



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Public Safety and Services

Tuesday, September 23, 2008
11:05 a.m.

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Standing Committee on Public Safety and Services

VanderBurg, George, Whitecourt-St. Anne (PC), Chair
Kang, Darshan S., Calgary-McCall (L), Deputy Chair

Anderson, Rob, Airdrie-Chestermere (PC)
Bhardwaj, Naresh, Edmonton-Ellerslie (PC) *
Brown, Dr. Neil, QC, Calgary-Nose Hill (PC)
Calahasen, Pearl, Lesser Slave Lake (PC)
Cao, Wayne C.N., Calgary-Fort (PC)
Jacobs, Broyce, Cardston-Taber-Warner (PC)
MacDonald, Hugh, Edmonton-Gold Bar (L)
Notley, Rachel, Edmonton-Strathcona (NDP)
Sandhu, Peter, Edmonton-Manning (PC)
Woo-Paw, Teresa, Calgary-Mackay (PC)

* substitution for Peter Sandhu

Bill 10 Sponsor

Anderson, Rob, Airdrie-Chestermere (PC)

Solicitor General and Department of Public Security Participants

Matthew Barker	Manager, Peace Officer Program, Private Investigators and Security Guards
Bill Meade	Executive Director, Special Projects Branch

Support Staff

W.J. David McNeil	Clerk
Louise J. Kamuchik	Clerk Assistant/Director of House Services
Micheline S. Gravel	Clerk of <i>Journals</i> /Table Research
Robert H. Reynolds, QC	Senior Parliamentary Counsel
Shannon Dean	Senior Parliamentary Counsel
Corinne Dacyshyn	Committee Clerk
Erin Norton	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Communications Services
Melanie Friesacher	Communications Consultant
Tracey Sales	Communications Consultant
Philip Massolin	Committee Research Co-ordinator
Stephanie LeBlanc	Legal Research Officer
Diana Staley	Research Officer
Rachel Stein	Research Officer
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

11:05 a.m.

Tuesday, September 23, 2008

[Mr. VanderBurg in the chair]

The Chair: Good morning, everyone. I'll call the meeting to order. If you turn to your agenda, the first item that I will ask for is the approval of the agenda. But before that, Mr. Bhardwaj is a temporary substitution for Mr. Sandhu, and we have the appropriate letters that have been drafted to allow that, so welcome.

Mr. Bhardwaj: Thank you.

The Chair: Anyway, we'll move on to the approval of the agenda. Moved by Member Calahasen. All those in favour? It's approved.

We'll go on to the minutes from July 23. Any errors or omissions?

Mr. Jacobs: I so move.

The Chair: Moved by Member Jacobs. All those in favour?

Now, there'll be some follow-up from the last meeting. I think we can deal with this now. Bill, there were some items that were brought up at the last meeting to report back on for some updates. Everybody okay with just doing that right now? Okay.

Bill, just briefly, there were some additional points that the members had asked for some clarification on at the last meeting. Go ahead.

Mr. Meade: Thank you, Mr. Chairman. I think there were two, as I understand it. One was on the length of time it's taking with the Law Enforcement Review Board. I was asked to provide some feedback on that timeline. Another one was on biometrics and retina scanning and the modernizing of the industry as it relates to the gathering of information. I'll address the first one, and I'll let Matt from my shop address the second one.

On the current wait times in processing for the Law Enforcement Review Board, in Calgary it's 12 to 15 months, in Edmonton it's 24 to 36 months, and provincially the average is approximately 18 to 20 months.

The Chair: Okay.

Mr. Barker: With respect to the collection and storage of the biometric information we believe we can capture the rules and the requirements around the storage of that information through section 31(b) of the act with respect to business record keeping requirements. We can further detail it in regulations and policy. We want to ensure it stays in regulations. As technology evolves over time, we can change the regulations more easily than the act to capture any new technologies that come out.

The Chair: For the listening audience, really, we're on item 4, Items Arising from Previous Meeting. The department staff that have been speaking are Bill Meade, the executive director, special projects branch, and Matthew Barker, manager of the peace officer program, traffic safety enforcement, regulatory services, policing standards and evaluation. Boy, that's a title there, Matthew. Just for the listening audience I had better introduce you.

Any discussion? Member MacDonald.

Mr. MacDonald: Yes. Mr. Meade, I didn't get a chance to write that down, but there was a significant delay before the Law Enforcement Review Board, sometimes up to two to three years. Correct?

Mr. Meade: That's correct, and specifically in Edmonton.

Mr. MacDonald: Now, if we make Bill 10 law, what workload will we see for the Law Enforcement Review Board, and how long do you think that wait list will then become?

