

2017 Bill 18

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 18

CHILD PROTECTION AND ACCOUNTABILITY ACT

THE MINISTER OF CHILDREN'S SERVICES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 18

2017

CHILD PROTECTION AND ACCOUNTABILITY ACT

(Assented to _____, 2017)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Child and Youth Advocate Act

Amends SA 2011 cC-11.5

1(1) The *Child and Youth Advocate Act* is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (b):

- (b.1) “Band” means a band within the meaning of the *Indian Act* (Canada);
- (b.2) “Chief Medical Examiner” means the Chief Medical Examiner appointed under section 5 of the *Fatality Inquiries Act*;

(b) by adding the following after clause (d):

- (d.1) “Delegated First Nation Agency” means a society or corporation that is providing intervention services pursuant to a service delivery agreement under section 122(2) of the *Child, Youth and Family Enhancement Act*;

Explanatory Notes

Child and Youth Advocate Act

1(1) Amends chapter C-11.5 of the Statutes of Alberta, 2011.

(2) Adds definitions.

(c) by adding the following after clause (f):

- (f.1) “ministry” includes the department and any agency for which a Minister is responsible;

(3) Section 9 is amended

(a) by adding the following before subsection (1):

(0.1) In this section, “member of the family” includes an individual who

- (a) is a parent, guardian, grandparent or sibling of a child referred to in subsection (2)(d),
- (b) stands in the place of a parent, within the meaning of section 48 of the *Family Law Act*, with respect to a child referred to in subsection (2)(d),
- (c) had a close relationship with a child referred to in subsection (2)(d), or
- (d) is a member of a prescribed class of individuals.

(b) by adding the following after subsection (5):

(6) The Advocate must at any time before or during an investigation under subsection (2)(d)

- (a) on the written request of a senior official of any relevant law enforcement agency, stay the investigation for the purpose of allowing a law enforcement investigation in respect of or in relation to any of the matters referred to in subsection (2)(d) if in the senior official’s opinion the investigation could reasonably be expected to interfere with or harm an ongoing law enforcement investigation, including a police investigation, or
- (b) on the written request of the Assistant Deputy Minister responsible for the Alberta Crown Prosecution Service, stay the investigation pending the prosecution or final

(3) Section 9 presently reads:

9(1) The role of the Advocate is to represent the rights, interests and viewpoints of children.

(2) In carrying out the role of the Advocate under subsection (1), the Advocate may

- (a) communicate and visit with a child, or with a guardian or other person who represents a child;*
- (b) on the Advocate's own initiative, or at the request of a child, assist in appealing or reviewing a decision relating to a designated service;*
- (c) appoint, or cause to be appointed, lawyers to represent children with respect to any matter or proceeding under the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act or any matter or proceeding prescribed by regulation;*
- (d) if, in the opinion of the Advocate, the investigation is warranted or in the public interest, investigate systemic issues arising from*
 - (i) a serious injury to a child who at the time of the injury was receiving a designated service referred to in section 1(e)(i),*
 - (ii) a serious injury to or the death of a child who at the time of the injury or death was receiving a designated service referred to in section 1(e)(ii) or (iii),*
 - (iii) the death of a child who at the time of the death was receiving a designated service referred to in section 1(e)(i), or*

determination of a charge where a person is charged, in respect of or in relation to any of the matters referred to in subsection (2)(d), under any statute in force in Alberta if, in the opinion of that Assistant Deputy Minister, the review could reasonably be expected to interfere with or harm that prosecution or determination.

(7) The Advocate must resume an investigation stayed

- (a) under subsection (6)(a), on receiving written confirmation from a senior official of the law enforcement agency that requested the stay under subsection (6)(a) that, in the senior official's opinion, the resumption of that investigation could not reasonably be expected to interfere with or harm an ongoing law enforcement investigation, including a police investigation, or
- (b) under subsection (6)(b), on receiving written confirmation from the Assistant Deputy Minister responsible for the Alberta Crown Prosecution Service that, in the opinion of that Assistant Deputy Minister, the resumption of that investigation could not reasonably be expected to interfere with or harm the prosecution or the final determination of a charge where a person is charged, in respect of or in relation to any of the matters referred to in subsection (2)(d), under any statute in force in Alberta.

