



Legislative Assembly of Alberta

The 29th Legislature
Third Session

Standing Committee
on
Legislative Offices

Tuesday, October 17, 2017
9 a.m.

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Standing Committee on Legislative Offices

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Bonnie Russell	Director, Strategic Support

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9 a.m. Tuesday, October 17, 2017

[Mr. Shepherd in the chair]

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

I'd just like to ask that members and those joining the committee at the table introduce themselves for the record, and then we'll hear from those on the phone. We'll start to my right.

Mr. Malkinson: Good morning, everyone. Brian Malkinson, MLA for Calgary-Currie.

Mr. Carson: Good morning. Jon Carson, MLA for Edmonton-Meadowlark.

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

Mrs. Littlewood: Good morning. Jessica Littlewood, MLA for the beautiful rural constituency of Fort Saskatchewan-Vegreville.

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

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

Ms Pelton: Good morning. I am Terri Pelton. I'm the director for investigations and legal representation for children and youth at the office of the Child and Youth Advocate.

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

Mrs. Russell: Good morning. Bonnie Russell, director of strategic support, office of the Child and Youth Advocate.

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

Mr. Cyr: Scott Cyr, the MLA for Bonnyville-Cold Lake.

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. On the phones I believe we have Mrs. Pitt.

Mrs. Pitt: Good morning. Angela Pitt, MLA, Airdrie.

The Chair: Excellent. Thank you, everyone, for joining us.

Just to note it for the record, Mr. Cyr is an official substitute for Mr. Nixon, and Mr. Carson is here as an official substitute for Ms Drever.

Before we begin the business at hand, just a few operational items. The microphone consoles are operated by the *Hansard* staff. Please ensure all mobile devices and other electronics are in silent mode. Audio and video of the committee proceedings are being streamed live on the Internet and recorded by *Alberta Hansard*. Streaming access and meeting transcripts may be obtained via the Legislative Assembly website.

The first item we have up is to move a motion to approve today's agenda. Do I have a member that would so move? Mr. Kleinsteuber moves that we adopt the agenda. All those in favour? On the phones? Any against? That motion is carried.

Our next item, to adopt the minutes from the last meeting. A set of draft minutes from the previous meeting has been distributed for consideration. Did anyone note any errors or omissions? If not, do we have a member that would move to approve those minutes? Ms Woollard. Thank you. All those in favour? Any against? That motion is carried.

That brings us to the first main item of business, then, for today. As mentioned, we have Mr. Del Graff, the Child and Youth Advocate, and his colleagues. We welcome them to the meeting. Thank you. It's always good to see you here.

Of course, we are considering today a request from the office of the Child and Youth Advocate for supplementary funding for 2017-18. Without any further ado, I'll give the floor to Mr. Graff to go ahead with the presentation. We'd just ask that if you keep your remarks to about 15 minutes, then that'll leave sufficient time for questions from the committee.

Office of the Child and Youth Advocate

Mr. Graff: Good morning. Thank you, Mr. Chair and committee members, for the opportunity to speak with you today. Before we begin, I'd like to introduce members of my staff who are joining me this morning. To my left is Terri Pelton, who's our director of investigations and legal representation. This is Terri's first time in front of this committee, but she brings expertise in investigations over the span of our involvement with them. To my right is Bonnie Russell, our director of strategic support, who has been at this table a number of times before.

What I would like to discuss with the committee today are the changes recommended by the Ministerial Panel on Child Intervention that were included in Bill 18, the Child Protection and Accountability Act, which received royal assent on June 7, 2017. These legislative changes will have significant impact on the office of the Child and Youth Advocate's investigative process.

The other item I would like to talk about today is the request for additional resources in this fiscal year for the office of the Child and Youth Advocate to fulfill these new legislative requirements.