Mr. Meade: Clearly, it will grow. However, there are some strategies. Recently some additional resources were put into the board in both Calgary and Edmonton. However, the boards are becoming somewhat litigious in their operations, which is causing the extended period of time before a decision.

Mr. MacDonald: Could you fill us in, please, on what sort of improvements are being made to the board? Are we hiring more staff? Is there more budget?

Mr. Meade: Yes, there have been. Also, there's a review going on to determine how to increase the decision-making time further. However, I want to state for the committee that that is not in my area. I've simply reported the numbers from the people who are responsible for LERB. If there are any more specific questions, I'd feel comfortable, certainly, taking it back to those people for the specifics in terms of the budget and such, but I don't have those with me.

Mr. MacDonald: Thank you.

Mr. Anderson: Just on this point. If I understood your question, it was: how would Bill 10 affect this waiting time in the LERB? Is that right?

Mr. MacDonald: Yes.

Mr. Anderson: My understanding is that the appeal process does not include the LERB. Under Bill 10 it doesn't go to the LERB with regard to third-party citizens.

Bill, just maybe clarify that point for us.

Mr. Meade: Certainly, the licensee and the individual, the person who would be under this act, would have a right to go to the appeal. The thinking on the citizen is that they have an independent third-party review at the registrar level, which is in parallel with the Peace Officer Act. We haven't to date received any concerns about that process in the Peace Officer Act.

The Chair: Member Bhardwaj, did you indicate you wanted to speak to this?

Mr. Bhardwaj: No.

The Chair: Okay.

Thank you, Bill. I'd ask you to stay in attendance for the rest of the meeting, though. Your assistance may be needed as further items on the agenda go.

I'd like to move on to item 5, Submissions, but I have a little bit of a preamble that I want the members to understand, and I want to draw your attention to it. The committee's decision agreed to at the July 23 meeting identified stakeholders to be invited to provide written comments on Bill 10. Such a letter was indeed sent out to 334 stakeholders on July 25. If you look at the last paragraph. Louise, you handed out a letter?

Mrs. Kamuchik: It's the next to last paragraph.

The Chair: The next to the last paragraph, where submitters were asked to specify if they did not want their submissions made public. We did indeed have such a request. In keeping with this request, I would ask for a motion to go in camera at this time. I'd ask for someone to make that motion.

Ms Calahasen: Sure.

The Chair: Moved by Pearl Calahasen. All those in favour?

Ms Blakeman: Discussion on the motion?

The Chair: Oh, sorry. I thought you wanted to vote on it.

Ms Blakeman: No.

The Chair: I thought you were anxious to vote on it.

Ms Blakeman: No, but thank you for recognizing me, Mr. Chairperson. My apologies for joining the committee late. My question is: is it absolutely imperative that we go in camera? Then the discussions are held, of course, off the record, and it's very difficult for people to understand how we arrived at the decision after the fact.

The Chair: I think it is, Ms Blakeman. We have to respect that when we have a meeting like this, it's in public, and I think that's what we want to achieve. But we also have to respect that when a submitter requests some privacy, as we allowed them to, we provide that privacy. I also want the committee to have some time to discuss this matter and to understand fully the implications, so I think that 10 minutes for legal counsel to maybe explain why and what's needed would be appropriate. This is something I'm not going to use as chair because, you know, the whole idea of what we're trying to achieve here is some more open, public debate on issues that come in front of this committee.

Ms Blakeman: I respect that and encourage it, as you know, Mr. Chairperson. I've now sat through two other committees that have struggled with this. You may have a particular submission in front of you that I'm not aware of, but one of the issues I've raised with the other two – so I'll raise it here – is that we did give people the out in the advertisements that we did. I would recommend we not give them the out again, that in asking for public submissions, we not give them that opportunity next time. Around the transparency and accountability issues, if someone requests that their submission be held back or kept confidential and we take it into consideration, the public is missing a piece as to how we arrived at a decision. Especially if it weighs heavily in our decision, they can't review it and understand how we arrived there.

11:15

I think that in the other committees we've agreed – and I'm sure someone can correct me – that henceforth it wouldn't be in the ads and, additionally, that if they request this time around that it not be made public, then it would also not be considered in our final deliberations because it's not open for public scrutiny. Obviously, there are conditions in which this would not apply. Specifically, I look back to the Health Information Act review and also the bill that was under consideration last year around mental health: special circumstances, I think. But you may not be aware that this has happened in the other two committees.

Thank you.

