please say no. Anyone online opposed, please say no.

That motion is carried.

Just for a note, we would accept a minority report by 10 a.m. on Monday, April 25, 2022. Perfect. Okay. Thank you.

We will now move on to the review of Bill 205. I can see MLA Sigurdson of Highwood just stepping into the room, which will give me a little bit of opportunity to get him settled. I will just let members know that Bill 205, the Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022, was referred to the committee on Thursday, March 31, 2022, in

accordance with Standing Order 74.11. The report on the bill is due to be presented in the Assembly on May 2, 2022.

I would now like to invite Mr. R.J. Sigurdson, the MLA for Highwood, to provide a five-minute presentation on the bill, and then I will open up the floor to questions from committee members.

Mr. Sigurdson, your five minutes start when you do. Please go ahead.

Bill 205, Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022

Mr. Sigurdson: Thank you, Mr. Chair. I'd like to thank the chair, committee members, and staff for their support and providing me the time to speak to the private members' committee this evening on my Bill 205, Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022. Before I begin, I want to take the time to acknowledge some of the individuals and organizations across all of the province who have been instrumental in the development of this bill, both directly and indirectly, including Alberta ORGANization Group, the Kidney Foundation, the Heart and Stroke foundation, the Liver Foundation, the Alberta Transplant Institute, and the many donors and recipients who have shared their inspiring stories, thoughts, and insight with me through this process.

I think it's, first, important for me to state and explain why I'm so passionate about moving this bill forward to the House for debate. Only days after being drawn fifth for a private member's bill in this session, I was contacted anonymously by a local area resident named Cindy Krieger, who shared the tragic but inspiring story of her daughter Morghan, who was in her early 20s. She had left to attend school in Nova Scotia, and while attending school, she regrettably suffered multiple severe seizures. Her mother made the immediate trip to her side, and at the hospital prior to her passing Morghan expressed her intent to give the gift of life and donate her organs and tissue, saving countless lives.

In addition to the many stories that exist like Morghan's, in 2018 the country was in mourning due to the Humboldt Broncos bus crash. One of the young men who lost their lives, Logan Boulet, had just signed up to be an organ donor. His choice to be an organ donor inspired almost 200,000 people to follow his example and be an organ and tissue donor. Countless stories like Morghan's and tragedies like the Humboldt crash brought forward a critical need for conversation surrounding the importance of improvements to organ and tissue donation. Honestly, it is our responsibility as legislators to do all we can to ensure we have the best system available.

As we focus in on Alberta, it's important to note that we have fallen behind most other Canadian jurisdictions and international jurisdictions on this matter. Alberta is currently the second lowest provincially in deceased donation rates, and it's currently seeing up to a seven-year wait time for kidney transplantation alone. In a recent study performed by the Alberta ORGANization Group, they brought forward many recommendations for improvement to the current system in Alberta. Contained in this review were recommendations around mandatory referral, a lack of integrated panprovincial structure, better reporting, agency involvement as well as education and awareness.

My Bill 205, the Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022, is a strong step in the right direction to address those issues and build a system here in the province for the future, a system that will increase the number of lives saved and respect the wishes of all Albertans. If passed, the bill focuses on four major components. First, it will improve the organ and tissue donor registry. Second, it will implement a

mandatory referral process. Thirdly, it will improve agency guidelines. Lastly, it will improve education and awareness.

We currently have an organ and tissue donor registry, where individuals can sign up to be a donor. In Bill 205 I expand this process. Let me explain. In this process I've given the option for individuals to refuse donor registry. It's critical that the wishes of those who wish to donate be honoured but also that those who do not wish to donate be respected.

6:30

Second, and maybe most important, is the change to mandatory referral, a change from our current law of mandatory consideration. This change establishes that when death is determined to be imminent, the physicians are required to contact professionally trained organ donation organizations to evaluate donor eligibility. This change will increase organ and tissue opportunities.

Thirdly, amendments to the organ and tissue donation agency will pave the way for reviews, reports, and suggestions submitted directly to the minister, which will help continue to build a stronger system of donation in the future.

