



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Standing Committee
on
Legislative Offices

Child and Youth Advocate Act Review

Wednesday, June 22, 2016
9 a.m.

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**Legislative Assembly of Alberta
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Second Session**

Standing Committee on Legislative Offices

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Wednesday, June 22, 2016

[Mr. Shepherd in the chair]

The Chair: All right. I guess I'll call the meeting to order. I'd like to welcome members, staff, guests to this meeting of the Standing Committee on Legislative Offices.

As most of you know, I'm David Shepherd, MLA for Edmonton-Centre and chair of the committee. I'd ask that members and those joining us at the committee table today introduce themselves for the record.

Mr. Malkinson: Brian Malkinson, MLA for Calgary-Currie.

Ms Sorensen: Rhonda Sorensen, manager of corporate communications and broadcast services at the LAO.

Mr. Loewen: Todd Loewen, MLA, Grande Prairie-Smoky, substituting for Jason Nixon.

Mr. Cooper: Nathan Cooper, MLA for the outstanding constituency of Olds-Didsbury-Three Hills.

Mr. Horne: Trevor Horne, MLA for Spruce Grove-St. Albert.

Ms Woollard: Denise Woollard, MLA, Edmonton-Mill Creek.

Mr. Dach: MLA Lorne Dach, Edmonton-McClung, substituting for MLA Jabbour.

Mr. Kleinsteuber: Jamie Kleinsteuber, MLA for Calgary-Northern Hills.

Mrs. Littlewood: Good morning. Jessica Littlewood, MLA for Fort Saskatchewan-Vegreville.

Dr. Amato: Good morning. Sarah Amato, research officer.

Ms Dean: Shannon Dean, Law Clerk and director of House services.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: Thank you, everyone. As noted, for the record Mr. Loewen is substituting for Mr. Nixon, and Mr. Dach is the official substitute for Ms Jabbour.

Could we have those on the phone, please?

Mr. van Dijken: Glenn van Dijken, MLA for Barrhead-Morinville-Westlock.

The Chair: Thank you.

Mr. Ellis: Mike Ellis, Calgary-West. Thank you.

The Chair: Thank you.

All right. Before we turn to the business at hand, a few operational items. As we are all aware, the microphone consoles are operated by the *Hansard* staff. Please keep cellphones, BlackBerrys on silent and off the table as they can interfere with the audiofeed. Audio of the committee proceedings is streamed live on the Internet and recorded by *Alberta Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

Our first item is to move a motion to approve today's agenda. Is there a member that would care to do that?

Mr. Cooper: So moved.

The Chair: Thank you, Mr. Cooper. All in favour? Any opposed? The motion is carried.

We have the minutes from our last two meetings, on February 23 and February 24. We have two to review. Anyone note any errors or omissions in the set from February 23, 2016? If not, I'd look for a motion to approve the minutes. Thank you, Mr. Horne. All in favour? Any opposed? Motion carried.

Again, then, for the minutes from February 24, 2016. Any errors or omissions to note? If not, a motion to approve. Mr. Kleinsteuber. All in favour? Any opposed? The motion is carried.

The first item that we have today to consider is the review of the Child and Youth Advocate Act. Of course, we had the mandate, Government Motion 20, which was brought forward in the House. I'd like to just start by reading through that motion for the benefit of committee members. On June 2, 2016, the Assembly resolved that

1. The Child and Youth Advocate Act be referred to the Standing Committee on Legislative Offices for the purpose of conducting a comprehensive review pursuant to section 23 of that act;
2. The committee may without leave of the Assembly sit during a period when the Assembly is adjourned or prorogued;
3. In accordance with section 23 of the Child and Youth Advocate Act the committee must submit its report to the Assembly within one year after beginning its review, and that report is to include any amendments recommended by the committee.

I think the motion itself is fairly self-explanatory. We're responsible for considering a specific piece of legislation, that being the Child and Youth Advocate Act, and we have one year from today's date to review and determine whether or not we wish to recommend any amendments to that act.