The Chair: I agree with most of what you've said, Member

Blakeman. The issue I have is that if we want full public participation and part of the public feels they don't want their information shared, then we don't get a chance to hear that input as well. There might be certain agencies or certain people who want to protect names who want to submit some issues to the committee, but if we say, "No, it's all in the public," we may also shut some people out of our conversation. So I think that some consideration needs to be given. I have given that as your chair, and we'll see in 10 minutes of in-camera session if you still feel the same.

Pearl, we have the motion. Do you want to comment?

Ms Calahasen: If I may, Mr. Chair. I really am concerned when people want to shut others out. There are some people who have legitimate reasons as to why they don't want anything to be made public. I think what we have to do is take into consideration people's concerns. I know we want to hear everybody and we want the general public to hear everybody, but there are times when I think we have to be able to honour that fact for some, not all. I think we have to discuss that in terms of at what stage we do that. I don't think we just go and blanket say that we don't do this. I think what we have to do is take into consideration all the submissions and see whether or not we should honour those kinds of things and then make a decision based on that.

Ms Blakeman: I agree, but I think there's a balance, and the balance is that if they want to give us the submission without agreeing that it's going to be public – and this is not going to pertain this time because it was in the ad, and we said that we would accept them and hold them confidential. Henceforth I would argue that if they want to give us the information, we're very clear that if you don't tell us who you are, then we won't take your submission into consideration. They can still give it to us. Nobody is shutting anybody out here. But I think it has to be in the same way they do in the courts when they say: you've heard this, but you're not going to take it into consideration as you decide the case. Am I correct in that, any of the lawyers in the room?

Ms Calahasen: Well, on that note, Mr. Chair, I think we'll have to discuss this further as we go and make a decision based on the information that we receive and based on the submissions and based on the fact that people have privacy as well. I mean, I for one am very open to saying that people have the ability to be able to come and present. People should be able to make submissions. People should be able to see that, yes, we do have a public system, but we also have to take into consideration that no matter what it is, we do have a privacy situation. Sometimes we have to take that into consideration, not all the time.

The Chair: Okay. I don't want to belabour this to death. We don't want to talk longer about going in camera than we do in camera.

Just one short comment. Go ahead.

Ms Notley: I would just urge the committee chair to look at the motion that was passed I believe by the Community Services Committee. It was drafted by Parliamentary Counsel. There was quite extensive discussion around this. It gave a fairly effective guideline on how to deal with it. That might be a better way to bring that back and focus our discussion and make it briefer when we get to that point, which isn't now.

Thanks.

The Chair: Okay.

Also, MLA Blakeman, can you let me know: are you sitting for someone?

Ms Blakeman: No. I'm an observer. You have the two members of the opposition here.

The Chair: But, I mean, any member that's absent can ask you to sit. You don't have to just sit on behalf of opposition.

Ms Blakeman: You are an optimistic person. The day that a member of the government subs me in on a committee will be an interesting day of snow in July.

The Chair: I'll call the question. All those in favour? Those opposed? MLA Blakeman, you don't get to vote on this.

Ms Blakeman: Sorry.

The Chair: That's okay. You know, I recognized that Member MacDonald and the co-chair voted against it. Carried.

I'll ask the members of the public and *Hansard* to have a coffee for 10 minutes, just to leave the room and let us deliberate.

[The committee met in camera from 11:21 a.m. to 11:34 a.m.]

The Chair: Thank you, staff, for giving us a few minutes on our own.

On the submissions and the handling of submissions, Rob Reynolds, do you have some words of wisdom?

Mr. Reynolds: Well, words of wisdom may be shooting a little too high, but I think I do have some information for the committee in preparation for its decision. As you know, the committee requested stakeholder comments in a letter, and there were some that came back, the submissions that members have seen. Of course, members have had available to them all the submissions. The issue is whether and under what conditions the committee would want to make these submissions public.

I just want to preface my remarks by saying that while the Freedom of Information and Protection of Privacy Act does not technically apply to the Assembly and its committees, the protections that it speaks of are attempted to be replicated by the Assembly and its committees usually. By that I mean that where someone, an individual, submits his or her name, it's usually accompanied by an address or a telephone number or an e-mail address. Typically in respecting those principles, we ask the committee to consider whether that sort of personal information should be taken out or redacted because some may say it's an unreasonable interference with their personal information in the sense that everyone would have access to their address, telephone number, et cetera. This doesn't apply to corporations, of course, or associations.

Another concern that comes to mind or that has been the subject of the motions in the past by other committees is that where the submitter has requested that the submission not be made public, the committee respects those wishes. That's another aspect of a motion that's gone before.