Lastly, the education component will be expanded to ensure the most current and up-to-date information, education, and awareness is issued to Albertans.

In closing remarks, looking in respect of the time, I want to thank the committee members and also express my gratitude to the many individuals who have been instrumental in helping me to draft this bill. I want to express that this bill was inspired by nonprofits, transplant institutes, organ donation advocacy groups, donors, foundations, recipients, and physicians. This bill will reduce wait times, and it will save lives.

Thank you, Chair.

The Chair: Thank you, MLA Sigurdson, for that presentation.

We will now open up the floor to 20 minutes of questions, starting with the opposition side. Is that a head nod? Member Irwin, please go ahead.

Member Irwin: Thank you. Thanks very much for bringing this bill forward. You know, we in fact had the opportunity – actually, us three here had the chance to be on this committee since, I guess, its inception. I recall having a debate on your colleague from Calgary-South East's bill in 2019. Of course, we got on the record at that time our support and how much we want to encourage and increase organ donation.

I appreciate as well your comments around Logan Boulet and, of course, his father, Toby, who's been a huge advocate. Just really proud of the work that the family is doing.

You know, I was thinking back and then doing a little bit of reflecting on your colleague's bill from 2019, which I think was also Bill 205. It proposed an opt-out system as opposed to an opting-in system. I imagine you would have talked with your colleague and you would have, as you noted, consulted with a number of folks. Can you just outline sort of the process of creating this bill and how you landed on the approach that you did in this bill as opposed to the previous iteration of a bill?

Mr. Sigurdson: Thank you, Member Irwin, for those thoughtful questions. I sat on this committee at the time that we had reviewed Bill 205 and definitely engaged in conversations immediately afterwards with members of the Alberta ORGANization, including Linda and Greg Powell. When we started having the conversation, when I got drawn for my bill, it came to light to me, when I connected with the Kidney Foundation and some of the other organizations, that after the bill of an opt-out system was put in place, they saw a dramatic decrease in people opting in. With that,

there was a bit of a conversation surrounding the fact that maybe we should work on focusing on the fundamental pillars first and building the education and awareness around this before moving to an opt-out.

Let's recognize as well that an opt-out always gave the last right of refusal to the family anyways. Most of this is what we call a soft opt-out. This is where we kind of came around and said: listen, let's start at the start, and let's get the fundamental pillars in place that are going to build the system. That revolved around what areas are going to have the most impact. Of course, focusing on the registry itself was fundamental.

One of the things that really came to light in some of the seminars and hours I spent with the Alberta Transplant Institute and other individuals, including leading surgeons who engage in transplant: mandatory referral was identified as one of the pillars. That's the process and the area that I decided to move in and, with that, as well putting a little bit more guidelines around the agency and what they should be doing to continue to build a better system here in the province, because this is about putting the fundamental building blocks in place to prepare us for the future, but also a few more clear guidelines around what the agency should be doing so that we get continued recommendations to make sure that we, instead of being the second lowest in our country, can continue to build year over year through the reporting, monitoring, and, you know, looking and analyzing missed donor opportunities and continue to have those recommendations build now and in the future.

Member Irwin: That's fair. I know my colleagues and I were chatting a little bit about the mandatory referrals piece, so I'll leave that to one of my colleagues to dig a little bit more into.

Yeah. I mean, obviously, you've chatted with a number of stakeholders and, I would imagine, like you noted, some of the same ones that your colleague from Calgary-South East did as well. Did you have any conversations with any stakeholders who would have preferred an opt-out system? I'm just curious if you did get, you know, sort of . . .

Mr. Sigurdson: I did see some, but what I saw, overwhelmingly, was that after I engaged with the broad stakeholders and when we were looking at this, they identified other areas that were more important to put in place first. Beside me I brought with me – and this is just what I've received since the tabling of my bill – about 40 letters of recommendation, including the Canadian Liver Foundation, the Alberta ORGANization Group, including from Linda Powell, the Kidney Foundation, and many, many other donors and recipients. The general consensus was: here's where we start, and we build for the future. That's why it took this approach.

The Chair: Thank you, Member Irwin.

