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Child and Youth Advocate Act Review

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Participant

Ministry of Children's Services

Mark Hattori, Assistant Deputy Minister, Child Intervention

9:31 a.m.

Monday, June 12, 2017

[Mr. Shepherd in the chair]

The Chair: All right. Well, I'd like to welcome members, staff, guests to this meeting of the Standing Committee on Legislative Offices. My name is David Shepherd, MLA for Edmonton-Centre and chair of this committee.

I'd just like to ask that the members and those joining the committee at the table introduce themselves for the record. I'll start to my right.

Mr. Malkinson: Hi. Brian Malkinson, MLA for Calgary-Currie, deputy chair.

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

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

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

Mrs. Stewart: Jackie Stewart with the office of the Child and Youth Advocate.

Mr. Graff: Good morning. I'm Del Graff, Child and Youth Advocate.

Mrs. Russell: Bonnie Russell with the office of the Child and Youth Advocate.

Mr. Hattori: Good morning. Mark Hattori. I'm the ADM for child intervention for Children's Services.

Mr. Nixon: Jason Nixon, MLA for Rimbey-Rocky Mountain House-Sundre.

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

Dr. Amato: Sarah Amato, research officer.

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

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

Ms Rempel: Good morning. Jody Rempel, committee clerk.

The Chair: Thank you.

For those on the phones, we are getting a bit of noise, some shuffling and such, so if you're not speaking, please take the opportunity to mute your line to reduce the noise.

At this point I give the opportunity for members on the phone to identify themselves. I believe on the phone we have Ms Drever.

Drever: Good morning. Deborah Drever, MLA for Calgary-Bow.

The Chair: Thank you.

Mrs. Pitt: Angela Pitt, MLA, Airdrie.

The Chair: Thank you.

Mr. Kleinsteuber.

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

Mr. Gill: Good morning. Prab Gill, MLA, Calgary-Greenway.

The Chair: Excellent. Thank you.

Before we turn to the business at hand, just a few quick operational items. The microphone consoles, as always, are operated by the *Hansard* staff. Please ensure your electronics are in silent mode. Audio and video of the committee proceedings are streamed live on the Internet and recorded by *Alberta Hansard*. Live streaming links and meeting transcripts may be obtained via the Legislative Assembly website.

To the first item we have today. We had a draft agenda that was distributed for this meeting. Are there any questions or concerns regarding that agenda? If not, do we have a member to move a motion to approve today's meeting agenda, please? Mr. Horne. Mr. Horne moves that we . . .

I apologize. Members on the phone, we still have quite a bit of noise coming from somebody shuffling papers or otherwise. If you could mute your line when not speaking, please.

We have a motion from Mr. Horne, then, to approve the draft agenda as distributed. All those in favour? Any opposed? That motion is carried.

Then we also have the set of draft minutes from the May 17, 2017, meeting, which was distributed for consideration. Were there any concerns, errors, or omissions?

Mr. van Dijken: I have it on page 58 – I'm not sure if that's an accurate page number, but anyways – moved by Mrs. Pitt that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to enable the advocate to identify exceptional circumstances, within the Advocate's sole discretion, where advocacy can be provided for young people . . .

Then I believe there's supposed to be a word in there, "for," specific advocacy issues . . .

I think it's just an error in transcribing. I would consider that as needing to be amended.

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

What is the correct procedure, then? Do we need a motion or anything?

Ms Rempel: You can have a motion just to approve as amended.

The Chair: Okay. We have the amendment proposed by Mr. van Dijken. Do we have any other concerns, errors, or omissions? Hearing none, do we have a member that would like to move a motion to

approve the minutes as amended as suggested by Mr. van Dijken? Mr. Nixon. Thank you. All right. All those in favour, then, of approving the meeting minutes as amended? Any opposed? None opposed. That motion is carried. Thank you.

If all members who are on the phone could just take a moment to ensure that they are currently muted. Thank you.

Clerk.

Ms Rempel: Thank you, Mr. Chair. I just thought it might be useful as I think we have some first-timers on the phone: you can use the star 6 function to mute and unmute your lines when you're ready to speak.

The Chair: Thank you, Clerk.

All right, then. We'll move on to item 4, a review of the Child and Youth Advocate Act. As we return to the deliberations and the recommendation stage of our review, I'll just point out to everyone that we do or will, perhaps, have the screen set up. It is set up. Okay. Pardon me. The screen is prepared so that the committee clerk can type up any motions that are put forward to prevent confusion as to what is being decided. If you propose a motion, please be prepared to repeat it as necessary or provide the committee clerk with a written copy. I would also encourage committee members to discuss issues and propose draft wording before putting forward a final motion.

To begin our deliberations today, we have two motions on which debate was adjourned at our last meeting. The first of these motions received a significant amount of consideration. I'll just ask the committee clerk to now read that motion into the record. Then we'll open the floor for any final arguments before we vote.

Ms Rempel: Thank you, Mr. Chair. Moved by Mrs. Pitt that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to expand the definition of designated service to include mental health services for children and services under the Family Support for Children with Disabilities Act.

The Chair: All right. Ms Woollard.

Ms Woollard: Thank you very much, Mr. Chair.

Before the committee gets back to the adjourned motion, I first wanted to acknowledge the importance of the work before the committee and how invested each and every member of this committee is. I'd also like to state that I as well as other members of the caucus have worked on the front line dealing with various challenges that vulnerable children face in our province. When it comes to challenges faced by children in care and vulnerable children in the province, there's a heartfelt desire on my part to see things change for the better and stay that way. I worked for many years as a teacher and an educational psychologist, and I saw children facing challenges of many kinds all the time. There were the learning challenges, behaviour, emotional, many things. There were many people that were working with the children to support them. I realized how important it was that the children deserve the best that we can give them, and we have a responsibility to take the needs of children in care very seriously.

All challenges aren't going to be easily overcome, but we have to work at making the best for children and helping them find a way forward. All of us – all of us – need to keep the needs and challenges of the vulnerable children in our province in mind, especially those who are in the child intervention system. As we make our deliberations, we have to keep in mind what we're working toward and who we're doing these actions for.

Thank you.

We have an amendment to the motion on the screen, and I'll quickly go over that. Moved by myself that the motion be amended as follows: by adding “within two years after the proclamation of Bill 18 the government consider whether amendments should be brought forward to,” so after “recommend that.” The next part is: by striking out “be amended.”

Is there any way we can see an amended motion?

9:40

The Chair: Excellent. Did you wish to speak to your amendment, Ms Woollard?

Ms Woollard: I understand the concerns that were brought forward, the concerns of Mrs. Pitt. I'm sure the rest of the

committee does, too. Mental health services and services under the Family Support for Children with Disabilities Act are very crucial to the well-being of children in the province. Children who have needs beyond the usual ones do require support and advocacy, and Alberta expects that this government will be there to support these children. But with the House passing Bill 18, the Child and Youth Advocate office has seen its mandate expand quite a bit, and we want to make sure that we provide the OCYA the time to effectively apply what the bill requires them to do. The office needs time to manage the changes that come with the new legislation and that expand their role. Managing these new and important additions to that workload will require establishing new policies, new regulations, procedures, and, clearly, training of staff and hiring.

We are responsible for setting the stage where the office of the advocate has the required time to settle into the new role . . .

Mr. Nixon: He's right here.

Ms Woollard: That's true.

. . . and is given the chance to succeed before we add to his mandate. That's why I'm proposing this amendment, to allow that time before moving on to new mandated fields. By doing so, we plan and hope that this will make sure that we're not setting the office up to fail in any way and that we're not offering anything less than the best to the vulnerable children in this province.

The Chair: Thank you, Ms Woollard.

I have Mr. Nixon. Are there any others that would like to be on the speaking list at this time? Any members on the phone wish to be on the speakers list?

Mrs. Pitt: Yes, please.

The Chair: Thank you, Mrs. Pitt.

I'll just note that the deputy chair has also added all members on the phone on Skype, and that is another way to let us know that you would like to be on the speakers list.

We'll begin, then, with Mr. Nixon.

Mr. Nixon: Well, thanks, Mr. Chair. I appreciate the last member's passionate comments about children in care, but the fact is that the advocate asked for something like this at the last meeting that we had with this body. In fact, I would refer you to page 287 of the *Hansard* transcript for the last meeting that we had here.

The government has come back, you know, obviously, with a bill that didn't go far enough in the Legislature. Quite frankly, some experts think it's going to be a catastrophic failure. Now it's choosing to go into the committee that oversees an independent officer of the Legislature and make assumptions without even speaking to that independent officer, disregard what that independent officer suggested to this committee, and then make basically out of – I would suspect that they're politically concerned about Mrs. Pitt's original motion, so they water it down to try to make it go away for two years.

If the member's comments about taking care of children in care or children in our province are to be believed – and I do believe them – then I would ask the member why she would want to or her government would want to postpone dealing with anything like this for another two years. If there are issues that need to be addressed within those two years, why would we tell those children now to wait two years?

Lastly, I would also point out to the member that, as the advocate has said, it would be optional. The concerns for the advocate's office, I think, are reasonable. I have some concerns about those as well as far as the timeline and the extra amount of work that we're

about to add overnight to the advocate, but the advocate would have discretion with this, so I don't understand what Ms Woollard's argument is. Is this just, again, another attempt to water down an opposition motion to try to buy the government time because it's starting to dawn on the public that they've lost control of this file?

The Chair: Thank you, Mr. Nixon.
I have Mrs. Pitt.

Mrs. Pitt: Thank you very much, Mr. Chair. I appreciate the opportunity to speak. I wonder if perhaps the government would like to respond to Mr. Nixon's comments before I offer further comments on this.

The Chair: All right. If you're yielding the floor, then, Mrs. Pitt, I have Mr. Horne.