There's another point that's been raised in the past about potentially defamatory information. I don't believe that's an issue in the committee, but for the sake of consistency you may want to consider it. That's the situation where someone makes a submission that would be directly defamatory of another individual usually. While there could be all sorts of arguments raised about parliamentary immunity, my thought is that the committee does not want to be the vehicle for issuing defamatory comments about another individual. There are all kinds of examples that I won't get into.

Another one concerns information about an identifiable third-party

individual. Once again, I don't believe that that's relevant to this committee, but in other committees where it has come up, let's say with respect to consideration of mental health legislation, where people have written in with stories, perhaps about family members or individuals they know, and they're rather tragic, usually the committee has indicated that perhaps those shouldn't be made public either.

In the past there had also been something about a general power about objectionable material. Understand that that's a little broad, and the committees have not gone for that this year. What, in essence, that was meant to cover was what they used to refer to as George Carlin's seven words you can't say on the radio, where a submission would contain profanity, perhaps of a vulgar sort. Anyway, we've just been looking for the authority from the committee to redact that.

Those are the considerations that we have with respect to the submissions being made public. Mr. Chair, that concludes my comments unless there are any questions from the members, which, of course, I'd be pleased to answer.

The Chair: Any questions before I propose a motion?

Mr. Cao: Just for my own curiosity and understanding, if a submission contained those elements like profanities – you just mentioned a list of them there – what is the process? It's sent to our committee, to the chair, and then we read it, and then we say: "Oh, oh. We should not make this public." Somebody has to read it to understand how bad it is before we stop it, right? How does that process work?

Mr. Reynolds: If I may, Mr. Chair. Mr. Cao, thank you very much. Of course, the ultimate decision with respect to the release of the information rests with the committee. The information that's been submitted to the committee by submissions is, of course, available to you in unedited form, just raw form, and that would be on the internal website. However, if you saw fit to pass a motion concerning guidelines with respect to making the submissions public, that is to say posting them on the external website, the LAO staff would undertake to edit, if you will, redact any submissions in the form that the committee instructed us to.

11:40

For instance, if there was personal information containing an address or e-mail address, that would be redacted or black-lined out so that information would not appear on the submission as it was posted. If you saw fit to include in the motion something about objectionable language, which is fine, those words would be taken out. Once again, if you saw fit to pass in your motion that submitters who'd requested their submissions not be made public are not in fact made public, then they would not appear on the external website. We would just be the instruments of carrying out what policy you've decided.

The Chair: Ultimately it's the committee's decision, but again everything is available to all the members on the internal site.

To move on with the issue, I'm going to ask that someone move that

the Standing Committee on Public Safety and Services make the submissions received available to the public with the exception of those portions containing the following types of information:

- (1) personal information other than a name,
- (2) where a submitter has requested certain information not be made publicly available,
- (3) where the submission contains information about a third-party individual, and

(4) where the submission contains potentially defamatory material. I think that deals with all your points, Mr. Reynolds, and I'd ask for a mover.

Ms Calahasen: Mr. Chair, prior to that, is there "objectionable language" in that list?

The Chair: Defamatory material.

Ms Calahasen: I don't think we should be posting objectionable language.

The Chair: Okay. Number 5.

Ms Calahasen: I'm just one of the many here.

Ms Blakeman: Are we into the discussion of this?

The Chair: Yeah. I just asked for someone to make that motion, and then we can get into discussion, including your comments with regard to objectionable language.

Ms Calahasen: I'll make that motion.

The Chair: Moved by Member Calahasen. Comments? MLA Blakeman.

Ms Blakeman: Thank you. Well, I would say that where I've experienced this in other committees, if somebody is going to write something that is defamatory or sexist or racist or inappropriate, I say: put it out there, and let everybody see it to understand the kinds of comments that the committee got. I don't know that we're doing anyone any favours by editing that kind of thing because we're just protecting the person that wrote it. We're helping them be racist or sexist or whatever because they get to do it behind closed doors. I would tend to say: put it out. The one that we had at another committee that was sexist: we put it out there, and there you be. It was pretty clear to everybody what they were dealing with.

My second point is that you do have a clause in there if a person asks that a section be exempted. Are you referring specifically, then, for example, to the letters on mental health that came forward in relation to whatever bill that was last year? That's the part that makes me uneasy because, once again, someone can write in and say, "Well, you can publish all of this except for the following part of my letter," which is the substantive part. So you get the "dear committee members" and you get "cordially," and you don't get anything in between because they've asked that it be withheld. Once again, I can't explain to my constituents how I arrived at a given decision because I can't tell them the information that I looked at that influenced my decision, and I think it's important that people see what kind of information we get on this committee.

