



Legislative Assembly of Alberta

The 29th Legislature
Third Session

Standing Committee
on
Legislative Offices

Child and Youth Advocate Act Review

Friday, June 16, 2017
9:30 a.m.

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[Mr. Shepherd in the chair]

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

My name is David Shepherd. I'm the MLA for Edmonton-Centre, chair of this committee. I'd just like to ask that members and those joining the committee at the table take the opportunity to introduce themselves for the record.

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

Mrs. Littlewood: Jessica Littlewood, the MLA representing Fort Saskatchewan-Vegreville.

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

Ms Woollard: 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, the Child and Youth Advocate.

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

Mr. Orr: Good morning, all. Ron Orr, Lacombe-Ponoka, substituting for Jason Nixon.

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

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

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

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

The Chair: Excellent.
Okay. On the phones.

Mr. Kleinsteuber: Good morning. Jamie Kleinsteuber, MLA, Calgary-Northern Hills.

Mrs. Pitt: Angela Pitt, MLA, Airdrie.

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

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

The Chair: Mr. Gill, would you like to introduce yourself for the record?

Mr. Gill: Yes, sir. Thank you, Chair. Good morning. Prab Gill, MLA, Calgary-Greenway.

The Chair: Thank you.

As noted, for the record Mr. Orr is an official substitute for Mr. Nixon.

Now, before we turn to the business at hand, a few operational items as per always. The microphone consoles are operated by the *Hansard* staff. Please ensure your electronics are in silent mode. If

you are joining us by phone, please, if you can, mute your line when you are not speaking. If you wish to get on the speakers list, you can let us know by voice, or the deputy chair has also started a Skype chat. You can let him know through the Skype chat if you would like to be on the speakers list. 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.

We have the draft agenda that was distributed for the meeting. Are there any questions or concerns with said agenda? If not, do we have a member that would move a motion to approve the agenda? Ms Woollard. Thank you. All those in favour of approving the agenda? Any opposed? That motion is carried.

A set of draft minutes from our meeting on June 12, 2017, was distributed for consideration. Did anyone note any errors or omissions in those minutes? Hearing none, is there a motion to accept the minutes as distributed?

Mr. Orr: I would, but I wasn't actually here, so I probably shouldn't.

The Chair: Anyone? We need a motion to accept the minutes. Mr. Horne. Thank you. All those in favour of accepting the minutes as distributed? Any opposed? That motion is carried.

Excellent. We return, then, to our review of the Child and Youth Advocate Act, beginning where we left off in our deliberation on recommendations. As we return to this stage, I'll point out to everyone that once again we have a screen set up so that the committee clerk can type out any motions that are put forward. If you propose a motion, please be prepared to repeat it as necessary or to provide the committee clerk with a written copy.

When we finished up on Monday, we had two motions on which debate was adjourned. I'll ask the committee clerk to read the first of these motions into the record, and then we'll open the floor for further deliberation before we go ahead and vote.

Ms Rempel: Thank you, Mr. Chair. Moved by Mr. Nixon 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, Clerk.

Do we have any members that wish to speak to the motion as adjourned? Ms Woollard.

Ms Woollard: Thank you, Mr. Chair. I sincerely believe that this motion has been covered and addressed in Bill 18. That's the first part.

The Auditor General's submission to this committee had two recommendations: establishing an audit committee, which would provide advice on the scope and results that the OCYA would have in the reports and serve as a review function on the advocate's reports. The second recommendation was to refer the advocate's reports to a legislative committee, so it seems like it's been covered.

Through Bill 18, which responded to the child intervention panel and the Auditor General's recommendations, an Audit Advisory Committee was established, and the advocate's annual report will be tabled to the Speaker of the Legislature for referral to an appropriate standing committee. I mean, we've got the text here of Bill 18, the section involved. It is in there.

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

report under section 15.4 of a completed review under section 9.1.

- (b) by adding the following after subsection (2):
- (3) When a copy of the annual report is laid before the Legislative Assembly pursuant to subsection (2), the report so laid stands referred to the committee of the [Legislature].