Mr. Horne: Okay. Yeah. The advocate's efforts, in my opinion, need to be focused on working for children who have no family to advocate for them, in particular the children who are in care. This, of course, does not preclude the government from considering this motion at some future date, but right now I do not believe that it is the right time to make further additions to the advocate's core mandate. The present focus should be on improving the advocate's work on children in care. Indeed, the focus right now should be on allowing the advocate to settle into the additional roles and not burden the office with more at the moment.

Mr. Nixon has indeed commented, with a very similar concern, both just previously and in the House when speaking to Bill 18, stating in *Hansard*, page 1483, on June 1:

My concern with [the government] going above and beyond the intent of the panel's recommendation is the burden we are placing on the advocate.

He speaks further:

Perhaps the advocate should be given some discretion on who is notified.

Mr. Nixon also expressed concerns of potential overmandating of the Child and Youth Advocate back on January 16 during oral presentations, speaking to the College of Alberta Psychologists at LO-195.

Your recommendations and the comments you made, you know, saying basically to take the office of the Child and Youth Advocate and expand it to provide services to all vulnerable children: I'd like to hear if you could expand a little bit on how we would define all vulnerable children. I think there would be an argument made that children by nature are vulnerable, depending on what's going on. One, my concern is that that language would be very, very broad and whether we could define that better. So I'd like to hear your input on that.

Second, is there a danger that we overmandate the Child and Youth Advocate and that, as a result of that, the office is now focusing on trying to deal with all issues associated with children – and there are many of them throughout the system – and then are not able to focus on the children that are most vulnerable and the consequences as a result of the situations that they're facing?

I want to and hope that other members here today, too, wish to see the advocate succeed and get it right. That requires time to plan, to implement, and to evaluate. In my opinion – and I hope that it is the opinion of the other members of this committee – that is why waiting before adding so many new roles to the advocate's office is beneficial and sensible at this time.

I want to also bring to our attention that we just passed Bill 205, the Advocate for Persons with Disabilities Act, meaning that there will be an advocate for people with disabilities, which include children with disabilities. This, again, is a new role that will need

time to settle in and do its work. Allowing this lapse of time will give the Child and Youth Advocate a chance to see what is not covered by other offices and avoid redundancies in the system. This will help to ensure that the various offices that can provide advocacy to children in Alberta facing various circumstances have a chance to work all of that out.

As I hope all members of this committee are aware, this government has been working to turn around an entire system that has been failing for years, and it is about approaching a large problem from various angles. I think that at the moment it would be prudent to allow the current recommendations to be processed, to be planned and implemented, and then certainly we can come back and look at further expansions.

Thank you.

9:50

The Chair: Thank you, Mr. Horne.

I have Ms Woollard, then Mrs. Pitt, then Mr. Nixon. Ms Woollard.

Ms Woollard: Thank you. I take the concerns raised about this amendment very seriously. I certainly shared some of the concerns as I was going through this. But when I stood back and looked at the recommendations of the panel, all the things that were being asked of the advocate, I thought that – and I went through trying to think, in my practice, over the years of being a psychologist, of how many people would fall under this category, and it wound up being quite small, now, not as many, naturally, as the advocate would see. But I thought that having an amendment basically to delay the implementation for a period of time is not a bad idea. I would be worried that overloading the office right off the bat would be setting a tone of possibly missing some things or scrambling. It's a cautionary note. It says "within two years," so I would hope that if the need was there, it could be pursued sooner. But this gives the time to, hopefully, put things in place and see how things are going, to get a measure of the actual work involved in implementing what we've got here.

Thank you.

The Chair: Thank you, Ms Woollard.

Next we have Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. I have to say that the answers that the government members gave raised many concerns, I think, for many in the room, very likely. One, I'm not quite sure why this government lacks respect for the office of the Child and Youth Advocate.

The second question I have to raise is: what is this government scared of in implementing this recommendation? Now, this is a motion to recommend to the government – so I'm not really quite sure why we're going that way. This gives the office of the Child and Youth Advocate discretion. The Child and Youth Advocate has asked for this. So for the government members to turn around and imply that they know better than the office of the Child and Youth Advocate and that the office of the Child and Youth Advocate doesn't need to have discretion is very concerning.

Ms Woollard mentioned that in her practice, in her experience this would actually include a very small number of children but argues that this would overload the office of the Child and Youth Advocate. Now I'm confused as to what the actual argument is from the government side. I don't understand why you would delay giving the office of the Child and Youth Advocate discretion. They are the experts in this area, and we won't simply support a motion to make this recommendation?

I'm sorry. There needs to be more discussion in this area. The government needs to respond to this. I mean, this is absolutely . . . [interjection] . . . to delay this recommendation.

The Chair: I'm sorry. There seems to be someone else on the line while Mrs. Pitt is speaking. Were you finished, Mrs. Pitt?

Mrs. Pitt: Sorry; I was getting that feedback as well.

Yeah. I would like the government to clear up some of the confusion that they've further caused in amending this motion. Thank you.

The Chair: Thank you, Mrs. Pitt.

I have Mr. Nixon and then Mrs. Littlewood.

Mr. Nixon: Well, thanks, Mr. Chair. A couple of things were brought up by government members that I think we need to discuss. The first is in regard to the current recommendations and the indication by the government members of this standing committee that the government went forward with the recommendations from the child intervention panel, when in fact they did not go forward with many of the recommendations of the child intervention panel and watered down many of the other recommendations, particularly around the issue of the advocate, going instead with something that is similar to an audit advisory . . .

The Chair: I'm sorry, Mr. Nixon. Somebody is speaking on the line and does not have their line muted.

Members, please ensure that your phone line is muted if you are not speaking. [interjections] Once again, members on the phone, we are still receiving background conversation while other members have the floor. Please have the courtesy of muting your line so that we can continue discussion without distraction. Thank you.

Mr. Nixon.

Mr. Nixon: Thanks, Mr. Chair. The core recommendation, the number one recommendation of the child intervention panel was to make sure that the Child and Youth Advocate had a committee close to what the Auditor General has with PAC. In fact, the government – and that's their right – chose to go a different way with Bill 18. But I think it's important for this conversation that we don't indicate that the government passed the recommendations of the panel, because they did not.

In addition to that, Mr. Horne quoted me out of *Hansard*. I do appreciate that the government's research is watching me closely – I know I'm moving up in the world then – but they should have gone a little bit further than that and recognized that I was speaking in regard to an amendment that I was moving to Bill 18, an amendment which, in fact, this government defeated, that was similar to what we're talking about today. So if you are going to quote me from *Hansard*, make sure you get the full facts and don't cherry-pick individual quotes in *Hansard*. That would be appreciated.

The conversation about overburdening the office: that is a ridiculous argument, Mr. Chair. It is a legitimate concern with the level of legislation changes that are happening around the Child and Youth Advocate right now. We have to make sure, particularly this standing committee, that we are getting the resources to Mr. Graff and his team appropriately given the legislative changes that have just come through the House. With that said, though, in regard specifically to this motion, it's very clear that it would be about discretion. In fact, if you look at the act as it is now, it is pretty clear that the advocate has discretion to determine, it says, "if, in the opinion of the Advocate, the investigation is warranted or in the public interest, [to] investigate systemic issues arising from"

serious injury or death, and it goes on and on. But what it does not list is mental health.

The number one thing that has become clear to me during my time on the child intervention panel – and we're meeting again for five days this week, and we're spending a considerable amount of time talking to Albertans and the people that are involved in the system – is that mental health is a serious, serious issue. Quite frankly, from my previous career working with the homeless and people suffering from addictions, there is no doubt that mental health is probably the number one issue that we face there. So the indication that mental health is not a serious issue within the child intervention system or when we're dealing with children in the system, quite frankly, Mr. Chair, is ridiculous. That is not a legitimate argument. It makes no sense, and as Mrs. Pitt says, now we need some clarification from the government on what they mean on that.

Again, using the argument that we're scared the advocate has too much now, it is a reasonable discussion that this committee should have, but in regard to this motion it makes no sense. The government members on this committee need to explain why they want to water down Mrs. Pitt's motion, why they want to not even ask the advocate what he thinks of their amendment to Mrs. Pitt's motion, and why they don't want to take the office of the Child and Youth Advocate seriously when they say that they want some more discretion on this issue. If it's just about concerns that he has too much work to do, that makes no sense when you add in the discretion component.

I'd like some answers. I think we've asked for that. Instead, we're just getting prepared talking points from who knows where, as we usually do, and I would like a serious answer from Ms Woollard on why they think that this will cause more work given the discretion aspect of it.

The Chair: Thank you, Mr. Nixon.

I have Mrs. Littlewood.

Mrs. Littlewood: Thank you, Chair. I think it's important that we talk about what disadvantage the children are at when they are away from their family and that the advocate's office is there, when the child doesn't have a natural advocate in their family, when they're in care of government, to focus on children who don't have parents or family members to voice their concerns for them.

10:00

To quote the Alberta College of Social Workers from January 16 at page LO-192, Ms Mann-Johnson said:

The ACSW [or the Alberta College of Social Workers] recommends that the Child and Youth Advocate maintain a focus on systems involving vulnerable young people without natural advocates . . . While we recognize that many of these young people interact with other systems such as Health and mental health, there are currently offices that address these issues.

There's a mental health advocate and a Health Advocate in existence, and we would recommend a collaborative approach between these offices and the Child and Youth Advocate to ensure the needs of vulnerable young people are being met.

Those are my thoughts on that point. Thank you, Chair.

The Chair: Thank you, Mrs. Littlewood.

Mr. Nixon.

Mr. Nixon: Well, thanks, Mr. Chair. Again, we have a situation where very straight questions are not being answered during this debate, and it's very disappointing. The only thing I can think at this point – and I'd be curious to hear from some other members of the panel, either on the phone or around the table – is that the

government members are concerned about their government being investigated for something that we don't know about, because there would be no other reason to try to stifle such a simple and very reasonable amendment.