The Chair: Right. You know, ultimately the Legislature makes the decision on these bills. We're going to make some recommendations. Everybody will have their kick at the cat in the Legislature. Every member has that right. We'll have multiple readings. We'll have Committee of the Whole to discuss these things.

The purpose of this is to move on, to deal with the submissions in front of us. It's not to deal with, you know, what happened in other committee meetings or in previous meetings. The duty is today's task, as far as I'm concerned, and nothing more, nothing less. I do feel that the motion in front of us is appropriate, and it allows us to move on.

Ms Notley: Well, I guess I just sort of want to put it on the record that, you know, with one small adjustment I can support this motion in this case because we did advertise the way we did. But I do want to make it clear that for any future submissions I would have a concern with there being this blanket exception where people request that their submissions be kept confidential. I think we've had that discussion, but I just wanted to put on the record that in the future I'd like to see that addressed in a different way.

I also have a bit of a concern around the addition of the "objectionable language" because, again, I think it's too subjective. I think that people do need to see what's being said. I do think you need to include the defamatory exception, though, because although we are unfortunately protecting the person that wrote it, the idea around including the defamatory is to protect the person who is being defamed, who didn't actually have a choice about being written about. I suspect that that probably needs to stay in, but I would rather not see the inclusion of "objectionable language" because it's far too subjective.

The Chair: Well, mover of the motion, would you like to speak to that?

Ms Calahasen: Yes, I would. After listening to and discussing that other component, I'd be willing to take it off because in terms of subjective decision-making, that really creates some problems sometimes. So, yeah, I'll take it off.

The Chair: Just a friendly little amendment to include items 1 to 4 and not the fifth one, on objectionable language.

Ms Calahasen: Right.

The Chair: On the other point that MLA Blakeman raised. You know, people make submissions, and they write things. I don't know. I see the point of, "Let those people wear it," but I also don't want to be the advertising medium for some kook to go off on a rant about his or her personal issue. I don't think that's what this committee is all about. So I agree, Member Notley: lesson learned. Maybe in the future we'll have a broader discussion on how we'll seek public input.

Ms Calahasen: I agree.

The Chair: A motion by Member Calahasen. All those in favour? Those opposed? It's carried.

We'll deal with submissions. Item (b), Submission List and Analysis. Rob, any further comments before we ask for a motion?

Mr. Reynolds: No. That's fine. I believe that Philip might want to speak to this item, if I'm not mistaken, about the submissions themselves.

The Chair: Philip.

Dr. Massolin: Yes. Thank you, Mr. Chair. I just wanted to introduce to you and to the rest of the committee Stephanie LeBlanc. Stephanie LeBlanc, to my right, is the Legislative Assembly Office's new legal research officer. She started about a month and a half ago with us. She is the one who put together a summary of the written submissions and is now prepared to just give us a brief overview of that submissions summary.

The Chair: Stephanie, the floor is yours briefly.

Ms LeBlanc: Thank you. I'm just going to quickly review the report that was posted on the internal committee website, which summarizes the written submissions that were received relating to Bill 10. The first section of the report is highlighting the main issues touched on by submitters, and the second looks more in depth at the various comments with specific reference to sections of the bill.

A total of 14 written submissions were received. Generally, submitters were in favour of the bill although many felt that they would have to wait to see the regulations to determine if their concerns were actually addressed.

I won't go through the report in detail today but will attempt to cover the main issues where concerns were raised. Out of the six categories of activities requiring licences under the bill, the categories that received the most comments were investigators, security services, and loss prevention workers.

Many submitters had suggestions and questions about the training requirements that will be included in the regulations. One submitter suggested that the government develop training standards that permit private training programs to be developed that are based on these standards. An issue also was raised regarding the ability of individuals to work in these occupations prior to completing their training and whether some sort of temporary licence would be provided.

11:50

Mobility of the licences, both between jobs and between jurisdictions, was a concern of some submitters. Submitters questioned whether the proposed legislation would permit individual licensees to work for multiple employers. Others felt that persons licensed outside of the province should be permitted to work in Alberta temporarily without having to obtain an Alberta licence.

The element of the bill that received the most criticism was the complaints and appeals process. A complainant has only a 90-day time frame in which to make a complaint under the bill. One submitter suggested that a period of one year might be a fairer time frame. That's what appears in the Police Act.

Many comments were received with respect to the complaint against an individual licensee being first investigated by the employer. Several submitters thought that the fact that the employers would have a stake in the outcome might lead to unfairness.