Ms Dean, do you have anything further you'd like to add to that? Excellent. Thank you.

With that, then, do we have any questions regarding the mandate?

Mr. Cooper: Just because I'm a little unsure of the rest of the meeting, do we set the scope of the mandate and the review in terms of who will be able to provide submissions and who won't?

The Chair: Thank you, Mr. Cooper. I believe that as part of our discussions today we'll be talking about putting together a draft stakeholder list. We'd be working with counsel to put together that draft list, and then we'd be looking at another meeting, at which we would have an actual vote to determine who we'd like to invite for oral submissions after we've had public submissions.

Mr. Cooper: Thank you.

The Chair: Mr. Horne.

Mr. Horne: Thank you. The office of the Child and Youth Advocate is certainly a very important one of the services provided by the province. I know the office does a lot of work not just with the foster system but also with a lot of indigenous communities, and there's been a lot of a relationship there. It's my understanding – and I'm hoping to get a little bit of clarity here – that we're looking specifically at the tools available to the office and not necessarily at the work that the office does. Is that correct?

The Chair: Counsel, do you have any comment on that?

Ms Dean: The mandate of the committee with respect to this review is to look at the legislation which governs the operations of that office. Certainly, the advocate, I'm sure, will be invited to present to the committee and serve as a resource as the committee does its work. Does that help?

Mr. Horne: Yes.

The Chair: Thank you.

Any other questions, then, regarding the mandate as presented? Excellent. Thank you.

Let's move on, then, to discuss the resources that are going to be made available to us as part of our review. First, we could consider, I guess, committee services. Dr. Massolin, if you could give us a quick overview of the services that your area is able to provide for us.

Dr. Massolin: Yes. Thank you, Mr. Chair. First of all, I would say that the committee will be supported by the committee clerk in terms of administrative services, and I think you all know what that entails.

I would add as well that the committee is supported by research services, which will provide nonpartisan research services to this committee throughout the review of the Child and Youth Advocate Act. Some of the things that we do have already been alluded to in terms of the stakeholder list, that we will provide if the committee so directs. We can do various other reports, including a cross-jurisdictional analysis, if that's what the committee wants. Another thing that we do in terms of enabling the written submission process is to draft a discussion guide as well. We also summarize the written submissions for the committee. Finally, we help the committee draft its final report, which will be tabled in the Assembly.

I don't know if there are any questions, but I think that's about it.

The Chair: Anyone have any questions for Dr. Massolin regarding committee services? Excellent. Thank you, Doctor.

On to communication services. We can also access the expertise of this area as part of, I guess, co-ordinating our public submissions and other parts. Ms Sorensen, if you could give us a quick summary of the services that your group may provide to us as part of this review.

Ms Sorensen: Thank you, Mr. Chair. Yes. Communications is here to support the committee as well in areas of outreach to the public and the media in terms of traditional advertising, digital advertising, online, social media, media relations, website, e-cards, anything that this committee chooses to use in order to reach the public. We're here to assist with that.

The Chair: Excellent. Thank you.

Does anyone have any questions for Ms Sorensen in general?

Seeing none, lastly, then, we also have the option to request support, perhaps beginning with a technical briefing, from some other sources. For example, I'd suggest that we may want to consider hearing from the office of the Child and Youth Advocate. They might provide some excellent resources that we could tap into. In addition, although the Child and Youth Advocate is an officer of the Legislature, it is the Ministry of Human Services that's responsible for this particular piece of legislation. Those are two that I might recommend.

Just a question to the committee: is there any interest, then, perhaps, in inviting these two organizations to provide both ongoing support when appropriate and possibly a technical briefing as part of our review? Any thoughts, comments?

9:10

Mr. Horne: I certainly think that those two groups would be beneficial to our review, especially seeing as the work that both the office of the Child and Youth Advocate and Human Services do – in many ways there is a relationship there, so I think it would be beneficial to this.

The Chair: Mr. Cooper.

Mr. Cooper: Yeah. I certainly think that the office of the Child and Youth Advocate would be advantageous in ongoing support in terms of questions and certainly a briefing from his office at the start of the review to have a bit of sense of areas of weaknesses or strengths from his perspective and from the office's perspective.