You know, Mr. Chair, I'll ask one more time: are the government members going to answer any of our questions?

The Chair: Thank you, Mr. Nixon.

Do we have any other members that wish to speak to the amended motion?

Mrs. Pitt: Mr. Chair.

The Chair: Yes. Go ahead, Mrs. Pitt.

Mrs. Pitt: I was hoping that the government would answer these questions. Perhaps they're not provided in their binders with their talking points. This is very quickly becoming a partisan committee, and I have some major concerns with that. We all know that the government will be different in two years, and this raises concerns specifically around the timeline of this amendment here, sort of pushing this off to the next government.

I think there is probably an opportunity to investigate as to why the buck is being passed and why there is not a willingness to actually support our most vulnerable Albertans. You can't tell me that just because a child is not in care, their natural supports are proper advocates for their needs, and to give the advocate discretion – and we all know that this is probably a very small number that we're talking about here. This will not overburden the office. This will not increase costs significantly. In fact, this will be doing whatever we can to support our most vulnerable Albertans. I would really appreciate an opportunity to hear from the government as to: what is going on? What are you covering up? Please clear up this misunderstanding. It doesn't make any sense.

Thank you.

The Chair: Thank you, Mrs. Pitt.

Do we have any other members that wish to speak to the amended motion?

Mr. Nixon: Clearly, nobody from the government side on this panel or this committee – sorry, I've been on a panel lately – is going to speak to it, so, you know, in the interest of time we'll move on and have a vote here shortly, I assume, Mr. Chair. But I think, just for the record, that it's an absolute shame that the NDP MLAs on this committee are about to vote against a recommendation that will empower the Child and Youth Advocate to deal with something as important as mental health.

The indication that Bill 205, which the NDP brought through the Legislature just before we rose for the summer, in any way deals with this is a shame. The members know that that is not an independent officer. In fact, that's an officer under the control of the government, a government that continues to push a lot of secrecy and push away transparency and accountability, particularly on this issue.

Mr. Horne has indicated that they're trying to deal with the situation that the previous government had created. Well, you know, the fact is, Mr. Chair, that they're failing miserably at that, and it's very, very disappointing. We'll be happy to vote on this amendment. I encourage all my colleagues to vote against this government's watering down again of recommendations.

The Chair: Thank you, Mr. Nixon.

Mrs. Pitt, you had a further comment?

Mrs. Pitt: Yes, Mr. Chair. I'm wondering if it's appropriate. I thought I heard that Mr. Del Graff is actually in the room, and he would probably be able to clear up some of the confusion that the government has on how much this additional work would impact his office and if he would still support this recommendation and perhaps, also, what the dangers in deferring this for another two years are.

The Chair: So, Mrs. Pitt, that's a question that you're posing to Mr. Graff?

Mrs. Pitt: Yes, if that's appropriate. I'm not sure what the process is, but I would like to ask that.

The Chair: Yes. Mr. Graff is indeed here as a resource to answer questions, so I'll give him the opportunity to do so.

Mr. Graff: Good morning, and thank you for the question. One of the things that we did when we were moving forward with our submission to the standing committee on the legislation under review was that we identified three different options that we saw as being important for vulnerable children in this province for the committee to sort through and provide guidance on. Certainly, the one that's encapsulated in this motion was one of those options. The other two were an expanded role that could in fact deal with a wider array of young people who are receiving government services and a more restrictive one that looked at young people who required advocacy by exceptional circumstance, and this articulated what exceptions could look like.

Our reason for referring to those three options is because we didn't have a clear sense – and we don't – of what would be most beneficial in our province. But we do have a sense, by the nature of calls that we get, by the urgency of some of those calls, that not all of the most vulnerable children in Alberta are contained within our current set of designated services. That's why we put these three options on the table.

The Chair: Thank you, Mr. Graff.

Do any members have any further comment on the amendment?

Hearing none, we'll call the question on the amendment, that the motion be amended

by adding "within two years after the proclamation of Bill 18 the government consider whether amendments should be brought forward to" after "recommend that" and by striking out "be amended."

All those in favour of the amendment?

Mrs. Pitt: Sorry. Mr. Chair.

The Chair: Yes, Mrs. Pitt.

Mrs. Pitt: I'm so sorry to interrupt. I just have a question on this amendment to the motion . . .

The Chair: I apologize, Mrs. Pitt, but since the question has been called, it's protocol that we conclude the vote before further comments.

Mrs. Pitt: Okay.

The Chair: I apologize.

Mrs. Pitt: No. That's fine.

The Chair: Okay. We will finish this. All those in favour? On the phones, all those in favour? In the room, all those opposed? And on

the phones, those opposed? Thank you. That motion, then, is carried.

Mr. Nixon: Division.

The Chair: We have a request for a recorded vote, so we'll just go around the table.

Mr. Malkinson: I vote in favour.

Mrs. Littlewood: Yes.

Mr. Horne: In favour.

Ms Woollard: In favour.

Mr. Nixon: Against.

Mr. van Dijken: Opposed.

The Chair: Okay. And on the phones. Mrs. Pitt.

Mrs. Pitt: No.

The Chair: Your vote on the amendment, Mr. Gill?

10:10

Mr. Gill: No.

The Chair: Thank you.
Mr. Kleinsteuber?

Mr. Kleinsteuber: In favour.

The Chair: Ms Drever, are you with us? We are not able to hear you.

Drever: Hi.

The Chair: Thank you. Your vote, Ms Drever, on the amendment?

Drever: So sorry. Yes.

The Chair: Thank you, Ms Drever.
The amendment is carried.

All right. Mrs. Pitt, I apologize. Please go ahead.

Mrs. Pitt: No worries. I'm sorry for interrupting the vote there. I should have snuck in just prior to that.

Just a clarification. With this amended motion, when the government passes this, it will appear to be a motion moved by myself. Is that correct thinking?

The Chair: Clerk, can you clarify: if the amended motion is passed, does it remain in the name of the original mover?

Ms Rempel: It does, Mr. Chair. However, it's very clear, if one reads through the process, that the amendment was made by another member. Also, at least as far as the minutes of the committee go, you see the original motion, you see the amendment, but you don't see a compiled motion like this in the committee minutes.

The Chair: Thank you, Clerk.

Mrs. Pitt: Okay. Thank you.

The Chair: Absolutely.

We have the motion amended. Do any members have any comments, questions on the amended motion? Mr. Nixon.

Mr. Nixon: Yeah. Just for the record, Mr. Chair. I will be voting against this motion although I want to say something for the record because the name of my colleague and friend Mrs. Pitt is associated with the motion, so I do want to explain why I'm voting against it. It's now been watered down by the NDP members of the committee in an attempt to avoid the political consequences of just voting down Mrs. Pitt's motion. They've chosen to water down the motion and make it completely not what it's original intent was, which is disappointing. In fact, I would suggest that they just should have voted down her motion and then made their own amendment at that point, but it is what it is. It's, you know, come to be expected from these members.

I do encourage everybody to vote against it.

The Chair: Thank you, Mr. Nixon.

Any other members wishing to speak to the amended motion? Mr. van Dijken.

Mrs. Pitt: Mr. Chair.

The Chair: Okay. We'll add you to the list. I have Mr. van Dijken, then Mrs. Pitt.

Mrs. Pitt: Thank you.

Mr. van Dijken: Thank you, Chair. The amended motion I will not be supporting. I do believe that it waters it down to a point where we have vulnerable children within Alberta that will now, for up to two years, be not contained in proper care and watched out for in their best interests. I believe the original motion left it at the discretion of the Child and Youth Advocate to support those children as well as possible. It does concern me that this government has decided to move forward in a way that would not properly cover all of the most vulnerable in our province.

Thank you.

The Chair: Thank you, Mr. van Dijken.
Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. I'm really disappointed. I thought that this government cared about vulnerable persons, yet they had an opportunity to put their money where their mouth is and completely failed. I'm really saddened that this motion has been watered down, that it's been deferred to a later date. I don't know what reason the government has for that. They certainly haven't indicated as to why. It's disturbing to think that we're going to go another two years without fully protecting our most vulnerable in this province. I'm disheartened to see the destruction of the motion that I put forward.

I will not be voting in favour of this.

The Chair: Thank you, Mrs. Pitt.

Are there any other speakers to the amended motion? Any members on the phone wishing to make a comment on the amended motion?

Hearing none, I'll call the question. All those in favour of the motion as amended, please say aye. Those on the phone? All those opposed? On the phones? Thank you. The amended motion is carried.

Mr. Nixon: Division.

The Chair: We have a request for a recorded vote. Begin to my right.

Mr. Malkinson: I vote in favour.

Mrs. Littlewood: Aye.

Mr. Horne: Aye.

Ms Woollard: In favour.

Mr. Nixon: Against.

Mr. van Dijken: Against.

The Chair: On the phones?

Mr. Kleinsteuber: Yes. In favour.

Mrs. Pitt: Against.

Drever: Yes.

Mr. Gill: No.

The Chair: Thank you. The amended motion is carried.

We have, then, the second motion which was adjourned at our previous meeting. We'll bring that up here in a moment on the screen, and then I'll ask the clerk to read that into the record. If you would, Clerk.

Ms Rempel: Thank you, Mr. Chair. Moved by Mrs. Pitt that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to enable the advocate to identify exceptional circumstances within the advocate's sole discretion where advocacy can be provided for young people for specific advocacy issues not within the scope of designated services.

The Chair: Thank you, Clerk.

I would open the floor, then, for discussion on the motion. Mr. Horne.

Mr. Horne: Thank you, Mr. Chair. You know, based on the motion that we just passed, I believe the advocate has and will have the necessary support to advocate for children across this province. We want the focus of the advocate's role to be on children without any natural advocates so that they are heard and supported adequately. The new mandate of the advocate will cover a wider group of children, and I believe that that is the wish of the advocate.