(8) In conducting an investigation under subsection (2)(d), the Advocate must, at the commencement and the conclusion of the investigation, make reasonable efforts to notify the following persons of, as the case may be, the commencement or conclusion of the investigation:

- (a) any relevant ministry;
- (b) the members of the family of a child;
- (c) any relevant Band;
- (d) any relevant Delegated First Nation Agency;

- (iv) the death of a child who at any time during the 2-year period immediately preceding the death received a designated service referred to in section 1(e)(i);*
 - (e) participate in processes in which decisions are made about children;*
 - (f) promote the rights, interests and well-being of children through public education;*
 - (g) undertake or collaborate in research related to improving designated services or addressing the needs of children receiving those services;*
 - (h) provide information and advice to the Government with respect to any matter relating to the rights, interests and well-being of children;*
 - (i) perform any other function prescribed in the regulations.*
- (3) Subsection (2)(b) does not apply in respect of a designated service referred to in section 1(e)(iii).*
- (4) Subsection (2)(c) does not apply in respect of a child referred to in section 1(c)(ii).*
- (5) Subsection (2)(d)(ii) does not apply in respect of a designated service referred to in section 1(e)(iii) unless, at the time of the serious injury to or death of the child, the child was in open or secure custody.*

- (e) any relevant community or cultural group as the Advocate considers appropriate;
- (f) any relevant law enforcement agency in Alberta;
- (g) the Office of the Chief Medical Examiner, as the Advocate considers appropriate;
- (h) Alberta Health Services;
- (i) any prescribed person or a person in a prescribed class of persons;
- (j) any other person as the Advocate considers appropriate.

(9) In conducting an investigation under subsection (2)(d), the Advocate must make reasonable efforts to involve the following persons, including giving them the opportunity to make representations to the Advocate:

- (a) any relevant ministry;
- (b) the members of the family of a child;
- (c) any relevant Band;
- (d) any relevant Delegated First Nation Agency;
- (e) any relevant community or cultural group as the Advocate considers appropriate;
- (f) any relevant law enforcement agency in Alberta;
- (g) any prescribed person or a person in a prescribed class of persons;
- (h) any other person as the Advocate considers appropriate.

(4) The following is added after section 9:

Mandatory review of death

9.1(1) In this section,

(4) Mandatory review of death; communication regarding stays; protocol; indigenous advisors.

- (a) “child in need of intervention” means a child in need of intervention within the meaning of section 1(2) of the *Child, Youth and Family Enhancement Act*;
- (b) “intervention services” means intervention services as defined in section 1(1)(m.1) of the *Child, Youth and Family Enhancement Act*;
- (c) “member of the family” includes an individual who
 - (i) is a parent, guardian, grandparent or sibling of a deceased person,
 - (ii) stands in the place of a parent, within the meaning of section 48 of the *Family Law Act*, with respect to the deceased person,
 - (iii) had a close relationship with the deceased person, or
 - (iv) is a member of a prescribed class of individuals;
- (d) “Registrar of Vital Statistics” means the Registrar of Vital Statistics appointed under section 44 of the *Vital Statistics Act* and includes any person designated by the Registrar of Vital Statistics as a Deputy Registrar under that Act.

(2) The Advocate must review the death of a person who

- (a) was under 18 years of age at the time of the person’s death, and
 - (i) was receiving intervention services as a child in need of intervention at the time of the person’s death, or
 - (ii) had received intervention services as a child in need of intervention within the 2 years before the person’s death,

or

- (b) was 18 or 19 years of age and had received intervention services as a child in need of intervention within the 2 years before the person’s death.