The inability of a complainant to appeal beyond the registrar also received criticism. Submitters also suggested that there be a database maintained where employers could check whether individual licensees are in good standing with the registrar and whether they have been disciplined in the past.

A concern raised by two of the submitters representing persons in the retail industry was that employees of retail stores who are required to respond to security alarms as a part of their duties might be caught by this legislation as security alarm responders and therefore might require a licence. Another comment from these submitters was that the requirement that licences be carried, produced upon request, and displayed by the business licensee might reduce the effectiveness of loss prevention workers as well as possibly threaten their safety.

Submitters also requested clarification on section 36, which states that a licensee shall not hold out that he or she "provides services or duties ordinarily performed or provided by police." In terms of the activities regulated by the proposed legislation, no submitter suggested that any of these industries should not be licensed. One submitter did suggest, however, that persons in the computer forensics field should be included in the legislation.

Looking at the statistical information that appears on pages 13 to 15 of the report, you'll see that the majority of submitters were from Edmonton. There were an additional four from Calgary. On page 14 there's a listing of those submitters who expressed some senti-

ment indicating whether they would be willing to appear before the committee or assist the committee in some way.

Section 4 of the report, also beginning on page 14, lists the various submitters as well as whether they were in favour of or opposed to the bill. Other than one submitter who supported the bill in its entirety, most submitters only made comments regarding specific provisions of the bill and did not clearly state whether they were for or against the proposed legislation.

Subject to any questions, those are my comments. Thank you.

The Chair: Committee members, there was a late submission from Beretta Protective Services. Do you want to include that late submission in our reports, or do you want to leave it out? Member MacDonald.

Mr. MacDonald: Yeah. I certainly think we should include it. They put a lot of effort into that. If we need a motion . . .

The Chair: Yes.

Mr. MacDonald: I would be delighted, Mr. Chairman, to move that we accept the report dated September 10, 2008, from Beretta Protective Services International Inc. regarding the proposed Bill 10. I read this report with interest, and I certainly would urge members to include it.

Thank you.

The Chair: Any discussion on that motion by Member MacDonald? All those in favour? Carried unanimously. Thank you. It's just something that I had to deal with to keep Louise happy here.

Any other comments to Parliamentary Counsel?

Ms Calahasen: Mr. Chair, I would like to say thank you. I'm really so happy to get the submissions and the summary of submissions. You have done an exemplary job every time you do this. Thank you very, very much. It makes my job easier.

Thank you.

The Chair: Sorry. I'm getting whispered to in one ear.

Ms Calahasen: And the other ear doesn't work.

The Chair: That's right.

Ms Calahasen: I just said a thank you to our Parliamentary Counsel for all the work that they do and the summaries that they do. The summaries are excellent. When you read the submissions and then you see the summary, I am just so pleased with that.

The Chair: Good. Thank you. We'll buy them lunch.

I would ask at this time that a member move that the summary of the written submissions be prepared as a working document for the committee's internal use and not be released to the public.

That deals with the privacy request that we have so that the work remains internal.

Mr. Anderson: I'll move it.

The Chair: All those in favour? Those opposed? It's carried unanimously. Sorry about that confusion. It's just something late.

We'll move on to item 6 in our agenda package. Where to from here? I think some members have some other issues that they needed to deal with in their offices. I thought maybe we could have

a short discussion about what we've heard to date, what we think would be appropriate to get for our next meeting. I think we have an October deadline to have some recommendations to the Legislature, so I think it's a good time to have that discussion now. Any members?

Mr. Jacobs: Well, Mr. Chairman, as I've heard the discussion this morning and as I reviewed the information we received, the question that comes to my mind is: what are we going to do in regard to incorporating the suggestions into the bill or rejecting the suggestions? I think there were some legitimate concerns raised, so how are we going to deal with those in respect to the way the bill is going to be drafted? I need some information on that as far as, you know, how we are going to deal with those concerns.

The Chair: Well, we have two ways. We can ask staff to prepare an issues document based on the submissions received for our next meeting – you know, is there any other research required? – or we can deal with a proposal from the members to move on from this day forward.

Again, the details that follow any type of legislation are always in the regulations. Legal counsel advised me this morning that we always have the opportunity to bring staff from the department back before they prepare the regulations. We have ample opportunity within the Legislature in the debate that will follow for all-party, full MLA discussion. But none of us have the opportunity in the regulation drafting. That's where the details are, and that's really what hits the streets. That's what makes the difference. The committee may consider that we ask our department before or after the bill is dealt with in the Legislature that it come back to this committee for a review of the regulations. That might be a way to deal with it.