The advocate himself brought forward three options to this committee. We just voted on one of them. I note that these options were brought forward before Bill 205 and before the review panel was started. I believe that the decision on the previous motion makes this motion somewhat redundant. Mr. Graff himself has stated previously that the option we just passed is his preferred option. Indeed, he reaffirmed that today. If I'm recalling correctly, I believe that no other officers have such a broad authority. I think it's important for the Legislature and for Alberta to keep them fairly consistent across the board.

Thank you.

10:20

The Chair: Thank you, Mr. Horne.

I have Mr. Nixon.

Mr. Nixon: Well, again, you know, it's shocking to me – and you would think, Mr. Chair, that after all this time with the NDP in government I would get used to it, but I don't – how quick these members will just automatically drop any suggestion from anybody but themselves although they don't have the courage to do it themselves during a meeting. They have to adjourn the debate on the motion for several weeks, go back to get permission from

whoever is behind the curtain, come back in with a prewritten statement, and then try to defend a ridiculous argument.

Is the member saying that there are not exceptional circumstances that could be for children that don't have advocates? I mean, the core of the argument there is that only – like, it's so ludicrous. Again, I'm going to try, Mr. Chair, because I am an optimist, to ask the members to actually explain their actual position here, what their problem is with this amendment. I'm also looking forward to hearing from Mrs. Pitt, who moved this amendment, and I probably will have lots more to say after that.

The Chair: Thank you, Mr. Nixon.

I have Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair, and thank you, Mr. Nixon, for your comments. I'm shocked that we're here again at this moment, where the government lacks respect for the office of the Child and Youth Advocate, thus in turn, I would say, lacks respect for vulnerable children in this province. It's disturbing – it's disturbing – that we're here again. Exceptional circumstances are likely far and few between.

So the question I would have for the government in refusing to support this motion is: what are you afraid of? Why would you not allow the advocate to have discretion for exceptional circumstances for vulnerable children in this province? There is no clear argument given. I don't know if it's disorganization or that this doesn't fit, you know, in the Leap Manifesto handbook. I'm not quite sure what this is, but these are children, first and foremost, that I think should be the focus. I would urge the government at this time to focus back on children in this province.

You know, the last six months have taught us many things. I'm starting to believe that maybe not everyone was listening, but this government accepted recommendations from the Child and Youth Advocate in the past and never actually implemented or implied that they were going to implement any of these changes to make a difference for vulnerable children in our province, thus the panel being stricken and so on and so forth. I urge the government members in this room and on the phone to reconsider their lack of support for providing the advocate discretion for exceptional cases of vulnerable children in this province.

Thank you.

The Chair: Thank you, Mrs. Pitt.

I have Mrs. Littlewood.

Mrs. Littlewood: Thank you, Chair. With the new expansion of the role of the Child and Youth Advocate that is covered in Bill 18, that was just passed in the Legislature, I think it's important for that to be developed and incorporated into the current work in that way. The motion that was just passed does state that the revisiting of a further expansion to the role would be within two years, not in two years, so there could be a point at which we're able to review how the incorporation of the additional roles to the office are being incorporated and review the expansion of the role at that time.

Thank you.

The Chair: Thank you, Mrs. Littlewood.

I have Mr. Nixon.

Mr. Nixon: Thanks, Mr. Chair, and I thank Mrs. Littlewood for her comments. I would be curious if she could just expand on what she refers – the premise of the argument, I think, for Mrs. Littlewood was the concerns about the Child and Youth Advocate's new role because of Bill 18. There's concern of how fast and how much the advocate will be taking on. In addition to that, she said that they

would be, you know, essentially watching how that unrolled and then be able to evaluate whether there should be amendments later on to deal with that. I was wondering if Mrs. Littlewood could explain to the committee what the Child and Youth Advocate's new role under Bill 18 is and what those things are that she would be watching for.

The Chair: Thank you, Mr. Nixon.

Any other members have comments or questions? Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. I'm assuming that members in this room have children of their own, if not nieces and nephews, perhaps grandchildren, that type of thing, and I hope that you can put yourself in someone's shoes if they were told: you should wait two more years before we're willing to even look at giving you any help. I'd like to offer that to the conversation, and I really need some clarity from the government members for the questions that Mr. Nixon has raised as well.

Thank you.

The Chair: Thank you, Mrs. Pitt.

I have Mrs. Littlewood.

Mrs. Littlewood: Bill 18 expands the role of investigation of every death in care, so I think we'll see the reports that roll out from the office over time.

The Chair: Thank you, Mrs. Littlewood.

Mr. van Dijken.

Mr. van Dijken: Yes. Thank you, Chair. I'm hearing that the members from the governing party are utilizing Bill 18 as essentially the excuse for not moving forward with a proper review of the act by this all-party committee. I find it quite concerning that this all-party committee was charged with a review of the act, yet the government decides to implement changes before our review is complete and then utilize their bill, Bill 18, as essentially cover for what was being done within an all-party committee. We are charged here with a continued review of the act, and I believe that there are improvements that we can continue to do within the act and that Bill 18 does not cover off all the improvements that we have the ability to encourage the government to do. To utilize Bill 18 as essentially the cover for not doing the work that we need to do here in this committee is concerning to me, and I do believe that we have work to be done yet, and this would supersede some of the work that has already been done.

Thank you.

The Chair: Thank you, Mr. van Dijken.

I have Ms Woollard and then Mr. Nixon.

Ms Woollard: Thank you, Mr. Chair. I just wanted to make a few quick points. Number one, I am a staunch mental health advocate. I've been a psychologist for many years, and I'm a supporter of children and children in care, for sure. I've spent much of my time in the last 40 years collaborating with people, with parents, with various experts in various fields on the well-being of children to make things, hopefully, productive and positive for children.

The second thing I wanted to say just quickly is that I sympathize with the concerns about not having the motions go through quickly, but on the other hand there are changes being made. We cannot deny that. Just having in Bill 18 the motion to expand the definition of "child" is going to make a difference in the advocate's workload. None of the existing work that's being done by the Child and Youth Advocate is being cut. There is no reduction in work that's being

done, but there are various expansions, and we do not know for sure what the full-scale effect of that is going to be. Having a modified motion, having an amended motion makes sense to me until we see where things are at. It's using caution in proceeding.

Thank you.

10:30

The Chair: Thank you, Ms Woollard.

I have Mr. Nixon.

Mr. Nixon: I think, Mr. Chair, that I'll respond to Ms Woollard's comments first. I'm concerned about the direction that the NDP seem to be going with this issue. The fact is that they're correct. They are correct, and I have raised it, as the opposition research has shown, that there's going to be a tremendous amount of increased burden on Mr. Graff's office. That is something that this standing committee is going to have to address. That, I would argue, though, is primarily a resource-based question. That is a conversation that we're going to have to have with Mr. Graff and his office when we figure out budgets and those types of things to make sure that he has the resources to do the work that we have now as a Legislature given them.

But the fact that we would then use that as an argument when we are making recommendations on how to make the act the most effective possible for the children of Alberta is alarming. Again, we're going to have to deal with the resource-based question. That's a fact. We have increased the workload of the office, and I suspect it's going to require an increased number of resources to do that. But if that's the argument or the lens that the government is going to look through to determine what is best for kids in Alberta, that is disappointing and alarming.

Our job right now is to look at the act and to make the act as strong as possible so that the advocate's office could do the best job possible for kids. That's what our job is right now. If the argument is going to be, "Hey, we're scared that we've created too much work for the advocate," that's not the argument that we should be having right now. The argument should be: "What does the advocate need to do? What do we want this act to look like to be able to protect kids as much as possible, to be able to stop some of the problems that we have in our system from continuing so that we don't have to keep waking up every week and reading more stories in the newspapers about what's taking place within our system that is alarming?" Then we'll have the conversation about making sure that we have enough resources for the office. If we're going to do it from your perspective, through you, Mr. Chair, it's shocking because then the idea is: well, we don't want to put in any more resources, so we're going to stop the process and stop making sure that we have legislation appropriately in place to deal with the situation once and for all. That, to me, is absolutely alarming.

In addition to that, Mr. Chair, I asked a very pointed question on what Bill 18 will do to the Child and Youth Advocate. The argument that members across the way have made during this whole process this morning is about concerns that the Child and Youth Advocate has so much more workload, and I share the concern. But the members couldn't even list what that workload is. They're using Bill 18, a bill that they clearly don't understand or have not read their briefs on because they couldn't even answer simple questions on Bill 18, and that's alarming, to use that then as your excuse when you don't even understand the legislation that you're talking about. It's shocking.

My friend Mr. van Dijken is a hundred per cent correct. During the debate on Bill 18 the minister and government members would get up in the Assembly and say: "We know we haven't got it perfect." They say: "The hon. Member for Rimbey-Rocky Mountain House-

Sundre is right. He knows that we don't have it perfect, but we're going to fix it afterwards. Just work with us. Let's get this little piece through right now, and then we'll get the rest of it done," essentially admitting that they brought halfway legislation to the Chamber and wanted us to support it because then they would come bring legislation later or work through this committee to make sure they would fix the holes in their legislation. In fact, the minister often referred to the standing committee as the place where those holes would be fixed, something she doesn't have authority over, but . . .

The Chair: Mr. Nixon, just to be clear, we are not here to review Bill 18. We are reviewing the Child and Youth Advocate Act and the motion that is in front of us.

Mr. Nixon: Mr. Chair, the government is using Bill 18 as the reason why they don't want to pass amendments, so it is very relevant, and I notice that you didn't rule them out of order when they were talking about Bill 18. They are using Bill 18 – this is the point – as the reason why they don't want to move forward with certain things associated with the act. But in the Chamber they're using this committee as a reason why they don't want to fix the problems with Bill 18 or they're using the panel that's meeting across the way in the hallway as the reason that they don't want to fix it. Mr. van Dijken is correct that the argument is a smokescreen. Depending on where we're at, they're going to punt it to another group, but the reality is that no group is dealing with it.