So I think it's quite well covered that the annual reports incorporate the reports that are done throughout the year and that they are all brought before the Legislature.

Thank you.

The Chair: Thank you, Ms Woollard.

Mr. Orr.

Mr. Orr: Yeah. Just a question, I guess, for clarity of understanding since I'm not totally up to speed on this committee. It seems to me that there is a slight difference in intent here. Audit committees, if I'm not mistaken, are meant to audit the work of the Child and Youth Advocate office, are meant to be a report on the functions of that office and to focus on that office. The investigative reports we're talking about are not meant to focus on the work and functions of the office but, really, the reports on children. It's two completely different things and two completely different subjects. Unless I'm completely mistaken here, we're not talking about the same thing. An audit report is on the functions of the office. We're talking about the investigative reports on children, and the reports on children will not necessarily even be the subject of an audit committee. That's my question, I guess, a comment. I'd appreciate some feedback on that.

Ms Woollard: Just a few more things. May I go ahead?

The Chair: Please.

Ms Woollard: Thank you. I understand your point. One of the things that it seems to say here in the information about the procedures through the Bill 18 protocol is that the advocate's annual report does include information on all investigations and reports for each year, so there is information on each one. Discussing the contents of the auditor's annual report would allow legislative committee members to ask relevant questions and seek clarification, where necessary, on individual investigations. So there certainly is an avenue to look more closely at each investigation.

The issues of accountability and transparency are in the forefront of Bill 18. The other thing, too, is that the process is fairly newly established, but it does seem to me that it leads to having the advocate's reports be more actionable and that the Audit Advisory Committee could and would ensure that the ministries can act on the recommendations. The ministries and departments will be bound to respond to the advocate's recommendations publicly, and that is in the bill.

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

So there are mechanisms to make sure that the recommendations are dealt with, are addressed, okay? I think it's quite well covered.

Thank you.

9:40

Mr. Orr: I appreciate the answer. I'm going to ask, actually, Mr. Graff's opinion on it in just a moment. I think the important thing that we're trying to get at is, first of all, to make clear that there is the understanding out there – it has been there for a long time, but maybe not everybody has acted on it or understood it – that the

legislative committee actually does have the authority to review the investigative reports or investigative reviews. That's always been there. It hasn't always been acted on. I guess we're just trying to ask that it would be enshrined in the legislation to ensure that there will always be a committee that actually has that authority and that that report will be on the public record.

Having said that that's the intent, my question to Mr. Graff would be: do you feel like that would be covered within the scope of an audit committee versus the legislative committee actually looking at the investigative reports, or is that asking too much of an audit committee?

The Chair: Mr. Graff.

Mr. Graff: Thank you and good morning. My understanding from reading the bill is that the audit committee is in place to go to when our reports are complete, completed to the point of being ready to make recommendations, and that their role is to advise us on recommendations. That's what I understand their role to be in relation to the work of our office regarding those reviews. I was present for the presentation from the Auditor General's office about their recommendations regarding committees, and they were, in my view, presenting very clearly two different types of committees, one of which is an audit committee, that does review recommendations to provide advice to my office, and a second committee, which is similar to a Public Accounts Committee, which then has government ministries and those who have responsibility for implementing recommendations report to that committee further progress on the recommendations after they've been made and the report has been released. From my understanding, those were two different types of committees, with two different, distinct functions.

The Chair: Thank you, Mr. Graff.

Mr. Orr, did you have any follow-up to that?

Mr. Orr: No. I think that says what my understanding was fairly clearly. It's two different committees, two different functions, and I think we've blurred the understanding of them. Anyway, point made.

The Chair: Thank you, Mr. Orr.

Do we have any other members who wish to speak to this motion?

Hearing none, are we ready to call the question? All right. All those in favour, then, of the motion as previously moved by Mr. Nixon? On the phones? Okay. In the room, then, all those opposed? On the phones? Thank you. That motion is defeated.

We'll move on, then, to the second adjourned motion, and I'll ask that the clerk read that into the record.