Member Anderson, you had your hand up.

Mr. Anderson: I was just going to agree, basically, with what you were stating. I mean, much of what was talked about in the submissions was with regard to training, questions on licences, how the process was going to work on licences, training for guard dogs, what the rules would be surrounding their use, that sort of thing. Those are things that I believe would be better handled in the regulations.

12:00

With regard to the legislation itself there were a couple of suggestions. I heard a reoccurring one through the submissions regarding some of the submitters asking that their plain-clothed security people that go around – loss prevention workers the act calls them – should be called officers or loss prevention officers. I heard that a couple of times. But my view on that would be that in this bill, in part, one of the purposes of it is to make sure that we don't confuse police officers with security guards. Also, out of respect for our people in law enforcement I would say that I don't think that naming them officers is something we need to do. Maybe we can talk about that point. I have no problem.

There were a couple of others, but with the bulk of the legislation I'm pretty well happy. I think that the submissions showed that people were pretty much happy with the actual bread and butter of the legislation. What they had lots of suggestions on was the regulations and that sort of thing. So I would agree that we should move the legislation forward and maybe have a chance to review the regulations when they come through and get down to the real meat and potatoes.

Ms Notley: I am a bit perplexed by the direction the conversation is

taking. I thought that we were having a conversation or that a question had been asked about what the process was for us to work through our view of the legislation and how we factor in some of the issues that were raised and as a committee examine them and determine whether, you know, we want to make recommendations relating to those issues or just say, "Well, noted, but it can be addressed in a different forum" or "Well, we actually don't happen to think these particular concerns are of merit, and in fact the legislation as it's currently drafted is a better approach."

That seems to me to sort of be the kind of analysis we need to engage in on an issue-by-issue basis. But I thought we were talking more about how we would structure that discussion, not about the actual merits of the bill, because I don't think that we can simply do a quick and dirty kind of: "Yeah, it sort of looks good to me. There have been a few issues raised, but we can deal with them in regulation." That wasn't what I actually thought we were going to do. I thought we were going to more agree on how we would work through this.

I think there's actually a pretty good issue summary already included in the report prepared by the LAO, but I would suggest that we probably agree that we need to perhaps use that as a starting point, as the issues that we need to discuss as a committee. Then the members can add issues that they may have picked up from their own consideration and/or from the submissions that weren't reflected in this, and at the end of the day we would come to an overall consensus about the kinds of recommendations we'd be making. That would be my general thought on the process, and it probably would be a little bit more time consuming than the discussion at this point.

The Chair: Well, Member Jacobs asked me, you know: where to from here? I said: you know, there are some options; the committee can do what the committee feels. If we felt we were ready to move forward with recommendations to the Legislature, I'm open to that. If we feel that we need staff to prepare an issues document, I'm happy with that. I mean, I'm just chairing the meeting for you. You folks tell me what you want.

MLA Blakeman.

Ms Blakeman: Thank you. I was agreeing. This morphed very quickly from a conversation about process into one about product. I'm trying to determine what the committee is going to do by the way of process, so I'm echoing what MLA Notley is saying.

The Chair: Member Jacobs, you had your hand up.

Mr. Jacobs: Well, it seems to me that, you know, I agree with Member Anderson that we need to worry about the regulations, and I think it's an excellent idea that we have input on those before they come down, but I'm not totally convinced in my mind that the committee should be satisfied with that alone. I always thought the function of this committee was to make recommendations in regard to the bill. I'm not convinced in my mind that the bill itself is where we exactly want it in regard to the concerns that have been raised. Perhaps they can all be addressed in regulation. I could perhaps be convinced that that's true, but I just feel the committee's function is to make good recommendations to the Legislature in regard to Bill 10. I'm looking for a process where we can fairly and adequately do that. I'm not totally convinced we can do that just through regulation, so maybe we need to have a little more discussion on where we want to go with the bill.

The Chair: Would it be fair to say, then, that we ask Rob Reynolds and his team or Philip and his team to prepare a document for our

next meeting – they're all part of the same team – that we prepare an issue document, bring it to the next meeting with the intent of at that meeting making recommendations to the Legislature? We have our October deadline. Would that be fair?

Member MacDonald.

Mr. MacDonald: Yes. Thank you, Mr. Chairman. I think that would be very fair. In light of the fact that so many people had an interest in improving this legislation that was tabled by Mr. Anderson, I think it's a step in the right direction.

Thank you.