We have a responsibility to get this act right. That is a responsibility that we have: not to punt it to the minister, not to blame Bill 18 for it. The minister certainly should not be saying that we're going to do the job and then the government members are coming in here and stopping us from doing the job. It's a smokescreen. I'm seeing through it, and Albertans will see through it.

I ask again: can the members explain the concerns with Bill 18 that they have brought up, what exactly the increased workload will be for the Child and Youth Advocate, and why this amendment will make that worse? Because it's just not true.

The Chair: Thank you, Mr. Nixon.
I have Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. I'd like to ask Del Graff a question if I might, the question being, you know: approximately how many children would benefit from a motion like this?

The Chair: Mr. Graff, please go ahead.

Mr. Graff: My best response would be that it would be very hard to estimate the numbers that we would anticipate on an annual basis. What I do know is that we do receive calls where there are children who are in dire straits. Their need is absolutely critical. They're calling us because they're not finding the help that they need. Many of them have natural advocates who have tried their very best, and I think I provided an example at our last meeting of a circumstance that reflected that. More than the actual number that we could identify on an annual basis – we could go back and take a look at it – more urgent is the urgency of the circumstances that we do hear, that we would be able to deal with if this was passed.

The Chair: Thank you, Mr. Graff.

Do we have any members that wish to make any further comment on this motion?

Mr. Nixon: I thank Mr. Graff for his comments. I think the urgency point is the point. We can give the advocate opportunity to be able to deal with urgent things that could come up and not depend on the slow process of making legislation. All of us here know how slow it is to make the laws and to change legislation. It's an extremely slow process.

The idea that we're just going to hope that somebody will look at this again in two years and that we won't give the advocate the ability to be able to deal with urgent things as they come up I think is shocking and disappointing. I want to be clear on this, Mr. Chair. There has been no reasonable argument provided by the NDP members on this committee on why they would vote against it other than to refer to Bill 18 – you're right; it is not what we're debating here – a bill that we've just proven that they don't even know what the bill is. What is the reason why they would want to stop this?

The Chair: Thank you, Mr. Nixon.

Do we have any other further comment to the motion?

Mr. van Dijken: The motion is very clear: "within the advocate's sole discretion." We've heard from the advocate situations where vulnerable children may fall through the cracks based on the inability of the advocate to advocate for these youth and children because it does not fall within the scope of designated services. This is of significant concern to me, that we would essentially continue to tie the hands of the advocate without recognizing that we are putting very vulnerable people within our care at risk, at the potential of falling through the cracks of an act that is not comprehensive enough to properly protect those individuals.

Thank you.

The Chair: Thank you, Mr. van Dijken.

I have Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. One of the arguments that we've heard here today is: "We don't need to worry about these motions because we've got it covered in Bill 18. It's the perfect bill. Everything is wonderful. Life is good." Yet during the debate of Bill 18 it was mentioned, you know: "We don't have it right just yet. We need your help. Work with us. Let's start here. Let's get it done." Then we hear stories from the experts, from the advocate himself that children are falling through the cracks. They get calls for urgent cases. When I'm presented with really good opportunities, especially when it's for the greater good, especially for vulnerable children, I jump all over that. This is an opportunity to catch those vulnerable children that are falling through the cracks.

10:40

This appears to be, you know, a very small thing. When I hear words like "children who need urgent care" – urgent – and "children falling through the cracks" and then I see this beautiful opportunity in front of me to be able to close that gap up, I don't understand why we're not all jumping all over this. This should be a no-brainer, yet we sit here for quite a while trying to convince government members just to do the right thing. Open your eyes. This is important. Take it seriously. This goes beyond partisan politics. This is about children. This is about vulnerable children and the job that we have been tasked with that's in front of us right now.

I urge all members in this committee to jump on this opportunity, fix these gaps, and protect our children. Thank you.

The Chair: Thank you, Mrs. Pitt.

Are there any other speakers to the motion? Anyone else on the phones?

Mr. Gill: Yes. Mr. Chair, can you add me, please?

The Chair: Yes. Please go ahead, Mr. Gill.

Mr. Gill: Yes. I just want to clarify with Mr. Graff that we are talking about those children in crisis, correct?

Mr. Graff: I didn't . . .

The Chair: Could you repeat the question, please, Mr. Gill?

Mr. Gill: I mean, we are talking about the children in crisis, right? I mean, like, it doesn't make any sense. You know, why would government not support this? They are trying to be the champion of everyday Albertans and all the things they talk about in the Legislature. It's just that, like, I am really shocked that the government members would not support. I'm speechless.

The Chair: So, Mr. Gill, your question to Mr. Graff, then, was?

Mr. Gill: Like, we are talking about the children in crisis right now, correct?

Mr. Graff: When we brought forward this suggestion, we were considering those young people that are outside of our current designated services group who have exceptional circumstances that require an urgent response and that we would have the discretion to make decisions about our involvement with those young people.

Just so that the committee is aware, we have had a huge increase in the number of general inquiries to our office. In fact, they've gone up 100 per cent year over year, and it's because people are becoming more and more aware of what we do. Now, the vast majority of those general inquiries we are able to deal with through referrals to community agencies and other circumstances. But some of those, a very small number of those, are what we would consider exceptional circumstances, where there is no other vehicle for them – they've exhausted every vehicle that they can think of – and their option for accessing advocacy services is only if they're part of the designated group. That means if they're involved with child intervention services currently or are involved with youth justice; otherwise, their options for advocacy are to go to other organizations that advocate for children and not ours.

The Chair: Thank you, Mr. Graff.

Any members have any further . . .

Mr. Nixon: Just a quick follow-up through you, Mr. Chair, to Mr. Graff on those comments. I do lots of work with the Member for Olds-Didsbury-Three Hills with a school just on his side of the line but in our home county of Mountain View county called Horizon, which deals with children with severe development disabilities. Often you will hear that exact situation. For most of the kids in that environment the services that are already in place are able to deal with it, but there are often extraordinary circumstances. I can think of a few stories – I don't think we'll go into them right now – where they're not able to get those resources. They often have to go to the MLA's office or other places like that, and there is no advocate, literally, for those children and their families dealing with extraordinary circumstances. In my experience often, sometimes their only choice to be able to get that advocacy or that help is to give up that child or to let them go into the system. Is that like the type of thing that you would be talking about?

Mr. Graff: Currently the young people that we hear from or other stakeholders that call on their behalf will come to us with what they consider an urgent need, and we will look at the array of options

available. Our staff are quite familiar with many of them that you're describing. Most of the time those circumstances can be addressed through one of those vehicles when they're not within our designated service. It's by far an exceptional circumstance that we would want to become involved because those options aren't available to them or they sometimes haven't been effective, as in the example that I used at the previous meeting, where the parent had tried all of the measures that she could think of and had been through the options that you're describing as well. We felt like our skill set would be a good match to that circumstance. Very, very exceptional: it wouldn't be a usual course of action at all.

The Chair: Thank you, Mr. Graff.

Mr. Nixon: Just a quick follow-up to that

The Chair: Certainly, Mr. Nixon.

Mr. Nixon: Just to be clear, Mr. Graff – and I think I understood what you're saying – the most extraordinary of circumstances, essentially, in the situations that I was just describing, would be the last resort of that family, the caregivers of that child, and that child. I mean, there's almost nothing else left at that point. It would be very extraordinary, and they would have nowhere else to go. Correct?

Mr. Graff: Those would be the exceptional circumstances that we would foresee.

Mr. Nixon: Thanks.

The Chair: Thank you, Mr. Nixon, Mr. Graff.
I have Mr. van Dijken.

Mr. van Dijken: Thank you, Chair. Just following up, you know, on hearing the circumstances and the situations that come forward to the Child and Youth Advocate, where, in most cases, they're able to refer to other providers of care, other avenues of help but in exceptional circumstances, where there is nowhere to turn, where these individuals are put at risk of essentially being at the end of the road, we need to provide an avenue where the Child and Youth Advocate, at their sole discretion, is able to assist in these situations. I believe that allowing this and making this recommendation to the government to look at a change in the act that would allow us to cover off those cracks where those children possibly are going to fall through are necessary to actually getting this accomplished. I would encourage all members of this committee to recognize the crack, recognize the hole, recognize the fact of these situations, trying to help those that have nowhere else to turn, and that we need to try and help and assist them.

Thank you.

The Chair: Thank you, Mr. van Dijken.

Do we have any further members that wish to speak to the motion? Members on the phones?

Hearing none, I will call the question. All those in favour of the motion? On the phones? All those opposed? Okay. Motion carried.

Mrs. Littlewood: Can I ask for a division on that, then?

The Chair: A recorded vote?

Mrs. Littlewood: Yeah.

10:50

The Chair: Yes, absolutely.

We'll have a recorded vote. We'll start to my right.

Mr. Malkinson: Thank you very much. I vote in favour.

Mrs. Littlewood: No.

Mr. Horne: No.

Ms Woollard: No.

Mr. Nixon: Yes.

Mr. van Dijken: In favour.

The Chair: On the phones. Mrs. Pitt.

Mrs. Pitt: In favour.

The Chair: Mr. Kleinsteuber.

Mr. Kleinsteuber: Against.

The Chair: Mr. Gill.

Mr. Gill: Yes.

The Chair: And Ms Drever.

Drever: No.

The Chair: Thank you.

Mr. Nixon: I don't think you got Angela, Mr. Chair.

The Chair: We've got Mrs. Pitt.

All right. It appears that we have a tie, so it is my responsibility, then, as chair to place the breaking vote. My understanding is that it is tradition for the chair to vote in favour of the status quo. That being the case, I will vote against the motion. That motion is therefore defeated.

That concludes the adjourned motions that we had.

Are there any other issues that members would like to bring forward on this matter, or are we ready to discuss drafting a report?

Mr. Nixon: What's that, sir?