You know, I'm a little bit more apprehensive about having ongoing support from Human Services. While I think it's important that we hear from them and that they do provide some feedback, with the independence of the office we may be cautious with how much we engage the department around input or feedback. In terms of an ongoing perspective, as you alluded to, our committee ought to be independent from that as well. I don't think it's a major concern but just a point that I might highlight there. Certainly, with respect to the Child and Youth Advocate, I'd be in full support of that.

The Chair: Thank you, Mr. Cooper.

Any other thoughts, comments?

Mr. Dach: I just think, following the member's comments, that it should be reinforced that the intent to have the opportunity to recall ministry officials should be kept open for us in the event that further clarification is needed on certain information, not necessarily to have them on an ongoing, continuous basis. But the ability to recall, I think, we should keep in reserve.

The Chair: Thank you, Mr. Dach.

Excellent. Well, if there are no further questions or comments, perhaps we could have a member move a motion, then, to invite the officials from the office of the Child and Youth Advocate and the ministry to attend committee meetings and participate when requested.

We have a possible motion in front of us here. Moved by Mr. Cooper that

the Standing Committee on Legislative Offices invite officials from the office of the Child and Youth Advocate and the Ministry of Human Services to attend committee meetings and participate when requested to provide technical expertise and request that department officials work in conjunction with the Legislative Assembly staff as required to support the committee during the review of the Child and Youth Advocate Act.

Any comments, questions on the motion?

All right. Seeing none, I will call the question. All those in favour? Any opposed? On the phones? Thank you. That motion is carried.

At this time, then, it would probably be worth while, as we discussed, to consider inviting a technical briefing on the act from the office of the advocate and from the ministry. Any comments or questions on that?

Ms Woollard: I'd be quite happy to make a motion to that effect. Or do we want to talk about it first?

The Chair: Certainly. So we have a motion, then, from Ms Woollard.

Ms Woollard: I move that the Standing Committee on Legislative Offices invite officials from the office of the Child and Youth Advocate and the Ministry of Human Services to provide a background briefing on the Child and Youth Advocate Act to the committee at the next meeting.

Is that satisfactory?

The Chair: Thank you, Ms Woollard.

Any comments, questions on the motion?

Mr. Cooper: It sounds to me like the motion implies that they would both come to the same meeting. I would just encourage that, that that happens. I think it's reasonable that we could receive all of that information in one sitting, so if we can try to co-ordinate those things, it certainly would be appreciated.

The Chair: Thank you, Mr. Cooper. Yes, it's certainly my intent to try to minimize the number of meetings that we're required to hold, so I think you're quite right. We could combine those together at a single meeting. We'll have the opportunity to discuss that a bit later in the proposed timeline.

Any other comments or questions?

Mr. van Dijken: My concern is with regard to – these bodies are providing information as pertains to the day-to-day operations of the act, and not necessarily would that give us a clear indication of the act itself. The wording of the motion would essentially lead me to believe that they're supposed to provide us information about the act, which I would suggest is possibly something that legal counsel would provide us, more detailed information about the act specifically as opposed to the implementation of the act, where these two bodies are functioning day to day on the implementation of the very act that we're reviewing.

The Chair: Thank you, Mr. van Dijken.

Counsel, do you have any comment?

Ms Dean: I would just say that both the ministry and the office have experience with the legislation as it exists right now. Certainly, if the committee wants to direct the LAO, myself or research, with respect to some specific questions about this act, how it compares to legislation in other jurisdictions, we're certainly available to provide that advice. But at an initial stage it's just recommended that you hear from both the department and the office itself just to get some background information about the act at this point. Certainly, we're available to provide ongoing support to the members of this committee in connection with any issues with the legislation.

The Chair: Thank you, Counsel.

Any other thoughts, comments, questions?

Ms Woollard: I just think that it would be helpful in order to properly analyze the act to get a good sense of how the act is implemented, how it's applied because that would help to guide us in changes we might possibly consider making, to see how it's put into practice.

