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November 18, 2015

Standing Committee on Families and Communities
c/o Committee Clerk
3rd Floor, 9820 - 107 Street
Edmonton, Alberta
T5K 1E7

Attention: Ms. Heather Sweet, MLA

Dear Madam:

RE: Review of the *Mental Health Amendment Act, 2007*

I thank you for yours of October 22, 2015 and am pleased to reply.

I would note, relative to the second criterion set forth in Section 2(b) of the *Mental Health Act*, that the word "substantial" rather than the word "serious" is referenced. The Committee will be interested in the historical foundation of criterion two. In that regard, I reference the decision of the late Mr. Justice D.C. McDonald in M. v. Alberta 63 AR 14. As a result of that decision, the legislature incorporated the words "likely to" in response to Justice McDonald's decision.

I bring to the Committee's attention that annual statistics are provided for both the Edmonton & North Mental Health Review Panel, the Central Alberta Mental Health Review Panel and the Calgary & South Mental Health Review Panel. It is my sense from the statistics that the second criterion incorporated as part of the *Mental Health Amendment Act, 2007* resulted in fewer formal patients being successful in their challenge of either Admission and/or Renewal Certificates.

With respect to Community Treatment Orders, as the Committee knows, consent is significant and is referenced in Section 9.1(1)(f). Of note, should consent not be obtained, Section 9.1(1)(f)(ii)(A) comes into play. I mention this as oftentimes a person who may qualify for all other criterion relative to a Community Treatment Order, has not in any way harmed others. A number of Community Treatment Orders have been cancelled as a result of the above mentioned section not being met.

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Ms. Heather Sweet, MLA

R. ALLAN HARRIS, Q.C.
Page 2

I am pleased to have this opportunity to respond to your Committee request, and if appropriate, would be pleased to either meet with or address the Committee at any future date.

Yours truly,

A handwritten signature in black ink that reads "R. Allan Harris". The signature is written in a cursive style with a large, stylized initial "R".

R. ALLAN HARRIS, Q.C.
Chair, Edmonton & North
Mental Health Review Panel

RAH*maj