The Chair: I'm just asking if there are any other issues at this point that the members would like to bring forward, or are we prepared to move forward with our discussion on drafting the report?

Mr. Nixon: No. I'm ready to move some motions, Mr. Chair.

The Chair: All right. Please proceed, Mr. Nixon.

Mr. Nixon: First of all, I'll move that

the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to require the advocate, every three months after the advocate stays an investigation or a review, to remove the stay and resume the investigation or review unless the senior official of the law enforcement agency or the assistant deputy minister requesting the stay has confirmed in writing that the stay should continue.

The Chair: Would you like to speak to your motion, Mr. Nixon?

Mr. Nixon: Yes, Mr. Chair. Right now, again, Bill 18, which has come up lots in this discussion today and is very relevant to this amendment, requires that the advocate consistently follow up with the person staying their investigation to ask permission to continue with the investigation; i.e., it puts the onus on the advocate's office

to constantly chase the individuals asking for a stay of an investigation.

We're suggesting the opposite. We're suggesting that the onus should be reversed so that the person staying one of the advocate's investigations into the child's death is required to renew that stay, putting the responsibility on the agency or the individuals that are staying or have asked the advocate not to proceed with the investigation under the legislation to continue the stay. It in no way stops them from being able to continue the stay; what it does is that it takes the pressure off the advocate to do that. Essentially, the advocate will move forward with the intent of the legislation, which is to investigate, and it's incumbent on the police or the Crown prosecutors or the department who is asking for a stay in that process to continue that stay every three months, not on the advocate.

This is about accountability and it's about strengthening the child death review process. The number one thing that was found by the panel, Mr. Chair, of which I am a member, was the concerns around transparency and accountability within the system, which is why the panel had a recommendation to make sure that investigations were done every three months and that if they were not done, there would be a stay and that it would be public, why there was a stay and why that stay was happening, and that eventually the advocate would be able to proceed with the work.

We heard a lot from my colleagues in the NDP who are on this committee today about concerns about the burden on the advocate's office. I would argue that this takes some of the burden off the advocate's office, that they don't have to continue to figure out why or what's appropriate for a stay. The onus is on the agency to come to them and continue to ask for a stay, not on the advocate to chase around police departments or different individuals to ask to be able to continue with the investigation. Again, it's very, very reasonable, and I actually would expect that this should pass very easily today given the members' quite vocal concerns about the advocate's workload and the increased amount of burden that this will put on Mr. Graff and his team. I would be highly encouraging all members to vote for this today.

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

Mr. Malkinson: Thank you very much, Mr. Chair and to Mr. Nixon for his motion. Just some clarification that I could hope to ask for: my understanding of this – and I'm just going through my notes here from previous meetings. I'm trying to see where this is coming from because, of course, I don't remember seeing in my notes any of our stakeholders, as we've gone through our presentations, bringing up this particular point, so I'm trying to get an idea of, you know, what the reasoning is for it. It sounds like it relates to police and agencies basically saying that they would still like a stay. I'm just wondering where this came from in the presentations that we've had in this committee through our review of the Child and Youth Advocate. Just on this one, if there could be some clarification, that would be great.

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

Mr. Nixon: I'd be happy to respond to that, Mr. Chair. I like answering questions. I hope that some of my other colleagues will try to answer some shortly. As for stakeholders, this was brought up by many stakeholders during the child intervention panel. To be clear, the panel was very, very clear that they only want to see stays in investigations for legitimate reasons, not stays that were preventing transparency or accountability in the system but stays

that were because of reasons that may have interfered with a criminal trial or criminal investigation. There may have been legitimate reasons why the process needed to be delayed.

And Bill 18 does that. Bill 18 ensures that the advocate has the ability to continue with the investigations and that stays can be asked for in circumstances and that if the stays are provided, they cannot be indefinite. There has to be a period of time where the investigation can start again. However, Bill 18 puts the onus on the Child and Youth Advocate to figure out when that stay should be stopped, not on the agency that's asking for the stay.

This amendment simply puts the onus back on the individuals or the agencies that are asking for the stay. It does not stop them from being able to get the stay, but it requires them to continually ask for it every three months in accordance with the legislation. Right now what happens is that the Child and Youth Advocate would be responsible for continuing to essentially chase agencies to get those stays lifted.

To answer your question, Mr. Malkinson, the stakeholders are the child intervention panel, that the minister often likes to quote. This was a pretty clear recommendation from them.

Mr. Malkinson: Thank you very much for that clarification there, Mr. Nixon. It sounds like this is a recommendation coming from the panel, which is not a part of this committee, so I'm going to ask the clerk here or Parliamentary Counsel the question: is this in scope? I'm just asking the question as it's coming from the panel.

The Chair: One moment, Mr. Nixon. We'll allow a response from counsel.

Ms Dean: Well, the mandate of this review is to provide recommendations in connection with the legislation.

The Chair: The understanding, then, is that Mr. Nixon is moving an amendment to the legislation.

Ms Dean: A recommendation for an amendment.

The Chair: It's a recommendation for an amendment to the legislation. Understood. Thank you.

Mr. Malkinson, did you have any further comment?

Mr. Malkinson: I think I'm good for the moment. Thank you.

The Chair: Thank you.

Mr. Nixon: Well, again, Mr. Chair, that's exactly correct. Mr. Malkinson asked a question about stakeholders that may have indicated that they support this. To be clear, it's me as a member of the standing committee that's moving this recommendation forward and asking for support for it from my colleagues.

11:00

Again, the question is – the members have spent most of their morning talking about defeating reasonable amendments, in my view, Mr. Chair, that would strengthen the act to be able to help children that are in extreme circumstances that may need advocacy. The reason that the members say that they voted against both of those amendments was because it concerns the Child and Youth Advocate office's time and constraints on them.

This amendment is very, very reasonable. It sits within the intent of Bill 18 which was brought forward, but it changes the act to make sure that the people that are requiring a stay are responsible for continuing the stay every three months, not that the Child and Youth Advocate is responsible for chasing them to figure out why that stay should come off. It's that simple.

The Chair: Thank you, Mr. Nixon.

Any other members wish to speak to the motion that we have in front of us? Mr. Malkinson.

Mr. Malkinson: Thank you very much, Mr. Chair. You know, I was not on the panel. For this one you are making your argument very passionately there. However, at this point I don't feel I've had enough time to sort of go through and figure and think about the details of this particular motion. My understanding, of course, is that Bill 18 did follow the panel's recommendations that investigations can continue whenever possible, and it does require a senior official request a stay only if it would harm an investigation. At this time I don't think I can support this particular motion.

The Chair: Thank you, Mr. Malkinson.

Mr. Nixon: Well, it's disappointing to see the NDP members use one argument for one motion that they want to defeat and then reverse to the opposite argument when they get to the next motion. But, again, Mr. Chair, I mean, at this point nothing should surprise me, I guess. The reality is that, to Mr. Malkinson's point, I would appreciate, you know, given the enormity of the act that we're reviewing, that the members next time take some time to actually review the legislation associated with it.

To be clear, under the act, yes, there have to be requirements for stays to be granted. But once that stay is granted, it becomes Mr. Graff's responsibility to chase and figure out the reason why that stay will continue. Essentially, that stay can continue indefinitely if Mr. Graff does not go through that process. What this is doing is saying that whoever is asking for the stay has to come back every three months and reasonably have another reason for the stay. They will then get the stay, and it will continue.

The number one thing that we have found while looking through this process is the complete lack of transparency and accountability, quite frankly, by any government that's been in charge of the department and primarily by the department, often using privacy legislation not to protect people's privacy but to stop transparency and accountability. This was the intent of Bill 18, and this is a hole in the act that should be fixed.

If the biggest argument today from the members across the way is that they want to be able to ensure that the advocate doesn't have too much work, this takes something significant off of their plate and puts it back on the people that are asking to stop an investigation and accountability to Albertans, that they are the ones who have to come forward and ask for that stay repeatedly every three months. Can't get any simpler than that.

The Chair: Thank you, Mr. Nixon.

Any other members wish to comment or speak to the motion? Mrs. Pitt, please go ahead.

Mrs. Pitt: Thank you, Mr. Chair. Maybe some clarification. Mr. Malkinson, you said that you're not prepared to support the motion because you're not ready. Is that correct? If we're sitting in a committee here, trying to make decisions and deferring them because, you know, you haven't checked in with the boss, I have some concerns about your voting intentions, and I think Albertans would as well. So I would just offer the opportunity to clarify your statement. Perhaps I got it wrong.

Mr. Malkinson: If I may respond to that, Mr. Chair.

The Chair: Certainly, Mr. Malkinson.

Mr. Malkinson: Thank you very much. To clarify, as we've had a new and substantive motion come forward, I was responding with my comments and thoughts on it to Mr. Nixon. I was trying to get clarification of where it came from, and what I got from that is that it did not come from stakeholders that we had seen in front of our committee. To that end, I am not prepared to support the motion at this time.

The Chair: Thank you, Mr. Malkinson.

Mr. Nixon: Well, if that's the concern of Mr. Malkinson, that he has not had time to look into this despite a couple of weeks of debate inside the Legislature, that's fair. That was not before the committee. Then I would move that

we adjourn this motion,

and we will bring some stakeholders that can discuss this with Mr. Malkinson so that he can understand the issue.

The Chair: All right. We have a motion, then, to adjourn debate on this particular motion. All those in favour of adjourning debate on this motion? On the phones those in favour of adjourning the motion? Okay. Thank you. All those opposed to adjourning the motion? On the phones those opposed to adjourning the motion? Okay. That motion is defeated.

Mr. Nixon: Recorded.

The Chair: We have a request for a recorded vote. We'll start to my right.

Mr. Malkinson: No to adjourning the motion.

Mrs. Littlewood: No.

Mr. Horne: No.

Ms Woollard: Yes.

Mr. Nixon: Yes.