We'll now go to MLA Nixon for a question and a follow-up.

Mr. Jeremy Nixon: Excellent. Thank you. I guess my question is that I was hoping you could talk a little bit more about where we're at now with this in regard to the need that's out there and kind of what donations are available and kind of why this might be urgent or if we're seeing any trends in regard to the need going forward.

Mr. Sigurdson: Well, I think overall resounding was the fact that right now we need to focus on the fact that, basically, 1 per cent to 2 per cent are about the only opportunities we have for viable organ and tissue opportunities for donation. How do we maximize on that? It's a very low number.

In Alberta we have hundreds and hundreds of patients that are on dialysis and waiting for organs and tissue transplant. So when it came down to looking – and as I mentioned in my presentation, you

know, you use kidneys as an example of individuals that are waiting up to seven years for kidney transplantation. That's seven years of dialysis. That's seven years of constant trips back and forth to our hospital systems. That's time away from their families that they have to spend in hospital and the impacts of that. Really, what it came down to was – and this is why I focused around mandatory referral – taking a look at the one piece, and that change from mandatory consideration to mandatory referral could up to double the chances of donor opportunities within the province. That's critical because we've got to maximize that.

We also have to ensure, with that very low percentage of opportunities for proper organ and tissue transplantation, that we don't have those missed opportunities, that we minimize that as much as possible, and that's really what the underlying core value of this bill will bring and the changes within it will make, that clear line of what needs to be done and when and how the process works to make sure that we minimize missed opportunities as much as we can. The building out of the agency on the other side will also continue to make recommendations year over year to continue to build on that and continue to move forward, which will allow us that real-time reporting coming back to the minister so that we can continue to add to this year over year and make changes that will continue to increase the donor opportunities, awareness, and decrease the missed opportunities within our system right now.

Mr. Jeremy Nixon: Awesome. I guess I was also kind of curious about if you've done work on trying to understand how Alberta currently is in comparison to other provinces across Canada, say Nova Scotia, and kind of where we are now and how your bill compares to what's happening across Canada.

6:40

Mr. Sigurdson: Well, I think, in light of a lot of the situations that are happening, we have seen – and, of course, there was a very big light shone on the changes that were made revolving around tissue and organ donation within Nova Scotia, in which they do and implemented the opt-out, which is a part of what they did there. Now, a lot of pieces that are contained in this bill also reflect very similarly a lot of the changes that were in Nova Scotia without the opt-out.

What I did with my bill was really focused on the registry end of it, trying to build the confidence in Albertans, because they have to have confidence in the system. That's why, within that, our system – and we are going to be a bit of an outlier because most systems are an opt-in only. I have provided within this clear instruction that people have the ability to opt out. I think that's critically important. First of all, it allows people to clearly identify what their intentions are so it's clear to physicians at that time so they're not moving resources that don't need to be moved when there's a clear intention of the individual, and with that as well, it's important that we respect everyone's wishes here in Alberta.

This is something that's been supported by the foundations, including kidney, liver, and other stakeholders that I've talked to. They really do support this. It is a bit of a different approach than Nova Scotia, but I think, within that, it's going to build that confidence that actually will provide more people the confidence to move forward to opting in, and I think that's what the benefit is going to be, around that education, awareness, and assurance and confidence in the system.

The Chair: Thank you for that.

We now go to MLA Nielsen for a question and a follow-up.

Mr. Nielsen: Yeah. Thanks, Mr. Chair, and thanks, Mr. Sigurdson, for coming to the committee to present your bill. Of course, I also

got the chance to maybe have a little bit of a side chat with you about this bill, and I wanted to dive in just a little bit around the mandatory referrals and why this part is so important, I guess, for this bill. You know, can you speak to why you believe in changing this process and how that can create some significant change? I guess: what are the pitfalls that we seem to be experiencing? I'm certainly not going to insinuate that people are doing anything wrong, but are there better ways of doing things?