(3) The Advocate must

- (a) complete the review under subsection (2) and make the report of the review referred to in section 15.4(1) available to the public within one year from the earlier of
 - (i) the date that the Chief Medical Examiner provides notification of the death under section 32.1 of the *Fatality Inquiries Act*, and
 - (ii) the date that the Advocate first collects information from the Registrar of Vital Statistics under subsection (7) about the death of the deceased person,
- or
- (b) if any reviews cannot be completed within one year, report to the Speaker of the Legislative Assembly as required by subsection (4)(b).

(4) The Advocate must report to the Speaker of the Legislative Assembly every 6 months in accordance with the regulations

- (a) as to the number of completed reviews, and
- (b) the number of incomplete reviews and the reasons that those reviews have not been completed within one year as required by subsection (3)(a).

(5) Despite subsection (3)(a), the Advocate must at any time before or during a review under this section,

- (a) on the written request of a senior official of any relevant law enforcement agency, stay the review for the purpose of allowing a law enforcement investigation in respect of or in relation to the death that is the subject of the review if in the senior official's opinion the review could reasonably be expected to interfere with or harm an ongoing law enforcement investigation, including a police investigation, or
- (b) on the written request of the Assistant Deputy Minister responsible for the Alberta Crown Prosecution Service,

stay the review pending the prosecution or final determination of a charge if a person is charged, in respect of or in relation to the death that is the subject of the review, under any statute in force in Alberta where, in the opinion of that Assistant Deputy Minister, the review could reasonably be expected to interfere with or harm that prosecution or determination.

(6) The Advocate must resume a review stayed

- (a) under subsection (5)(a), on receiving written confirmation from a senior official of the law enforcement agency that requested the stay under subsection (5)(a) that, in the senior official's opinion, the resumption of that review could not reasonably be expected to interfere with or harm an ongoing law enforcement investigation, including a police investigation, or
- (b) under subsection (5)(b), on receiving written confirmation from the Assistant Deputy Minister responsible for the Alberta Crown Prosecution Service that, in the opinion of that Assistant Deputy Minister, the resumption of that review could not reasonably be expected to interfere with or harm the prosecution or the final determination of a charge where a person is charged, in respect of or in relation to the death that is the subject of the review, under any statute in force in Alberta.

(7) For the purposes of carrying out the Advocate's duties, powers and functions under this section, the Advocate may collect, use and disclose information as set out in the regulations from the Registrar of Vital Statistics about the death of any person under 20 years of age.

(8) In conducting a review under this section, the Advocate must, at the commencement and the conclusion of the review, make reasonable efforts to notify the following persons of, as the case may be, the commencement or conclusion of the review:

- (a) any relevant ministry;

- (b) the members of the family of the deceased person;
- (c) any relevant Band;
- (d) any relevant Delegated First Nation Agency;
- (e) any relevant community or cultural group as the Advocate considers appropriate;
- (f) any relevant law enforcement agency in Alberta;
- (g) the Office of the Chief Medical Examiner;
- (h) Alberta Health Services;
- (i) any prescribed person or a person in a prescribed class of persons;
- (j) any other person as the Advocate considers appropriate.

(9) In conducting a review under this section, the Advocate must make reasonable efforts to involve the following persons, including giving them the opportunity to make representations to the Advocate:

- (a) any relevant ministry;
- (b) the members of the family of the deceased person;
- (c) any relevant Band;
- (d) any relevant Delegated First Nation Agency;
- (e) any relevant community or cultural group as the Advocate considers appropriate;
- (f) any relevant law enforcement agency in Alberta;
- (g) any prescribed person or a person in a prescribed class of persons;
- (h) any other person as the Advocate considers appropriate.