Mr. van Dijken: Yes.

Mrs. Pitt: Yes.

Mr. Kleinsteuber: No.

Mr. Gill: Yes.

Drever: No.

The Chair: Thank you. That is a tie. That means I cast the deciding vote. In this case I would rule that the status quo would be to continue debate, so I will vote against the motion.

Mr. Nixon: Now we've given ample opportunity for Mr. Malkinson's concerns of needing more time to review it, but his colleagues, including himself actually, have voted not to give themselves that time. I think, Mr. Chair, that would be a reasonable argument to show that the NDP are not interested in talking about the facts. They're just continuing to use the standing committee to push forward their agenda, not to look into the actual piece of legislation.

Again I will ask, through you, Mr. Chair: if Mr. Malkinson is concerned about the Child and Youth Advocate's time, why would he not support this amendment?

The Chair: Mr. Malkinson.

Mr. Malkinson: Thank you very much, Mr. Chair. Perhaps we could get the clerk to speak to the timelines remaining on this committee.

The Chair: Clerk.

Ms Rempel: Thank you, Mr. Chair. This committee, as I'm sure you're all aware, was given a one-year time frame to report back to the Assembly with regard to this legislation. The first meeting was held on June 22, 2016, which means that you need to report no later than the 21st.

Mr. Nixon: Mr. Chair, this body, this standing committee, which your party has the majority of votes on, delayed the process because they were waiting for the child intervention panel to report. That is very clear in the record. It won't take too long to pull *Hansard*. I won't need an opposition researcher to do it for me. It was made extremely clear that the reason that they were postponing dealing with this act is because they were waiting for the child intervention panel to report.

11:10

The child intervention panel has now reported, and then while trying to have a discussion about some of the recommendations that they have come forward with to change this act, the excuse now being used by Mr. Malkinson and his colleagues is that they never got to talk to the people at the child intervention panel, so it's no longer relevant to them, and they didn't have enough time to review reasonable amendments. That's quite alarming. The problem, again, Mr. Chair, is that they change the argument each time, depending on the circumstances that fit in with whatever the government whip has sent them down in notes. It's shocking, and it's disappointing.

So, again, I'll ask Mr. Malkinson: what are his concerns with this amendment?

The Chair: Do we have any other members that wish to speak to the motion? Mr. van Dijken.

Mrs. Pitt: Mr. Chair.

The Chair: Mrs. Pitt, do you wish to be on the speakers list?

Mrs. Pitt: Yes, please.

The Chair: Certainly.

Mr. van Dijken: The motion before us is strictly accountability and being able to move forward with regard to timelines on investigations reviewed in an orderly manner and to reduce the workload that the Child and Youth Advocate would have to go under, where they have the ability to move forward on an investigation or review without always having to check back to try and get the stay lifted.

It appears to me to be very straightforward. It appears to me to help to reduce the load on the advocate to continually chase after these things. It appears to me to be a motion that allows these investigations and reviews to move forward and not get delayed and delayed and delayed without proper accountability. So I don't see where we can vote against this motion. It's proper due process, where we don't have situations ending up just getting postponed, postponed, postponed and investigations and reviews getting delayed, delayed, delayed without solid reasoning.

I would encourage all the members of the governing party to recognize that it's strictly about accountability and timeliness. So I would encourage them to vote in favour of this motion.

The Chair: Thank you, Mr. van Dijken.
Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. I think the partisanship in this room is getting out of hand. If the argument was, “Well, I didn’t hear that directly from the horse’s mouth,” even though it happened in another panel, I mean, it’s absolutely insane. How do we expect to get any work done if we can’t move forward down this path? The arguments here today are just not making sense.

You know, the government says, “Well, this is a substantive motion, and I’m not really prepared to support this because I just really don’t know,” and then to vote down a motion to defer to bring in some experts to satisfy any unknown questions, just absolutely makes no sense at all. So what is going on over there, guys? We’re trying to do the right thing by the processes that we have in place to support and protect and investigate our most vulnerable. Yet, you know, in committee we’re putting up these roadblocks. This is getting out of hand.

I don’t think that it would be very easy to go back to your constituents and say: “Hey, I wasn’t really ready in committee to make a decision even though that’s what you elected me to do. You know, one of the members thought it would be a good idea to defer the motion so that we could get more information and feel better about this, but I didn’t think it was a good idea to get any more information. I really just have no willingness to get the information and to make the decision and to do the right thing.” I really don’t think that’s going to be an easy conversation to have with your constituents, the people who sent you here, the people that you’re accountable to.

And in a committee nonetheless. Why does this have to go the party way? It doesn’t make any sense. That’s not how this committee is supposed to function, yet time after time this is where we find ourselves. The arguments don’t make sense. Most members won’t even speak. This is important. This matters to Albertans. This right here should have nothing to do with party lines. I don’t know about you, but I am not prepared to read another report from the Child and Youth Advocate that reads just like Serenity. I am not prepared to do that. I don’t think anyone in this room is prepared to do that.

The Chair: Do you have anything further to the motion, specifically?

Mrs. Pitt: Yeah. When we have recommendations from the experts that would make processes easier, we need to take the opportunity to make it better. I would urge members in this room to take a breath, to use the information that you have, and to support something and do something good for our province. Let’s together put aside our partisan lines and vote to make this province a better place.

Thank you.

The Chair: Thank you, Mrs. Pitt.
Mr. Nixon.

Mr. Nixon: Well, thank you. I will try to answer Mr. Malkinson’s questions though he won’t answer mine, which is disappointing. I think that what was pretty clear to everybody that’s been involved in the review of this act, in discussions around the investigation process into child deaths, is that stays should only be in place for exceptional circumstances and that a justification is needed for the stay. There has to be a reasonable reason for why there needs to be a stay that prevents the Child and Youth Advocate from doing their work. Otherwise, we see a situation like we have seen where periods of large amounts of time go by with no investigation. In particular – and I don’t know, Mr. Chair, if you know or the

members on the committee know, but there actually have been zero investigations done by the department itself, which is shocking, too.

The idea was that if there was going to be a stay – and, clearly, you don’t want to interfere with criminal investigations or those types of things that could prevent justice in certain cases, so there are clearly reasons why there should be a stay – there should be a justifiable reason for it, not just to protect somebody from accountability. That is something that’s very, very important, so the act allows for that to happen. It allows for stays to take place in reasonable circumstances. The individuals who are asking for that stay have to provide reasonable reasons for why that stay has to take place; otherwise, they won’t get the stay.

The problem that happens after the stay is in place – so now the stay is there, and there were reasonable reasons – is that then, because of the change of Bill 18, the act will now require the Child and Youth Advocate to be responsible for continuing to look into why that stay should continue, to continue to reach out. Mr. Chair, I think it is entirely reasonable that a police department – let’s use that as an example – if they continue to want the stay or the Crown prosecutor does, will every three months be able to report to the Child and Youth Advocate and say: “Yes. We still have a reason for why there’s a stay. Here is the reason.” If it’s reasonable, the stay will continue as per the law. But the onus needs to be on those individuals; otherwise, we’re back in the situation that we’ve been trying to avoid, which is indefinite or extremely long periods of time where nobody has justified or explained the reason for why that stay would have to continue. That’s all that this amendment would do.

It’s extremely reasonable, not only – and I point it out, Mr. Chair, because the other members spent a lot of effort today talking about their concerns about the Child and Youth Advocate office’s time, so I pointed that out. But it’s also more reasonable on the transparency side to make sure that people have to have a reason, an accountable reason. They have to actually file it and say, “This is the reason that we still need a stay,” which ensures that we get these situations properly investigated.

I think this is important enough. I’m a little bit disappointed and shocked that the members are basically saying: hey, this may be reasonable, but we won’t vote for it because we didn’t have time to research it. You know, I would stress, Mr. Chair, that it’s our responsibility to come here prepared. I’m sure you would agree. So, again, I will ask. I’m going to give it another chance because I think that the members are making a mistake, and I’m going to move a motion to adjourn debate.

The Chair: The motion has been moved and defeated. It cannot be reintroduced. My advice from counsel is that if there has not been anything substantive that has changed in the interim, an adjournment would not be recalled. If you’d like, I can have them speak to that on the record.

11:20

Mr. Nixon: Well, I’ll just keep going, then, Mr. Chair. We have a situation where a reasonable amendment is before us, a situation where we have to consider both what the government members have brought forward, the time constraints and the resource constraints of the Child and Youth Advocate, and a situation where we have to consider the transparency problem that has been identified throughout not only this committee but every other process associated with other very important acts that are before us right now. Those two issues have been identified as core issues that we should be considering, and this amendment deals with those two core issues.

It deals with the fact that we need to ensure that the Child and Youth Advocate is not responsible and overly burdened by the stay process. It deals with the fact that we have to make sure that the individuals who are looking for stays have to justify the stays. They have to make sure that the stays that they require are reasonable and meet the act and meet the legislation and are not being used to prevent accountability, justice, or responsibility for the situation that is going to be investigated, that are not being used to derail or filibuster a process so that time goes by so that the public pressure associated with that is gone.

What's also more alarming to me, Mr. Chair, when you research this and look into it, is how often the reports end up coming out so late that the recommendations that are associated with that report are not nearly as valuable as they would have been if they had come out at a reasonable time. Sometimes in some ways they're even outdated, and I think there would be an argument made that a child's life or serious injury could be prevented or their stability in their situation could be prevented from the things that we learn from the Child and Youth Advocate's reports that change or the recommendations that they have learned from that. The fact is that when stays and processes are being used to derail and prevent the advocate from being able to report or to look into the situation for so long, sometimes years, we don't end up getting those recommendations in time to actually help the children that would be positively impacted if the recommendations from that report were implemented. The idea that it's now the responsibility of the advocate to argue and to put forward arguments to have the stay removed I think goes against everything that every person associated with this has argued, which is to bring transparency and accountability back to the process.