Ms Rempel: Thank you, Mr. Chair, and I will post this on the screen right away as well. It was moved by Mr. Nixon 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, Clerk. We will get that up on the screen.

Yes, Ms Dean.

Ms Dean: Thank you, Mr. Chair. Could I just request a small change in terminology:

“committee of the Assembly” rather than “legislative committee.”

The Chair: Okay. As we are not able to solicit the opinion of the member that moved the motion, are we able to adopt that as a friendly amendment?

Ms Dean: It's just acknowledging, Mr. Chair, that "legislative committee," I think, is sometimes used in common parlance, but for the purposes of motions or legislation the terminology that drafters use is "committee of the Assembly."

The Chair: Thank you.

If there aren't any objections, then, from any members, I believe I'll allow that change.

Do we have any members, then, that wish to speak to the motion or any members on the phones wishing to speak to this motion? Mr. Horne.

Mr. Horne: Yeah. Thank you. You know, this is, in my opinion, a very prudent recommendation. With all of the recommendations made by this committee as well as Bill 18 and, I'm sure, the future work of the panel, in my opinion it makes sense that both department officials and, of course, the advocate are present for those discussions. This helps to allow a well-informed session and to allow things to move more efficiently. In particular, since the advocate will be presenting his annual report, which, of course, will encompass the investigations and reports that were undertaken during that year, I think it is fair and beyond necessary to have the appropriate department officials present with necessary documents to support the committee work. I would encourage members around this table to support this motion given that it matches a lot of the work that we've been doing.

The Chair: Thank you, Mr. Horne.
Okay. Ms Drever.

Drever: Thank you, Mr. Chair. I would like to also echo MLA Horne when he said that it would only make sense to allow the department officials to be present when discussions are happening. It is fair to have appropriate department officials present with necessary documents to support the committee work. With that, I would like to encourage members to support this motion given that it matches and supports the spirit of Bill 18.

Thank you.

The Chair: Thank you, Ms Drever.

Any other members wish to speak to the motion?

Hearing none, I'll put forward the question. All those in favour of the motion? On the phones? Any opposed? On the phones? That motion is carried.

All right. Are there any other issues, then, that members would like to bring forward on this matter, or are we ready to begin discussing the drafting of our report?

Mr. Orr: Does that mean you're on item 5, other business, of the agenda?

The Chair: No. We are still under item 4.

Mr. Orr: Okay.

The Chair: At this point we're just asking if there are any further motions regarding the review of the Child and Youth Advocate Act to be considered before we discuss the drafting of the report on our recommendations. On the phones?

Hearing none, I'll proceed to our discussion, then, on directions for the report of the committee. Now that we have completed the deliberation stage of our review, we need to prepare a report, but

before we do, I'd like to take a moment on behalf of the committee to express our sincere gratitude to Mr. Graff and his colleagues and to the various representatives from the ministries of human services and Children's Services who have provided continuing support throughout our review of the Child and Youth Advocate Act. Thank you for your time and indeed your passion for your work.

At this point, then, Dr. Massolin, could you give us a quick overview of the reporting procedure?

Dr. Massolin: Yes. Thank you, Mr. Chair. First and foremost, we – that's research services – will prepare a draft report on behalf of the committee at the direction of the committee.

Secondly, I'd like to point out, as most committee members, I think, know by now, what a draft report with respect to a statute review looks like. Of course, it can be altered from what past practice was at the direction of the committee. Basically, this draft report will contain information about the committee's activities and the consultation process in terms of public submissions as well as stakeholder submissions, both written and oral. Then the main section will be basically reflective of the committee recommendations, the resolutions of the committee, and a little bit of information as to how the committee arrived at those recommendations with respect to the act.

I think that's it, and if there are any questions, I'll try to answer them. Thanks.

Mr. Chair, there's one other thing I should mention as well, I think. As was indicated previously, the deadline for minority reports was indicated as next Tuesday, June 20.

Thank you.

9:50

The Chair: Thank you, Doctor.

Does anyone have any questions regarding the drafting of the report? Anyone on the phones?