Communication regarding stays

9.2(1) The Advocate must, every 6 months after the Advocate stays an investigation under section 9(6) or a review under section 9.1(5),

- (a) request a senior official of the law enforcement agency that
 - (i) requested the stay under section 9(6)(a) to confirm in writing whether, in the opinion of that senior official, an investigation stayed under section 9(6)(a) should continue to be stayed or may be resumed in accordance with section 9(7)(a), or
 - (ii) requested the stay under section 9.1(5)(a) to confirm in writing whether, in the opinion of that senior official, a review stayed under section 9.1(5)(a) should continue to be stayed or may be resumed in accordance with section 9.1(6)(a);
- (b) request the Assistant Deputy Minister responsible for the Alberta Crown Prosecution Service
 - (i) to confirm in writing whether, in the opinion of that Assistant Deputy Minister, an investigation stayed under section 9(6)(b) should continue to be stayed or may be resumed in accordance with section 9(7)(b), or
 - (ii) to confirm in writing whether, in the opinion of that Assistant Deputy Minister, a review stayed under section 9.1(5)(b) should continue to be stayed or may be resumed in accordance with section 9.1(6)(b).

(2) If written confirmation is not received under subsection (1) within 21 days after the Advocate's request, the Advocate must resume

- (a) an investigation in accordance with section 9(7)(a) or (b), as applicable, or
- (b) a review in accordance with section 9.1(6)(a) or (b), as applicable.

Protocol

9.3 For the purposes of sections 9(2)(d), (6) and (7), 9.1(2), (5) and (6), 9.2 and 14.1(2) and (6) and of fulfilling the intent of this Act, the Advocate may, subject to the regulations, enter into a protocol with any relevant law enforcement agency and any relevant ministry respecting

- (a) the collection, use, disclosure, safeguarding and confidentiality of information and records in the custody or control of that law enforcement agency or that ministry, and
- (b) the process for making determinations about
 - (i) the staying under section 9(6) of an investigation under section 9(2)(d) and the resumption of the investigation under section 9(7), and
 - (ii) the staying under section 9.1(5) of a review under section 9.1 and the resumption of the review under section 9.1(6).

Indigenous advisors

9.4(1) The Advocate must in accordance with the regulations establish a roster of persons that includes First Nations, Métis and Inuit persons whom the Advocate can engage to advise the Advocate.

(2) The Lieutenant Governor in Council may authorize, fix and provide for the payment of remuneration and expenses to the persons engaged under subsection (1).

(5) Section 13(4) is repealed.

(5) Section 13(4) presently reads:

(4) Nothing in this section compels the disclosure of any information or records that are subject to any type of legal privilege, including solicitor-client privilege and parliamentary privilege.

(6) The following is added after section 13:

Application of section 9 of the Public Inquiries Act

13.1 Section 9 of the *Public Inquiries Act* applies to the disclosure of information or records through the exercise of the Advocate's powers, duties and functions under this Act.

(7) Section 14 is amended by adding “or a review under section 9.1” after “9(2)(d)”.

(8) The following is added after section 14:

Obligation to provide information and records re investigations and reviews

14.1(1) In this section,

- (a) “information” means any information, including personal information and health information;
- (b) “record” means record as defined in section 1(q) of the *Freedom of Information and Protection of Privacy Act*.

(2) The following persons notified under section 9(8) of the commencement of an investigation under section 9(2)(d) who have information or records that are or may be relevant to the investigation under section 9(2)(d) must, on being notified, provide that information or those records forthwith to the Advocate:

- (a) any relevant ministry;
- (b) any relevant law enforcement agency;
- (c) Alberta Health Services;
- (d) any relevant Delegated First Nation Agency;
- (e) the Office of the Chief Medical Examiner, if notified under section 9(8).

(6) Application of section 9 of the Public Inquiries Act.

(7) Section 14 presently reads:

14 In conducting an investigation under section 9(2)(d), the Advocate has all the powers, privileges and immunities of a commissioner under the Public Inquiries Act.

(8) Obligation to provide information and records re investigations and reviews.