Mr. Sigurdson: Well, the number one reason for moving from mandatory consideration, where the legislation sits right now, to a mandatory referral is to clearly identify a line in which organ donation organizations must be contacted. Recognize that in this type of situation time is critical. Seconds do matter, and with that, by clearly defining this line that when death is imminent, an organ donation organization, or an ODO as they call it, has to be contacted, that allows the process to start and move through in which they can establish donor eligibility and then move through to organ donation teams within the hospital to then work through the process with the families so we have professional, trained people moving forward with this process and, with that, a clear line on when that's supposed to happen.

This will decrease missed opportunities, and also with that, you're having professionals approaching the families who can manage expectations, ensure that the families are well informed of the process, building that confidence, which will and should lead to more success in families also honouring the wishes of those that do opt in. Recognize that the family in many cases still has the last right of refusal, and at this point in time we have I believe it's over 50 per cent which overturn the wishes of the individual. So we have to minimize all that. We have to find a system that works better. I believe that this is a path that will accomplish that.

Mr. Nielsen: A follow-up?

The Chair: Yep. Please go ahead.

Mr. Nielsen: Yeah. Thanks, Chair. I know you made some references to some of the situations in Nova Scotia. I'm wondering if there are any other jurisdictions that you looked at that maybe had a similar type of mandatory referrals. You know, did you draw any inspiration from there, or are we trail-blazing here maybe just a little?

Mr. Sigurdson: I wouldn't say that we're trail-blazing. When I looked at this in a cross-jurisdictional analysis, I didn't just look across Canada. I looked across the world, and I looked to places like Spain that are leading in this, and they have mandatory referral. Around that, they've designed their systems and structure in which they do their notification system based on key principle pillars like this. For me, it wasn't just about Canada. It was about looking at the U.S. and then looking around the globe and looking at what the leaders are doing and trying to see what I can implement through a private member's bill. I understand that, you know, it's just me. I'm not government. I don't have the resources to do it. So I had to look at the areas in which I thought that could be accomplished through a private member's bill and then, with that, provide also a gateway through the agency and reporting and empowering them to be able to continue this work as we move forward.

The Chair: Thank you for that.

We're now going to go online to MLA Jones for a question and a follow-up.

Mr. Jones: Yes. Thank you. Thank you so much for bringing forward this important bill. As you rightly pointed out, there is no

silver bullet to solving the organ and tissue donation challenges that we face, but mandatory referral is a huge piece and probably the next best step that Alberta can make.

I was just going to ask you to comment on the current situation. It's my understanding that the pandemic has caused organ donation to decline and thus transplants. We already had – I think that back when I was putting a bill through this same committee on this same topic, there were over 4,000 Canadians and then a lot of Albertans who were in need of organ and tissue transplants. Can you tell us what COVID did to the situation and where we sit in Alberta today?

Thank you.

Mr. Sigurdson: Well, as you had mentioned – and thank you for those comments, MLA Jones. Yes, you're right. There are over 4,000. I do believe that right now in Canada we're sitting at about 4,800, and I do believe that in Alberta we have well gone past 600, I think, right around 700 or more. Right now the amount of opportunities that present themselves are, as I mentioned, very slim, less than 2 per cent of opportunities within that. Over the past two years we definitely have seen a dramatic decline with the available amount of opportunities for tissue and organ donation, and as well with that is just, you know, a pause. We haven't seen the increase and the upswing to tissue and organ donation of people signing up.

You know, I spent the last few weeks, of course, having Green Shirt Day just passed, spending it on the ice, trying to raise awareness around that, and we're moving into tissue and organ donation awareness week, which is – I think we've got to continue to bring that awareness. It's time that as Albertans we have those conversations with our families and our children so that we're clear on our intentions and with our online registry, making sure that we take the time to go to the Alberta registry and sign up to be a donor. Really, what's going to change and impact the lives and the people that are awaiting those important tissue and organ transplants is heightening that awareness, building our online registry, ensuring that we do everything to have those conversations to try to elevate this subject within the province. I hope this bill accomplishes a bit of that as well.

The Chair: Thank you.

MLA Jones for a follow-up. Please go ahead.