All right. So the options we have before us as a committee: one, we can meet again as a committee before our deadline of the 22nd to consider the draft report, or we can follow a process, which has been used in previous instances with various committees, in which the chair is authorized to approve the final report after a draft of the report has been distributed to all committee members for comment. Do we have any discussion, then, on the options that we have before us as a committee?

If not, do we have a member that would wish to move a motion as to which direction the committee should pursue? Mrs. Littlewood.

Mrs. Littlewood: I would move a motion that

legislative research services prepare a report for the committee on the review of the Child and Youth Advocate Act that would authorize the chair and deputy chair to approve the committee's final report on this issue.

The Chair: Okay. We have a motion from Mrs. Littlewood to go with the second option, then, where the report would be prepared and then distributed to all members for review and then, with the approval of all members, would be officially approved by myself and the deputy chair. Do we have any discussion on that motion?

If not, I will call the question. All those in favour of the motion? On the phones? Any opposed? That motion is carried. Excellent. As we're not in session, the report will be issued through the intersessional deposit process and posted online.

The other consideration we have is if it's the will of the committee that a standard media notice and social media postings be issued in conjunction with the release of the report. Are there any concerns with doing so? No? Okay. Excellent. We'll allow that, then, to proceed.

That, then, does bring us to other business. Is there any other business which committee members wish to raise? Mr. Orr.

Mr. Orr: Did I hear somebody on the phone ahead of me?

The Chair: Was there someone on the phone who wishes to raise any other business? No? It would appear not.

Please go ahead, Mr. Orr.

Mr. Orr: Yeah. I'd like to make a motion that the Standing Committee on Legislative Offices invite the Child and Youth Advocate and relevant department officials to discuss investigative reviews issued by the Child and Youth Advocate since November 2016.

This is not going back on what we've just completed, but this is, rather, just sort of expanding some of the work of the committee. It captures the seven reviews that have been done in the last year and a bit, I think. This is something that the Auditor General recommended and suggested, that the reports come before a committee to be reviewed, similar to the audit work of the Auditor General.

I think, as we all know, that one of the ongoing issues with the government's handling of the child intervention system has been the actual tracking and then some sort of effort to implement recommendations that are made because too often they get just lost wherever and don't actually get implemented. I think it's fair to say that during the debate on Bill 18 all parties agreed that the concept, at least, was a positive goal. As I said earlier, we understand that a committee of the Legislature has always had the ability to consider these kinds of reports, but it hasn't been happening on any kind of regular basis. For that reason, I think it would be valuable that the committee should begin doing that on a regular basis, and I think this might be a place from which we could start.

That's it. Thank you.

The Chair: Thank you, Mr. Orr.

We have the motion from Mr. Orr. Do we have any members who wish to comment on or discuss the motion? Mr. Malkinson.

Mr. Malkinson: Thank you very much, Mr. Chair. You know, I believe that the annual reports that are going to be coming out would address this particular issue if I'm not mistaken.

The Chair: Thank you, Mr. Malkinson.

Do any other members wish to comment on the motion? Any other discussion? Any members on the phones?

Hearing none, I'll call the question. All those in favour of the motion? On the phones? Okay. All those opposed? And on the phones? That motion is defeated.

Mr. Orr: Can I have the vote recorded, please?

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

Mr. Malkinson: No.

Mrs. Littlewood: No.

Mr. Horne: No.

Ms Woollard: No.

Mr. Orr: Yes.

The Chair: And on the phones?

Mr. Gill: Yes.

Mr. Kleinsteuber: Against.

Mrs. Pitt: In favour.

Mr. van Dijken: In favour.

Drever: No.

The Chair: Thank you. That motion is defeated.

Is there any other business that committee members wish to raise under other business?

Hearing none, the date of the next meeting, then, will remain at my call.

If there is nothing further, do we have a member that would wish to move a motion to adjourn? Moved by Mr. Horne. All those in favour of adjourning? Any opposed? The meeting stands adjourned.

[The committee adjourned at 9:58 a.m.]