(3) The following persons notified under section 9.1(8) of the commencement of a review under section 9.1 who have information or records that are or may be relevant to the review under section 9.1 must, on being notified, provide that information or those records forthwith to the Advocate:

- (a) any relevant ministry;
- (b) any relevant law enforcement agency;
- (c) Alberta Health Services;
- (d) any relevant Delegated First Nation Agency;
- (e) the Office of the Chief Medical Examiner.

(4) The Advocate may require that any person, including a person notified under section 9(8) or 9.1(8), that has information or records that are or may be relevant to an investigation under section 9(2)(d) or a review under section 9.1, as applicable, must provide that information or those records forthwith to the Advocate.

(5) A person that provides information or records pursuant to an investigation under section 9(2)(d) or a review under section 9.1 has the right not to have any incriminating evidence in the information or records so provided used to incriminate that person in any other proceedings, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

(6) Despite section 13.1,

- (a) a law enforcement agency or the Alberta Crown Prosecution Service may refuse to provide
 - (i) information or records, if the provision could reasonably be expected to
 - (A) reveal the identity of a confidential source of law enforcement information, or

- (B) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,
 - (ii) information or records obtained in accordance with an enactment in force in Alberta or a court order that expressly requires that the information or record be maintained in confidence, and
 - (iii) information or records set out in the regulations,
- and
- (b) section 9(2) to (7) of the *Public Inquiries Act* do not apply to an investigation under section 9(2)(d) or a review under section 9.1 with respect to information and records referred to in clause (a) in the custody or control of a law enforcement agency or the Alberta Crown Prosecution Service.

(9) Section 15 is amended

- (a) in subsection (1)(a) by adding “, subject to the criteria specified in the regulations for recommendations,” after “recommendations”;**
- (b) by adding the following after subsection (3):**
 - (3.1)** The Advocate must make a copy of a report made under subsection (1) available to the Audit Advisory Committee.
- (c) by repealing subsections (4) and (5) and substituting the following:**
 - (4)** As soon as practicable after considering any comments of the Audit Advisory Committee, the Advocate must
 - (a) provide a copy of a report made under subsection (1) to a public body that is directly or indirectly a subject of the investigation, and

(9) Section 15 presently reads in part:

15(1) Where the Advocate conducts an investigation under section 9(2)(d), the Advocate must, after completing the investigation, make a report

(a) containing recommendations for any public body or other person as the Advocate considers appropriate, and

(b) addressing any other matters the Advocate considers appropriate.

(4) The Advocate must provide a copy of a report made under subsection (1) to a public body that is directly or indirectly a subject of the investigation.

(5) The Advocate must make a report made under subsection (1) available to the public at a time and in a form and manner that the Advocate considers appropriate.

- (b) make the report available to the public in form and manner that the Advocate considers appropriate.

(10) The following is added after section 15:

Establishment of Audit Advisory Committee

15.1(1) The Lieutenant Governor in Council may establish a committee called the Audit Advisory Committee consisting of persons appointed as members of the Audit Advisory Committee by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council must designate one of the members of the Audit Advisory Committee as chair.

(3) The Lieutenant Governor in Council may authorize, fix and provide for the payment of remuneration and expenses to the members of the Audit Advisory Committee.

Mandate

15.2(1) The mandate of the Audit Advisory Committee is

- (a) to advise the Advocate
 - (i) on whether the Advocate's recommendations in a report under section 15 of an investigation under section 9(2)(d) are consistent with the criteria specified in the regulations for recommendations in reports of investigations, and
 - (ii) on whether the Advocate's recommendations in a report under section 15.4 of a review under section 9.1 are consistent with the criteria set out in the regulations for recommendations in reports of reviews,

and

- (b) to perform any duties or functions set out in the regulations.

(2) The Advocate must give to the Audit Advisory Committee any information or records that the Committee considers

(10) Establishment of Audit Advisory Committee; mandate; meetings of Audit Advisory Committee; report of mandatory reviews of death; response to recommendations.

reasonable and appropriate to enable the Committee to fulfil its mandate under subsection (1).

