



February 6, 2018

Board Members

Hon CD Gardner, Chair
 DR Cranston, QC
 MT Duckett, QC
 Hon JT Eamon
 AL Kirker, QC
 DM McKenna
 J Koshan
 PD Paton
 S Petersson
 KA Platten, QC
 LD Weber
 RJ Wood

Executive Director

S Petersson

Counsel

L Buckingham
 K MacKenzie
 R Mitchell
 G Tremblay-McCaig

Operations Manager

C Burgess

Directors Emeriti

WF Bowker, QC
 WH Hurlburt, QC
 PJM Lown, QC

Counsel Emeritus

MA Shone, QC

Established by:

Government of Alberta
 University of Alberta
 Law Society of Alberta

Ms. Nicole Goehring, MLA
 Chair, Standing Committee on
 Families and Communities
 6th Floor, 9820 – 107 Street
 Edmonton, AB T5K 1E7

Mr. Mark Smith, MLA
 Deputy Chair, Standing Committee on
 Families and Communities
 5th Floor, 9820 – 107 Street
 Edmonton, AB T5K 1E7

Dear Ms. Goehring and Mr. Smith:

Thank you for the invitation to speak to the Standing Committee on Families and Communities regarding the *Missing Persons Act*.

The Alberta Law Reform Institute [ALRI] was established in 1967 and has advanced many improvements to Alberta laws over the past 50 years. ALRI's work has addressed missing persons from the context of managing their affairs, property or estates once they are "officially" missing. For example, our work has looked at missing persons in the context of the *Business Corporations Act*, the *Estate Administration Act*, the *Alberta Rules of Court* and the *Surrogate Rules*.

ALRI has not considered the investigative process that leads up to a person being formally treated as a missing person. This process is the focus of the *Missing Persons Act*, the *Missing Persons (Silver Alert) Amendment Act, 2017* (unproclaimed) and the *Missing Persons Regulation*. As ALRI's work has not touched on this aspect of the law of missing persons, I do not think there is value for the Committee to have ALRI present on this topic.

On a possibly related point, ALRI is participating in the project on police record checks being carried out by the Uniform Law Conference of Canada. That project is looking to have uniform standards concerning what may and may not be discussed when a person requests a police records check for various purposes, such as employment, housing, or working with vulnerable individuals. From a cursory review, it does not appear that information regarding whether a person has ever been reported as a missing person is disclosed as part of non-conviction information that may appear in police records. However, the point may require further investigation as this is a discretionary matter for each police force. Missing

402 Law Centre
 University of Alberta
 Edmonton, AB, Canada T6G 2H5
 Telephone (780) 492-5291
 Fax (780) 492-1790
 E-mail: lawreform@ualberta.ca
<http://www.alri.ualberta.ca>
 @ablawreform

Ms. Goehring and Mr. Smith
Page 2

persons are not within the scope of new Ontario legislation inquiries in this area: *Police Record Checks Reform Act, 2015* (Ontario, unproclaimed).

While ALRI has not been involved in missing persons investigation legislation on a sufficient basis to warrant a presentation to the Committee, we appreciate the invitation. We would be happy to make a presentation if the Committee is interested in any of our recent work in family law. In the past five years we have issued the following reports:

Report for Discussion 30	<i>Property Division: Common Law Couples and Adult Interdependent Partners</i> (final report pending)
Report for Discussion 31	<i>Property Division: Living Together Before Marriage</i> (final report pending)
Final 107	<i>Matrimonial Property Act: Valuation Date</i>
Final Report106	<i>Assisted Reproduction after Death: Parentage & Implications</i>

Yours truly,



Sandra Petersson
Executive Director

SP/jk



c. Mr. Aaron Roth
Committee Clerk
Committee Services, Legislative Assembly Office