The Chair: Thank you, Ms Woollard.

Mr. van Dijken, go ahead.

Mr. van Dijken: Yeah. Then I would suggest an amendment to the motion with regard to that, that the Child and Youth Advocate and the Human Services ministry provide background information as to the implementation of the current act. Now, there could be some wordsmithing there, but that's what we're after, background

information on the application, the implementation of what we're currently operating under as opposed to background information on the act.

The Chair: Okay. Thank you, Mr. van Dijken.

Mr. van Dijken, then, has moved an amendment to the motion. I'm just compiling that here. Excellent. So the amended motion, then, is that

the office of the Child and Youth Advocate and the Ministry of Human Services provide background information as to the implementation of the Child and Youth Advocate Act to the committee at our next meeting.

Any thoughts, comments? Mr. Malkinson.

Mr. Malkinson: Thank you very much, Chair. I just would want a clarification that they'd still be able to provide some background information as well just on how they see the legislation. I just want to make sure – I think it's important that we do get some background from them in the motion. I just want to make sure that we're not precluding that with this amendment.

The Chair: Okay. Thank you, Mr. Malkinson.

Counsel, would this amendment restrict in any notable way?

9:20

Ms Dean: I don't think so, Mr. Chair.

The Chair: Thank you.

Any other thoughts, questions, discussion on the amendment?

Mr. Cooper: I think that the amendment accomplishes quite a similar goal to what was moved but provides a little bit of clarity to the bodies on the type of information we're hoping to receive. I think that we can get it all accomplished with this here.

The Chair: Thank you, Mr. Cooper.

Any other thoughts, comments, questions?

If not, then I will call the question on the amendment. All in favour? Any opposed? On the phones? Thank you. That amendment is carried.

On the amended motion, then, any further discussion?

Seeing and hearing none, I'll call the question. On the amended motion, all those in favour? Any opposed? On the phones? Thank you. The motion is carried.

Moving on, then, to consultations and submissions, more specifically our direction to communications services. At this point we need to consider who we'd like to solicit input from for the initial phase of our review. Then we can ask the communications area to draw up a communications plan for our consideration at our next meeting. I know that it is common practice for committees to solicit written submissions as a first step in the consultation process, with the possibility of inviting presentations to follow.

I'd like to open the floor, then, for any thoughts, comments, questions on the communications piece. Mr. Cooper.

Mr. Cooper: Thank you, Mr. Chair. I think that with respect to written submissions I would like to see us invite as broad a spectrum as possible. I think that there are a lot of folks – I certainly know that I have individuals in the constituency of Olds-Didsbury-Three Hills – that engage with the Child and Youth Advocate. I know that this doesn't happen all that often, but one particular individual actually brought the act into the office, both the Child and Youth Advocate Act as well as another piece of legislation pertaining to children.

While I don't expect that we'll have a whole ton of submissions, particularly because the scope of the review is on the act and not on

the Child and Youth Advocate himself or the office of the Child and Youth Advocate, I think that we should certainly be open to having written submissions from the general public, not just stakeholder groups, as we might identify them, but the general public and individuals who engage with the Child and Youth Advocate and may in fact be interested in the legislation that equips the Child and Youth Advocate. I think that we should include that in our communications plan and enable the general public to submit on this particular file. I would certainly like to see that happen.

The Chair: Thank you, Mr. Cooper.
Mr. Horne.

Mr. Horne: Yeah. This is certainly a very important and serious topic for the committee to consider. I believe that all members of the committee would want to ensure that Albertans are heard and served by the committee in this review. This has always been a very important issue for us, the Child and Youth Advocate, and following that, we would certainly like to consult broadly with Albertans and invite them to engage and participate in the discussion in reviewing this critical piece of legislation. But it must be acknowledged that we are in a very tough economic time, so we have to be mindful of the budget and leverage the use of existing social networking media and other effective strategies. I'm sure that the wonderful communications team here can provide us with some cost-effective solutions to that end.