(3) Any confidential information or records provided by the Advocate to the Committee under subsection (2) for the purposes of the Committee in the course of carrying out its powers, duties and functions under this Act must not be disclosed or made known to any other person except as is necessary to carry out those powers, duties and functions.

Meetings of Audit Advisory Committee

15.3(1) The Audit Advisory Committee may make rules respecting the calling of, and the conduct of business at, its meetings.

(2) The chair of the Audit Advisory Committee must, on the request of the Advocate, call a meeting of the Audit Advisory Committee to review any matter that the Advocate considers should be brought to the attention of the Audit Advisory Committee.

Report of mandatory reviews of death

15.4(1) When the Advocate conducts a review under section 9.1, the Advocate must make a report of the review in accordance with the regulations

- (a) containing recommendations, if any, subject to the criteria specified in the regulations for recommendations, to any ministry as the Advocate considers appropriate as to the prevention of similar deaths,
- (b) containing observations, if any, to any ministry, or to persons outside Government as the Advocate considers appropriate, as to the prevention of similar deaths,
- (c) containing information on relevant recommendations, if any, in any previous report under section 15 or this section and the status of responses to those recommendations,
- (d) specifying whom the Advocate involved under section 9.1(9) in the course of the review, and

- (e) addressing any other matters as the Advocate considers appropriate.
- (2) The findings of the Advocate must not contain any findings of legal responsibility or any conclusions of law.
- (3) A report made under subsection (1) must not disclose the name of, or any identifying information about, the person whose death is being reviewed under section 9.1 or a parent or guardian of that person.
- (4) The Advocate must make a copy of a report made under subsection (1) available to the Audit Advisory Committee.
- (5) As soon as practicable after considering any comments of the Audit Advisory Committee, the Advocate must
 - (a) provide a copy of a report made under subsection (1) to a ministry that is directly or indirectly a subject of the review, and
 - (b) make the report available to the public in a form and manner that the Advocate considers appropriate.

Response to recommendations

15.5 A department of a ministry to which recommendations are made under section 15.4(1)(a) must publicly respond to those recommendations within 75 days of receipt of the recommendations.

(11) The following is added after section 17:

Dispute resolution

17.1(1) On application, the Court of Queen's Bench may decide

- (a) whether a stay under section 9(6) of an investigation under section 9(2)(d) should be initiated or remain in effect,
- (b) whether a stay under section 9.1(5) of a review under section 9.1 should be initiated or remain in effect,

(11) Dispute resolution.

- (c) whether an investigation that has been stayed under section 9(6) should be resumed under section 9(7), or
- (d) whether a review that has been stayed under section 9.1(5) should be resumed under section 9.1(6).

(2) On application, the Court of Queen’s Bench may make an order respecting the provision of information or records in relation to an investigation under section 9(2)(d) or a review under section 9.1 in the event of a refusal or failure to comply with the requirement to provide information or records to the Advocate.

(12) Section 18 is amended

(a) by renumbering it as section 18(1);

(b) in subsection (1)

(i) in clause (a) by adding “or a review under section 9.1” after “section 9(2)(d)”;

(ii) in clause (b) by adding “or 15.4” after “15(1)”;

(c) by adding the following after subsection (1):

(2) The name of a person who makes a report under section 4 or 5 of the *Child, Youth and Family Enhancement Act* that is made available to the Advocate during an investigation under section 9(2)(d) or a review under section 9.1 and information that would identify that person are privileged information of the person making the report.

(3) The Advocate shall not disclose the privileged information referred to in subsection (2) without the consent of the person.

(12) Section 18 presently reads:

18 The following information, records and reports are privileged and not admissible in evidence in an action, except in a prosecution for perjury:

- (a) anything said, any information supplied or any record produced during an investigation under section 9(2)(d);*
- (b) any report made under section 15(1).*

(13) The following is added after section 18:

Restrictions on disclosure of information and records

18.1(1) The Advocate and anyone acting for or under the direction of the Advocate shall not disclose any information or records obtained in performing their duties, powers and functions under this Act, except as provided in subsection (2).