I want to be clear, Mr. Chair. I recognize that there have to be stays or there will be periods of time where it would not be in the public's best interests to continue with that investigation for a period of time. We have to recognize that these are horrendous situations, sometimes murder, that are going to involve criminal trials, criminal proceedings, and I don't think anybody, including the Child and Youth Advocate, in any way wants to interfere with the justice portion of that. When there's a situation where the Justice department or, you know, again, where Crown prosecutors and the police need to investigate a situation, if the Child and Youth Advocate were to start their investigation or continue with certain portions of their investigation, they would be a detriment to the criminal investigation going forward. I don't think any of us want to see that prevented. I think we're all in agreement on that.

The problem, though, is when there's clear evidence – and we've heard it – because there are no parameters around this process, stays or all those types of things could be used to, one, prevent investigations from ever taking place or taking place in timely manners not all the time because of protecting the integrity of a criminal investigation but often just because they want to prevent the discussion from happening. We are in a system that, unfortunately, politics are involved in, so when you see the stay process in a situation where politics could be interfering with it, that becomes even worse.

The purpose of the discussion that we're having here and of this amendment is to take away the onus on Mr. Graff and his staff from having to argue to get the stay removed, to go in and justify why that stay should stop when it's very clear from the legislation that we passed, which is associated with this act, in Bill 18, and it was very clear from the child panel recommendations, which this committee said that they wanted to wait to hear from before we could continue to proceed – now they're here – that accountability

and transparency are the number one issues that had to be dealt with.

Mr. Chair, your colleagues on the panel agreed with that. They recognized that that was the number one issue. Those recommendations that came out of the panel were unanimous from every member from every political party and the outside experts, who, certainly, don't have a partisan lens. They were just there for the purpose of trying to get this legislation right so that we don't have to continue to do this every six months, which, unfortunately, we've had to do in this system till now. It's become a pattern that I'm sure you're disappointed in seeing, and I know that I'm disappointed in seeing.

We have a clear recommendation to make sure that things are transparent and accountable, that the onus and the responsibility is on the individuals asking for a stay. It should be that simple. If you're coming, and you want a stay and prevent the investigation from going forward, you should have the responsibility every three months to come in and say that this is the reason why this has to continue. Very simple. I suspect that would in major cases take only minutes. But the idea that Mr. Graff and his team now have to go around and figure out the reasons for why those stays should continue and to find those individuals and that those stays would stay indefinitely goes against every recommendation that the panel had.

It's a bit troubling that we haven't been able to fix that hole, and I would argue, Mr. Chair, that it is a glaring hole that we have in this legislation. Again, I'll be curious to hear some of my other colleague's comments on this, but I'm thinking that we are missing the point, and it's disappointing.

The Chair: Thank you, Mr. Nixon.

Any other speakers to the motion in front of us?

Hearing none, I will call the question. All those in favour of the motion? On the phones? All those opposed to the motion? On the phones?

Mr. Nixon: Recorded.

The Chair: We have a request for a recorded vote. I'll start to my right.

Mr. Malkinson: No.

Mrs. Littlewood: No.

Mr. Horne: No.

Ms Woollard: No.

Mr. Nixon: Yes.

Mr. van Dijken: In favour.

Mrs. Pitt: In favour.

Mr. Kleinsteuber: Against the motion.

Mr. Gill: Yes.

Drever: No.

The Chair: Thank you. That motion is defeated.

Do members have anything further they'd like to bring forward on this matter? Mr. Nixon.

Mr. Nixon: I would like to move that the Standing Committee on Legislative Offices recommend that the Child and Youth Advocate Act be amended to provide that investigative reports of the advocate are automatically referred to a committee of the Legislative Assembly.

The Chair: Thank you. We'll just take a moment to let the clerk pull that together.

All right. Mr. Nixon, did you wish to speak to your motion?

Mr. Nixon: I think the motion is fairly self-explanatory, Mr. Chair, and I do note that we're heading towards 11:30, so I will try to be brief. I think, again, this fits within the transparency requirement. Again, the panel, which you yourself and your colleagues asked to wait to hear from before we continued to deliberate on this act, was clear that they wanted to see an independent panel that was associated with the report. This does that. Again, it goes towards transparency and accountability.

11:30

The Chair: Thank you, Mr. Nixon.

Do we have any members that wish to speak to the motion? Mr. Malkinson.

Mr. Malkinson: Thank you very much, Mr. Chair. I just have a very quick comment on this. I will note that Bill 18, which we just passed in the House, covered this. I am not interested in reopening a debate on a bill that's passed the House, and I will note that we, of course, accepted six amendments from the opposition in the House. As a result, I will be voting no on this motion and will point out that we only have six business days left until our panel hits the deadline on this report. I will also note that it was indeed members of the opposition who aimed to have us hold off until the panel had finished its work.

So at this time I am not willing to reopen debate on Bill 18 and will be voting no on this motion.

The Chair: Thank you, Mr. Malkinson.

Any other members wishing to speak to this motion?

Mrs. Pitt: Mr. Chair.

The Chair: Please proceed.

Mrs. Pitt: It's interesting that the member there noted that the opposition wanted to defer this until the panel was finished its review process, yet when we bring up recommendations from that review process in this committee, they are voted against because they didn't hear those recommendations themselves and are not prepared to vote in this committee at that time, nor are they prepared to defer the vote and get their own information at that time. So that is not a very valid argument, but good try.

I think that we need to focus on what's in front of us and focus on the children and the processes that we have in place to protect those children and support those children. At the top of mind at all times is that it's extremely important that we do not play politics with this thing, that we do not carry our party lines into a committee that is efforting to make life better for Albertans, as this government claims that they are doing, yet they continue to put roadblocks in the way, actually, not even offering suggestions on how to make things better, which makes me wonder if there is any work being done by the government members behind the scene or in this committee.

There are some concerns that should be raised there. I would ask that all members focus on the goals of this committee, and especially I plead with you: these are children. Keep that in mind. We have a responsibility to do right by them.

Thank you.

The Chair: Thank you, Mrs. Pitt.

I saw Mr. van Dijken. You had a comment?

Mr. van Dijken: Yes. Thank you, Chair. I would like to move to adjourn the meeting. We've reached the time that the meeting was scheduled for. I have a wife to pick up at the airport and a daughter convocating this afternoon, and I need to move on.

So I move to adjourn at this time.

The Chair: Okay. We have a motion to adjourn. There is no debate on that motion, so I will call the question. All those in favour of adjourning the meeting for today? On the phones, those in favour of adjourning the meeting? All those opposed to adjourning the meeting? On the phones, those opposed to adjourning the meeting? That motion is defeated.

However, given that we are continuing to debate past the original time allotted, I would propose that perhaps the committee would consider taking a short break to allow members to use the washroom or to get a beverage or something along those lines.

Mr. Nixon: One comment, Mr. Chair. I will point out that this committee was booked at the exact same time as the child intervention panel, causing extreme conflict for members. Again, we have work to do across the hall, so it's disappointing, one, that the standing committee did that to the members, but that it will continue to do that is troubling.

The Chair: The booking of the meeting was negotiated as well as possible given the options that were available and the information that was available at the time. I apologize for any conflict, but with the number of things that were happening – and at that time we did not know when the end of session would be – the chair worked to find the best option available for all members.

Mr. Nixon: Let's have a break. It's going to be a long afternoon.

The Chair: All right. I propose that we call a 10-minute break for all members. We will return to the record in 10 minutes.

[The meeting adjourned from 11:35 a.m. to 11:45 a.m.]

The Chair: All right. I'll call the meeting back to order.

At this time we have a motion in front of us from Mr. Nixon. We have the option as a committee to come back and have another meeting, at which we would conclude the business of this committee. That would have to take place, of course, before the date which is currently set for the conclusion of our work. It's my understanding that members of the committee are amenable to booking that meeting within the time that we have left. That being the case, is there a member that would like to move to adjourn the motion currently in front of us? Mr. Nixon. Thank you. Mr. Nixon moves

to adjourn the motion currently in front of the committee.

All those in favour of adjourning the motion? On the phones? Thank you. Any opposed to adjourning the motion? Any on the phones? That motion is adjourned.

I understand, Mr. Nixon, that you had one other motion you wanted to put on the record.

Mr. Nixon: Yes. Thank you, Mr. Chair. I move that the Standing Committee on Legislative Offices recommend that practices be developed so that each time a report is under consideration of a legislative committee, participation includes but is not limited to the office of the Child and Youth Advocate and department officials, similar to proceedings of the Standing Committee on Public Accounts, and that the relevant department provide documents in advance of each meeting.

The Chair: Thank you, Mr. Nixon.

Again, as members of the committee have indicated, they are willing to meet at a future meeting to consider these motions. Do we have a member that would wish to adjourn this particular motion?

Mr. Malkinson: Sure.

The Chair: Mr. Malkinson. Thank you. Mr. Malkinson moves to adjourn the motion just proposed by Mr. Nixon. All those in favour? On the phones? Okay. Any opposed? Thank you. That motion is carried.

Are there any further motions that wish to be proposed today?

Seeing and hearing none, at this time we are unable to proceed, then, with the second item of the agenda there, the directions for the report of the committee. That will be tabled until a future time when we have considered all motions that have been proposed.

Before we conclude, I'll just quickly note that I am pleased to advise committee members that further to the direction that was given at the May 17, 2017, meeting, there is a now a five-year contract in place to have the firm of St. Arnaud Pinsent Steman perform the annual audit of the office of the Auditor General.

With that, is there any other business that committee members wish to discuss?

The date of the next meeting, I will note, will be at the call of the chair. We will endeavour to get notice of that out as soon as possible.

Is there a member that would like to move a motion to adjourn? Ms Woollard. Thank you. All those in favour of adjourning our meeting? On the phones? Any opposed? The meeting stands adjourned.

[The meeting adjourned at 11:48 a.m.]