The Chair: Excellent.

Mrs. Littlewood: Just from the experience with the Ethics and Accountability Committee I know that by putting it out to the public, you do get a lot of response, and it's something that has been in the media quite a lot. I'm sure that any way that, you know, people out in the public can have some way of engaging with the process would help people have confidence that they're being heard with their concerns.

Thanks.

The Chair: Thank you, Mrs. Littlewood.

Any other thoughts, comments, questions?

Okay. Ms Sorensen, is there any further clarification that you would need from us before we ask you to put together a communications plan?

Ms Sorensen: Thank you, Mr. Chair. I think I'm good. I think, if I'm reading the table right, you'd like sort of a list of options and the costs associated with them so that you can make a more informed decision on what tools you use to reach out to the public and media on the topic.

The Chair: All right. Thank you, Ms Sorensen. That does seem to be the direction of the room. That's the sense I'm getting from the committee.

Is there a member, then, that would like to move a motion in that regard, that we direct the communications section to come back to us at our next meeting with some options for the communications plan?

Mr. Kleinsteuber: I'd like to move a motion like that. I'll read out the motion, then, that

committee services be instructed by the Standing Committee on Legislative Offices to prepare a draft communications plan regarding the review of the Child and Youth Advocate Act for consideration by the committee at the next meeting.

The Chair: Thank you, Mr. Kleinsteuber.

All right. Any further discussion on the motion?

Seeing and hearing none, I'll call the question. All those in favour? Any opposed? And on the phones? Thank you. That motion is carried. Excellent.

So, then, on to similar considerations in terms of research services. Dr. Massolin, do you have any comments on the research options that you think we should consider?

Dr. Massolin: Thank you, Mr. Chair. I think we've heard a little bit about the stakeholders list. I think that was already discussed. I think that what we could do, if we're directed by the committee, is to put together a stakeholders list, a draft one, for the committee's consideration at its next meeting.

Sort of an associated piece to that is the discussion guide. I think we're hearing that the committee might want to reach out to the public and stakeholders as well, so this discussion guide will isolate some of the issues that are associated with the Child and Youth Advocate Act. We can draft a discussion guide, again for approval, that will, if the committee approves this, be posted on the website, and it will be indicated in the stakeholder letter so that stakeholders can consult it. As well, members of the public can also have access to this so that they can be guided in their feedback to the committee.

Thank you.

The Chair: Thank you, Doctor.

I'll open the floor, then, for any discussion, questions regarding the work by research services. Mr. Cooper.

Mr. Cooper: Thank you, Chair. I think that that would be very positive work from them. I personally find a lot of value in the crossjurisdictional reviews that research services often prepares when doing these sort of reviews. Certainly, some of the work on other committees that I've been involved in: they've done some great work there. Now, it can often be a significant amount of work, and if the committee doesn't share my view that it's quite valuable, I certainly don't need to be the only one that wants to see that happen. But if there is some general agreement, I certainly find value in the work that they've done in the past, and if the committee supports that, I would certainly be in favour of that happening.

The Chair: Dr. Massolin, do you have a comment on that?

9:30

Dr. Massolin: Yes. Thank you, Mr. Chair. You know, I was going to offer that up at the next committee meeting. I do believe that the committee might benefit from this sort of document to see what other jurisdictions are doing with regard to these issues. We'd certainly be willing to prepare that and maybe present it a little bit more down the road for the committee if that's all right.

Thank you.

The Chair: Thank you.

Any other discussion on research services? Okay.

Seeing and hearing none, would anyone care to move a motion, then, for our direction to research services? We've heard so far, I guess, that we're looking at a draft stakeholder list and a discussion guide, which would be tabled at our next meeting, and then a crossjurisdictional analysis for a future meeting.

Mr. Cooper: So moved.

The Chair: Here is the suggested motion. Moved by Mr. Cooper that

committee research services be instructed by the Standing Committee on Legislative Offices to prepare a draft discussion guide and stakeholder list regarding review of the Child and Youth Advocate Act for consideration by the committee at its

next meeting and a crossjurisdictional comparison for review at a future meeting.