(2) The Advocate may disclose, or may authorize anyone acting for or under the direction of the Advocate to disclose, information or records that are necessary for the purposes of

- (a) conducting an investigation under section 9(2)(d) or a review under section 9.1, or
- (b) establishing the grounds for findings and recommendations contained in a report under this Act.

(3) In conducting an investigation under section 9(2)(d) or a review under section 9.1 and in making a report under this Act, the Advocate and anyone acting for or under the direction of the Advocate must take every reasonable precaution to avoid disclosing, and shall not disclose, any information or records that would reveal confidential law enforcement information or records obtained in accordance with any protocol under section 9.3.

(14) Section 21 is amended

- (a) by repealing subsection (1) and substituting the following:**

Annual report

21(1) The Advocate must report annually to the Speaker of the Legislative Assembly on the work of the Office of the Child and Youth Advocate, including each report under section 15.4 of a completed review under section 9.1.

- (b) by adding the following after subsection (2):**

(3) When a copy of the annual report is laid before the Legislative Assembly pursuant to subsection (2), the report so laid stands referred to the committee of the Legislative

(13) Restrictions on disclosure of information and records.

(14) Section 21 presently reads:

21(1) The Advocate must report annually to the Speaker of the Legislative Assembly on the work of the Office of the Child and Youth Advocate.

(2) The Speaker must lay each annual report before the Legislative Assembly as soon as possible.

Assembly charged with the subject-matter of the report, or such other committee determined by the Legislative Assembly, for its review and report.

(15) Section 22 is amended by adding the following after clause (b):

- (b.1) prescribing a class of individuals for section 9(0.1)(d);
- (b.11) prescribing persons or a class of persons that must be notified pursuant to section 9(8)(i);
- (b.2) prescribing persons or a class of persons that must be involved pursuant to section 9(9)(g);
- (b.21) respecting the process for conducting reviews under section 9.1;
- (b.22) prescribing a class of individuals for the purposes of section 9.1(1)(c)(iv);
- (b.23) respecting reports under section 9.1(3);
- (b.24) respecting the collection, use and disclosure of information under section 9.1(7);
- (b.25) prescribing persons or a class of persons that must be notified pursuant to section 9.1(8)(i);
- (b.26) prescribing persons or a class of persons that must be involved pursuant to section 9.1(9)(g);
- (b.3) respecting protocols under section 9.3;
- (b.31) respecting the establishment of a roster of persons to advise the Advocate under section 9.4;
- (b.32) respecting information and records for the purposes of section 14.1(6)(a)(iii);
- (b.33) respecting the criteria specified for recommendations included in reports under section 15;

(15) Section 22 presently reads:

22 The Lieutenant Governor in Council may make regulations

- (a) prescribing other functions of the Advocate;*
- (b) prescribing matters or proceedings for the purposes of section 9(2)(c);*
- (c) defining any word or expression used but not defined in this Act;*
- (d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary for carrying out the intent of this Act.*

- (b.34) respecting the establishment of the Audit Advisory Committee under section 15.1;
- (b.35) respecting the powers, duties and functions of the Audit Advisory Committee established under section 15.1;
- (b.36) respecting the criteria for reports under section 15.4;
- (b.4) specifying the criteria for recommendations included in reports under section 15.4;

Fatality Inquiries Act

Amends RSA 2000 cF-9

2(1) The *Fatality Inquiries Act* is amended by this section.

(2) Section 1 is amended by adding the following after clause (d):

- (d.1) “Child and Youth Advocate” means the Child and Youth Advocate appointed under section 2(1) of the *Child and Youth Advocate Act*;

(3) The following is added after section 32:

Notice to Child and Youth Advocate

32.1(1) The Chief Medical Examiner shall notify the Child and Youth Advocate of all deaths of persons under 20 years of age, within 30 days of a medical examiner being notified under section 10, 11, 12 or 13.