Mr. Jones: Yeah. Thank you. I was just curious if you were looking at other jurisdictions who have already implemented mandatory referral. Do you have any estimate for the increase that we might see in Alberta in organ donation from the implementation of mandatory referral?

Thank you again for introducing this very important bill.

Mr. Sigurdson: You know, I have asked the questions. I don't know if it has really been measured, but having said that, as we're moving forward and if my bill does pass, I hope that that's something that we will look at as a province here and we will measure to be able to give a bit of a base guideline on what the impact is of mandatory referral. Some of the other bills have changed far more than just mandatory referral, so it's hard to measure it as one change alone. As my bill is very specific in the way that it's outlined, I think we might have an opportunity to look at what the positive outcomes would be for mandatory referral and then utilize that to be able to communicate to our neighbours and be able to explain to them the importance of moving to this type of legislation for mandatory consideration.

6:50

The Chair: Thank you.

MLA Sigurdson, do you have a question?

Ms Sigurdson: Yeah. Thank you, Mr. Chair, and thank you, MLA R.J. Sigurdson. I'll do that for the benefit of *Hansard*, who'll be having to distinguish between us. Sometimes it gets mixed up, I know.

Yeah. I just wanted to delve a little bit further into what exactly mandatory referral means. You did touch on it briefly, but I really would appreciate a little bit of a fulsome explanation.

Mr. Sigurdson: To explain it as clearly as possible, our current legislation states that we have mandatory considerations. Within the bill it establishes a little bit of stronger language about what imminent death means and when that should be determined and when imminent death is established by a physician. Mandatory consideration just allowed a physician to make the determination on his own. This is a clear move to say as a province that, no, we require physicians at the point at which imminent death is determined to contact at that moment an organ donation organization to move through with a process to be able to look at an organ and tissue opportunity.

Ms Sigurdson: Okay. Is the family – oh, sorry. If I could?

The Chair: Yeah. Go ahead. Just 15 seconds.

Ms Sigurdson: Is the family connected with that whole process also?

Mr. Sigurdson: Well, first, of course, it has to go to the organ donation organization to see if it's a viable donor, and then definitely we do have a pilot going on within our hospitals right now where we have organ donation teams. They would be contacted, with professionals then approaching the families, yes.

The Chair: Okay. Thank you, Mr. R.J. Sigurdson, for your presentation and for taking questions. You're more than welcome to stay.

At this point we are going to move to the technical briefing. The committee has invited the Ministry of Health to provide a technical briefing on Bill 205. Mr. Chad Mitchell, if you want to start making your way up to the table, is the assistant deputy minister of the pharmaceutical and supplementary benefits division and has agreed to present to the committee today. Thank you for being here. We'll just give you a few minutes to settle in. Once you're ready, we will begin with a five-minute presentation, again followed by 20 minutes of questions.

Mr. Mitchell: Good evening, Chair. Thank you for the introduction. Once again, I'm Chad Mitchell, the assistant deputy minister for the pharmaceutical and supplementary benefits division at Alberta Health, and I'm here today to provide a ministry perspective on Bill 205, the Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022.

Bill 205 proposes numerous substantive amendments to the Human Tissue and Organ Donation Act – and I'll refer to it as the act from herein – including enabling the registration of refusal to donate, new requirements for registry agents to provide information supporting organ and tissue donation, the introduction of mandatory referral of potential donors, changes to the disclosure of information about donation, and the creation of an external donation agency.

I'll begin with the amendment relating to registry agents. At present registry agents are legally required to ask clients obtaining or renewing a driver's licence or identification card whether they wish to register their donation wishes in the Alberta organ and tissue donation registry. We know that over 80 per cent of Albertans support the idea of organ and tissue donation, and registry agents play a vital role in asking Albertans to act on their donation wishes.

Bill 205 proposes registry agents to provide their clients with information supporting the importance of donation. As long as such information is provided solely in written format rather than through conversation, this amendment is supported.

Another proposed amendment would allow Albertans to register the refusal of consent to donate their organs and/or tissues in Alberta's existing donation registry. At present the donation registry allows for the registration of consent to donate. This fosters a positive culture of donation in Alberta, encourages conversations about the value of donations. Enabling action to refuse to donate may not be supportive of organ and tissue donation in Alberta. Therefore, registering a refusal is not seen to be beneficial to increase the support for donation.