Any further discussion on the motion?

Seeing and hearing none, I'll call the question. All those in favour? Any opposed? On the phones? Thank you. That motion is carried.

Excellent. We can move on, then, to discussion of a tentative timeline. Now, we've got a few considerations here. Of course, we know that we are going to have some of the standard work of this committee coming forward to us in the fall, reviewing the business plans and operations and budgets of the officers. Of course, we need to keep in mind the obligations that we'll have with session in both the fall and spring. We know that we have up to a year to complete our review of the Child and Youth Advocate Act, and within that we can determine our schedule.

Plans may change as we go, but with this in mind I thought I'd make a few preliminary comments on what I could see working well. I was thinking we could have one more summer meeting in late July to receive the technical briefing, consider the draft communications plan and the stakeholder list and the discussion guide. After that we could look at sending out the letters to the stakeholders that we select and look at activating our other communications initiatives to solicit written submissions, et cetera, from the public. Then later in the fall, once we've received the written submissions and have a summary of those submissions prepared by research services, we can meet again to consider our next steps, possibly including the invitation of oral presentations from some selected stakeholders.

Then once the fall sitting begins, we could revert to the regular business of the committee and deal with matters such as the annual reports, business plans, and the budget estimates of the legislative officers, anticipating that we could return to the review of the act again in mid-January and at that point have the opportunity to hear invited presentations, if there are any, before we enter into the deliberations and reporting stage, with the hope of reporting our findings to the Assembly at the beginning of the spring session.

I think that allows us a reasonable amount of breathing room. That way if there are any unforeseen delays, we also have a bit of a buffer over the course of the spring session and then, hopefully, reduce the amount of scheduling difficulty that might be caused by continuing the review during the spring session.

Are there any thoughts, comments, discussion on that timeline in general?

Mr. Cooper: Generally I'm supportive of the timeline. I don't see any major challenges. I think providing ourselves a little bit of space towards the end of the review is a positive step, particularly if – you know, from time to time these things can surprise us, so I think providing some additional time there is good. On a personal note,

early August is significantly better than the end of July, but we can obviously poll the committee for that later. But I see no significant challenge or risk in the proposed schedule.

The Chair: Thank you, Mr. Cooper. Indeed, yes, we'll poll the committee to see when the optimum time would be to hold that meeting, then, in mid-summer.

Any other comments, discussion?

Mr. Loewen: I just wondered: does the committee foresee anything else coming before it? You know, we can only be discussing kind of one thing at a time. I just want to make sure that if there's anything else that might be coming up that anybody could foresee, we don't draw this timeline out too far and restrict our opportunity to work on another matter that may come up.

The Chair: Thank you, Mr. Loewen. To the best of my knowledge we don't have anything else before the committee other than the usual work of the committee, reviewing the annual reports, business plans, budgets of the legislative officers in the fall. Of course, we do have some tabled business, that being consideration of requests from the Ethics Commissioner and the Chief Electoral Officer regarding a reclassification of their positions. Those have been tabled by the committee until after the report of the Standing Committee on Ethics and Accountability, which is coming forward in September. Other than that, I'm not aware of any other business before the committee.

Counsel?

Ms Dean: No, Mr. Chair. I'm not aware of anything.

Mr. Loewen: We can work on these other issues while we're working on this, then? Okay. Good to know. Thanks.

The Chair: I don't believe there's anything that would prevent us from doing so. I think we can consider multiple items of business at any given meeting. Thank you.

Any further questions, discussion? All right.

Moving on to other business. Are there any other items for discussion under other business today?

Seeing and hearing none, we'll move on. The date of the next meeting, then, will be at the call of the chair. As we discussed, we'd be looking at late July, early August. We'll poll members to see when the opportune time might be for that to take place.

With that, then, I'd just ask, if there's nothing further, if a member would care to make the motion to adjourn. So moved by Mrs. Littlewood. All those in favour? Any opposed? Thank you for your time.

[The committee adjourned at 9:37 a.m.]