(2) Notification by the Chief Medical Examiner under subsection (1) must be in writing and must include the name, date of birth and date of death of the person.

Fatality Inquiries Act

2(1) Amends chapter F-9 of the Revised Statutes of Alberta 2000.

(2) Adds a definition.

(3) Notice to Child and Youth Advocate.

(4) Section 33 is amended

(a) in subsection (3) by striking out “10(2)(i), 11, 12 or 13” wherever it occurs and substituting “10(2)(i), 11 or 12”;

(b) by adding the following after subsection (3):

(3.1) Subsection (3) does not apply to a death subject to an investigation under section 9(2)(d) of the *Child and Youth Advocate Act* or a review under section 9.1 of that Act by the Child and Youth Advocate.

(3.2) When the Board conducts a review with respect to a death referred to in section 10(2)(i), 11, 12 or 13 that has been or is being investigated by the Child and Youth Advocate under section 9(2)(d) of the *Child and Youth Advocate Act* or that has been or is being reviewed by the Child and Youth Advocate under section 9.1 of that Act, in deciding whether to recommend that a public fatality inquiry be held, the Board shall consider

- (a) whether the death was due entirely to natural causes and was not preventable,
- (b) the findings, including any recommendations or observations, of the Child and Youth Advocate in a report under section 15 or 15.4 of the *Child and Youth Advocate Act*,
- (c) whether the conduct of a public fatality inquiry could have a potentially harmful effect on witnesses, and
- (d) any other factors set out in the regulations

and shall recommend that a public fatality inquiry be held if the Board is satisfied that the public interest would be served by a public fatality inquiry.

(5) Section 37.1(3)(b) is amended by adding “, including but not limited to an investigation under section 9(2)(d) of the *Child and Youth Advocate Act* or a review under section 9.1 of that Act” after “forum”.

(4) Section 33(3) presently reads:

33(3) When the Board conducts a review under this section with respect to a death referred to in section 10(2)(i), 11, 12 or 13, the Board shall recommend that a public fatality inquiry be held unless it is satisfied

- (a) that the death was due entirely to natural causes and was not preventable and that the public interest would not be served by a public fatality inquiry, or*
- (b) that there was no meaningful connection between the death and the nature or quality of care or supervision being provided to the deceased person by reason of the deceased person's status as described in section 10(2)(i), 11, 12 or 13.*

(5) Section 37.1(3) presently reads:

37.1(3) After holding a conference referred to in subsection (1), the judge may

(6) Section 55 is amended by adding the following after clause (g):

(h) respecting factors for the purposes of section 33(3.2)(d).

Protection Against Family Violence Act

Amends RSA 2000 cP-27

3(1) The *Protection Against Family Violence Act* is amended by this section.

(2) Section 18 is amended by adding the following after subsection (1):

(1.1) In providing the advice and recommendations referred to in subsection (1)(b), the Committee shall consider any recommendations made by the Child and Youth Advocate in a report made available by the Advocate under section 15.4 of the *Child and Youth Advocate Act* respecting a death arising from the same incident in respect of which a report is prepared under subsection (1).

Coming into Force

4 This Act comes into force on Proclamation.

- (a) *limit the issues that will be under consideration at the public fatality inquiry, or*
- (b) *stay the public fatality inquiry if the judge is of the opinion that all of the matters referred to in section 53(1) have already been examined and determined in another forum.*

(6) Adds regulation-making power.

Protection Against Family Violence Act

3(1) Amends chapter P-27 of the Revised Statutes of Alberta 2000.

(2) Section 18(1) presently reads:

18(1) On completing a review, the Committee shall prepare a written report containing

- (a) *its findings respecting the incident that is the subject of the review, and*
- (b) *its advice and recommendations to the Minister.*

Coming into Force

4 Coming into force.