The proposed amendment includes a blanket prohibition around the disclosure of information about organ and tissue donors and the recipients and people who consent to donate. While the public disclosure of such information should be and already is limited underneath the existing act, Bill 205 is found to conflict with the Health Information Act and other legislation.

Bill 205 also proposes changing language in the act from "mandatory consideration" to "mandatory referral." This amendment represents a change in terminology only relating to an important requirement requiring that physicians refer those patients deemed to be potential donors to a donation organization for further consideration and action. The recognition of potential donors is vital to ensuring that all donation opportunities are explored, and a recent Alberta Health Services initiative, which I could speak further on, to train 22 additional donation specialists assists tremendously in this regard.

Finally, Bill 205 will require the minister to proceed with creating an external donation agency with a chair and board of directors and support staff. Existing legislation legally established an agency, but it isn't operational until it has a chair, board, and support staff. An external agency would be disruptive to existing Alberta Health Services donation services, which are already centralized, and would require considerable development work, cost at a time of heavy demand on the health system. The creation of an external agency is also inconsistent with the government's commitment to red tape reduction. I understand that one stakeholder group has estimated a cost of \$10 million to \$20 million to establish this external agency plus ongoing operational costs although the bill does not provide a cost estimate.

The ministry believes in continuous quality improvements and recently invested over \$2 million to make direct improvements to donations in Alberta. This investment addresses areas identified as being the most efficient in increasing donation rates such as establishing and training 22 new end-of-life and donation specialist physicians, instituting 24/7 access to these specialist physicians, and commencing the review of deaths in intensive care and emergency units to identify missed donation opportunities so donors are not missed moving forward.

In conclusion, we're currently implementing initiatives to improve donation rates. We can support some aspects of Bill 205 such as the establishment of mandatory referral of potential donors and the provision of information supporting donation to registry agent clients.

Thank you for the consideration of these perspectives.

The Chair: Thank you for that presentation.

We will now move to 20 minutes of questions, and that's going to be starting with MLA Sigurdson for a question and a follow-up.

Ms Sigurdson: Yeah. Thank you so much. I appreciate your presentation. I just wonder – I mean, you talk mostly about Alberta,

and I want to talk a little bit about that, too. But I'm wondering if you know about this program being in other jurisdictions in Canada, and if so, have they been effective, helpful, these mandatory referrals?

Mr. Mitchell: You heard from the former member, Mr. Chair, about other countries and other jurisdictions and all that. What I can't speak to is the impact of the shift in terminology to mandatory referrals from the current mandatory consent. However, what I do know is that we have seen a modest increase in tissue and organ donation in Alberta, and if you bear with me, I'm going to pull up some stats to help inform that conversation.

What we do know is that in 2020 Alberta had reported, once again, some modest increases in donation rates. We express it in terms of transplant recipients per million donations, and in terms of living kidney donation transplant we're operating similar to British Columbia and similar to Ontario. Though the number of organ donations per million population had generally decreased across Canada between 2019 and 2020, Alberta's rate per million population did increase slightly.

The Chair: Yeah. For a follow-up. Go ahead.

Ms Sigurdson: Yeah. Thank you. From your comments I wonder if you could just talk a little bit more about: it sounds like there are already existing people within our health system here, so having an outside agency actually involved in the mandatory referral may not be necessary. Would you recommend that we work with the health professionals already employed by Alberta Health Services?

Mr. Mitchell: Thank you for the question. Some further details. Like, our stakeholders in both the department and Alberta Health Services see the need to continue to improve organ and tissue donation in the province of Alberta. Now, there has been a lot of work that has gone into understanding the characteristics of what are high-functioning donation and transplant systems, including considerations of that mandatory referral component.

7:00

Alberta Health Services organ and tissue donation programs are accountable through the Alberta Health Services vice-president and chief operating officer component. There are clinical operation programs within Alberta Health Services that bring together all the different zones underneath this one clinical team. This came into being two weeks after the pandemic came to Alberta.