Ms Calahasen: I think that's a really good process for us to utilize. I like what Member Notley was talking about in terms that the starting point would be on the summary that we have and looking at the additional document that was sent to us as well as how that fits into Bill 10. Then that way that issues document, as you identified, Mr. Chair, would be able to give us something to work with so that we would have a product that we could give as a recommendation.

Mr. Anderson: I don't disagree with bringing it back at all. What I think we need to be careful of is that we do not confuse what we need to make recommendations on with regard to regulations and with regard to the legislation. I would suggest that we find a way to split up what we're talking about here because we can go through this document, and we can be here in committee talking about it every day until the deadline when we've already had 240 written submissions, a report by Member Webber as well as 40 meetings with stakeholders. I mean, it's not like we have not done our homework on this bill. We have.

Now, I'm not saying that we don't need to address some of the things that have come up in the last few weeks through these submissions, but let's keep it in perspective. Let's separate what could be better handled in regulations as opposed to better handled in the legislation. I think that when you do that analysis, you'll realize there are maybe two or three things that we're talking about here with regard to the legislation. Most, like 85, 90 per cent, of what the stakeholder submissions are asking for would be better handled in regulation. As long as we're not going to drag this out unnecessarily when all this work has already been done, I'm in agreement.

Ms Blakeman: To clarify, then, you're asking that the discussion would be limited to what we would actually want to recommend, changes to the language of the act in front of us. What about the discussions that this is in the act and should be in regs or that something that's being left to regs should be written into the act? Where do those discussions fall?

Mr. Anderson: I think we can have that discussion here, but are we going to go through every single idea put forth by each of these stakeholders and assess whether that should be put into the legislation or left to regulation, or are we going to look at what exists in the legislation now and look at what some of the submitters are asking us to do that pertains to the wording of the legislation?

Ms Blakeman: Of the bill or the existing legislation?

Mr. Anderson: Of the bill, Bill 10.

12:10

Ms Blakeman: Okay, because Bill 10 is not the existing legislation. That's where the confusion is arising.

Mr. Anderson: Oh, okay. I meant the existing bill. My apologies.

Ms Blakeman: It's okay.

Ms Calahasen: Just on this point, I believe that we can deal with the regulations once we know – LAO is really good at determining what is legislation, what is not. I think that when they bring in that issues paper, they will be able to tell us what is the legislation and what could potentially be dealt with in another forum. I think it's up to us to be able to deal with that in another forum. As our chair has indicated, we have an ability for the committee to be called to deal with the regulations should we choose. That will be a decision, I think, we make eventually, depending on what happens in terms of the wording that comes forward and the recommendations based on the bill and the existing legislation.

The Chair: Our standing orders are clear on what we have the ability to do.

Member Notley.

Ms Notley: Yeah. I just sort of wanted to clarify. I think we were heading in a good direction when we were talking about sort of starting, looking at sort of the issues. I mean, I'm looking at the document that LAO prepared, and they identified generally about 10 issues which we can go through. I wouldn't want to suggest that LAO is in a position or should be advising us that, well, this is off limits, that this is on limits because of regulation versus legislation because those decisions in and of themselves are substantive and policy-based decisions. I think that if we just sort of focus it – you know, we all want to get through this reasonably quickly.

I absolutely appreciate the statements made by Member Anderson about the amount of work and research that's already gone into this. If we do our reading on the history that led to this point, if we review the issues that have been summarized already ourselves, if anything else comes up that doesn't appear to be there, we can raise it at the time and then go through it in sort of a pragmatic and reasonably efficient way, but I don't want us to have a predetermination of what is or is not on or off limits in terms of discussion. I do think we can probably have a reasonable conversation and get through it in a reasonably effective way if we just structure it.

The Chair: Member Notley, to move on, based on the submissions received and the committee's discussions to date, for the next meeting would you make a motion that the committee research staff prepare a focus issue document?

Ms Notley: Sure. I will make that motion.

The Chair: I'm glad that you did that. I think it's very clear what we want and the intent, and that will deal with the subjects that we talked about. All those in favour? Carried unanimously.

The intent as well is that at the next meeting we will be prepared to make a recommendation to our staff on what we want the final recommendations to the Legislature to be. We'll still have to come back to review that document. Maybe not, but I would assume that we would have to. The co-chair and I will get our calendars together and find out how we can deal with this in a timely manner. We'll consult with research staff to see how long a lead time they'll need, and we'll get back together as quickly as we can.

Item 7. Anything else at this time?

I've explained on item 8 that the two of us will get our calendars together like we did for this one.

Thank you all for your co-operation. I'd ask for a motion to adjourn. Member Bhardwaj. All those in favour? Carried.

[The committee adjourned at 12:14 p.m.]