As I mentioned before, you know, we did support increasing these donation teams' physician specialists. It gets back to the SCN grant that I referenced, that three-year grant supporting the recruitment and enhanced training of physicians to recognize when patients may be eligible to be considered as these donors. Now, overall the question that the department has is: why should there be a single oversight body, further investment into an agency? If investments are needed, they should be targeted at the reasons why donations are not occurring. Once again, that was the intent of the SCN grant that we did provide Alberta Health Services.

The Chair: Thank you.

We'll now go to MLA Nixon.

Mr. Jeremy Nixon: Excellent. I appreciate you sharing about what Alberta Health is currently doing to try and help increase organ donations. I wonder if you can talk a little bit about where we're at, though, in regard to the length of lists of people waiting for organ donations and how that compares to current donations and whether or not our efforts are enough.

Mr. Mitchell: Mr. Chair, I don't have the stats in terms of the wait-lists available to me. What I do have in front of me is information. It's around, I believe, 700 individuals that are currently on a wait-list, and that varies depending on the type of transplant.

Mr. Jeremy Nixon: Excellent. So, then, with our current efforts, how would you say this bill will help in regard to increasing or improving current efforts and building upon current efforts to help meet the demand that we see there?

Mr. Mitchell: As I mentioned in my opening statements, Mr. Chair, we do support aspects of the bill such as establishing a mandatory referral of potential donations and that provision information supporting donation to the registry agent clients. Like, without a doubt, that's part of the enabler and all that. That combined with the other initiatives that we are working on with Alberta Health Services, that we've recently implemented, we should be able to continue our trend in increasing transplant rates and donation rates.

The Chair: Thank you.

Do you have a . . .

Mr. Jeremy Nixon: That was my second.

The Chair: That was your second. I had a whole system here.

Anybody else? Mr. Nielsen, go ahead.

Mr. Nielsen: Yeah. Thanks, Mr. Chair. I noticed in your remarks that you were talking about the body that's being proposed to be created kind of coming in conflict with what's going on. I was wondering if you could expand on that a little bit more.

Mr. Mitchell: Mr. Chair, in terms of the question, is this regarding the conflict with potential legislation?

Mr. Nielsen: Yeah.

Mr. Mitchell: Okay. In our assessment it's related around the disclosure of information. Some of the proposed amendments surround disclosure information that includes a blanket prohibition around the disclosure of information about organ and tissue donations, recipients, and people's consent to donate. So there would be a required significant analysis, further analysis, on that, but our current analysis is that the public disclosure of such information as presented in the amendments is found to be in conflict with the health information of the legislation. In terms of the technical detail, that would require further legal analysis.

Mr. Nielsen: A quick follow-up?

The Chair: Yeah. Go ahead with a follow-up.

Mr. Nielsen: You had also mentioned there might be, well, it seems like a significant cost. I think you said somewhere between \$10 million and \$20 million. I guess, maybe, could I get you to expand on that a little bit?

Mr. Mitchell: Yeah. My reference to the \$10 million to \$20 million is based on information that some of the stakeholder groups have presented. I can't speak to their economic analysis there. It is very difficult to articulate with any certainty on what the overall costs would be to establish a stand-alone agency and also the potential ripple effects of this agency. What do I mean by that? The work of donation programs is greatly facilitated when they're part of the team in providing this exceptional care to patients and families. An outside entity separating that might impact the team. So familiarity, relationships, and trust are vitally important with these teams.

The Chair: Thank you.

I'll just remind everybody online that you can turn off your cameras if you like.

Mr. R.J. Sigurdson, you have a question?

Mr. Sigurdson: Well, I guess I just have a little bit of a clarification question, because of course you did make comments to sections 12(1), 12(2), on confidentiality of information. I'm not sure what exactly you were referring to as a conflict, but we may have to dive into that or may need a subtle amendment, and understandable.

But one of my major concerns is that you made comments about the cost of \$10 million to \$20 million for establishing an outside agency, yet my bill in 12.1 says that "the Alberta Organ and Tissue Donation Agency is continued." The current legislation 12.1(1) states that "the Alberta Organ and Tissue Donation Agency is established." That is current legislation under which the purposes of the agency are listed, of which, under my bill, I only modify the purposes and establish and build out the agency guidelines. I don't establish an agency; the agency already exists. So I'm just wondering if you can comment on that.

Mr. Mitchell: Once again, in terms of the cost aspects, that's from external stakeholders. I wouldn't be able to speak to their economic analysis. In terms of the agency you're correct. In the legislation it speaks to an agency being established, underneath the existing legislation. The amendment that's been proposed, once again, clarifies some of the functions of the agency. An external agency, a stand-alone agency, hasn't been created, and once again underneath Alberta Health Services the existing donation services are already centralized. So there would be considerable development work if the intent of the amendment was to create a stand-alone agency.

Mr. Sigurdson: As I mentioned – like, just a point of clarification, Chair – my bill just continues the donation agency. That is the current wording in the legislation. I'll leave it there.

Thank you, Chair.

The Chair: Thank you for that.

Any other questions? I'd remind everybody online to turn off their cameras, please. Just a quick reminder to turn off your cameras. Any other questions or comments? Hearing none.

I want to thank Mr. Chad Mitchell for joining us and taking some questions. We will now move to the next portion of our meeting. Thank you again for joining us.

Members, the committee must now decide how to conduct its review of Bill 205. In accordance with our approved process the committee may choose to invite additional feedback from up to six stakeholders, three from each caucus. Alternatively, the committee may choose to expedite this review and proceed to deliberations. Does anyone have any thoughts on this? MLA Nixon.

Mr. Jeremy Nixon: Yeah. I would like to move that the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 205, Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022, proceed.

The Chair: Okay. Having heard that motion, we will get that up on the screen. Okay. Does that motion up on the screen cover off what you were . . .

Mr. Jeremy Nixon: That looks like what I was saying.

The Chair: That looks good. Okay.

Any other questions or comments to that?

Mr. Jeremy Nixon: Yeah. I think, well, first of all, after already having this bill come through committee, or something similar, I think we've had extensive conversation on this. We've also heard from the member that there has been extensive consultation and work on this bill, and I think this is about saving lives, so let's get this to the floor and move forward.

The Chair: Okay. Thank you for that.

Any other questions or comments?

Okay. Hearing none, I will call the question. Everybody in the room in favour of the motion for the bill to proceed as moved by MLA Nixon, please say aye. Anybody in the room opposed, please say no. Moving online, all those in favour, please say aye. Anyone online opposed, please say no.

That motion is carried.

One more motion to wrap up our business. We'll need somebody to move a motion to direct research services to prepare a draft report, including the committee's recommendations. Would anybody like to move that? MLA Nixon. We will get that motion up there, and then you'll be able to read it into the record as well.

Go ahead.

7:10

Mr. Jeremy Nixon: Excellent. I move that the Standing Committee on Private Bills and Private Members' Public Bills (a) direct research services to prepare a draft report on the committee's review of Bill 205, Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022, which includes the committee's recommendations, and (b) authorize the chair to approve the committee's final report to the Assembly on or before noon on Wednesday, April 27, 2022.

The Chair: Any other comments to that?

Mr. Jeremy Nixon: No.

The Chair: No. Any other comments from the committee?

Hearing none, we will go to the question on that motion as moved by MLA Nixon. All those in the room in favour, please say aye. Anyone in the room opposed, please say no. Moving online, all those in favour of the motion, please say aye. Anyone online opposed, please say no. Thank you.

That motion is carried.

Just to note, any members who wish to submit a minority report may do so and have it to the committee clerk by noon on Tuesday, April 26, 2022.

Moving to any other business.

Hearing none, the date of the next meeting is already set. It's April 25, 2022.

I just need a motion to adjourn. MLA Nixon has moved that the meeting be adjourned. All those in favour in the room and online, please say aye. Anyone opposed in the room or online, please say no. That motion is carried.

This meeting is adjourned. Thank you.

[The committee adjourned at 7:12 p.m.]