Before I discuss the new legislation, I want to remind you of my current responsibilities under the Child and Youth Advocate Act regarding investigative reviews. Section 9(2) of the Child and Youth Advocate Act provides me with the authority to investigate systemic issues arising from serious injury to or death of a child who at the time of their injury or death was receiving a designated service under the Child, Youth and Family Enhancement Act, the Protection of Sexually Exploited Children Act, or the youth justice system.

Since the enactment of the Child and Youth Advocate Act there have been two amendments related to investigations. In November 2013 an amendment was enacted that gave the advocate the authority to investigate a serious injury to or death of a child post 18 years old receiving support and financial assistance under the enhancement act. Then in May 2014 another amendment to the act was enacted that provided the advocate with the authority to investigate systemic issues arising from the death of a child who at any time during the two-year period immediately preceding the death received child intervention services.

I want to talk with you now about the reports that we've received since we've had responsibility for investigative reviews. The 304 reports total reflect 255 reports of serious injuries to and deaths of young people from April 1, 2012, to March 31, 2017. Already in

just these past six months we've received another 49 reports. To date we have issued 24 investigative reports reviewing the lives of 32 young people. These 24 reports address systemic issues in government systems, including child intervention, Health, Education, and Justice as well as the governing bodies of the College of Physicians & Surgeons and the College of Pharmacists. We are currently working on a summary report to identify important themes and lessons learned from the reports on the 255 young people received over the five-year period since we've been involved with investigative reviews.

I'll now describe briefly the changes to the Child and Youth Advocate Act as a result of Bill 18. A new requirement of my office is to complete mandatory reviews of deaths. What this means is that we must review and make public a report on the death of a person who is under 18 years of age at the time of their death and who was receiving intervention services as a child in need of intervention at the time of their death or had received intervention services as a child in need of intervention within two years or was 18 or 19 years of age and had received intervention services as a child in need of intervention services within two years. Intakes, assessments, and support and financial assistance agreements are outside the scope for mandatory reviews.

Another requirement of the new legislation is for my office at the commencement and conclusion of a mandatory review to notify and make reasonable efforts to involve a number of parties such as the respective ministries, members of the child's family, the First Nations band, the delegated First Nations agency, community or cultural groups, law enforcement, and other organizations. A significant legislative change is the requirement that for those considered under the legislation as mandatory, the investigative review must be completed within one year. I must report to the Speaker every six months on the number of reviews completed and the number of reviews not completed along with the reasoning why my office was unable to meet the one-year deadline.

Other impacts of the legislation are that law enforcement agencies or Alberta Justice may request a stay if it is believed that our review will interfere with or harm a criminal investigation or prosecution. It will be our responsibility to follow up with the law enforcement agency or Crown prosecution services to determine if the stay should continue. Protocol agreements will need to be put in place with law enforcement agencies across the province.

Another requirement will be to establish a roster of indigenous advisers to advise our office on the investigative reviews. As well, the legislation requires the establishment of an audit advisory committee. The mandate of this committee is to advise the advocate on whether the recommendations are consistent with the criteria established through legislation.

9:10

My current scope of responsibility for conducting investigative reviews into systemic issues does not change under the new legislation. This includes young people who experience serious injuries or who are involved with support and financial assistance agreements or who have received intakes and assessments or who are in open or secure custody in the youth justice system.

In our view, all young people who endured serious injuries or who have died while receiving designated services or who died within two years of receiving designated services are entitled to the same level of review by our office. The principles that currently guide our investigations – respect, integrity, collaboration, and balance – will not change. Our reports will be nonidentifying and will not contain findings of legal responsibility or conclusions of law. We will honour the young person's experiences. We will involve, whenever possible, family or those closest to the young

person. We will consult with experts, and reports will continue to contain recommendations.

This chart shows the process flow when our office receives a notification of serious injury or death from the ministries of Children's Services or Justice and Solicitor General or from the office of the Chief Medical Examiner. There are three possible outcomes from an investigative review: to provide public assurance, to provide an assessment of supports and services, and to address systemic issues within the government systems. In all cases we will provide public reporting. The new legislation will increase the amount of effort that the OCYA will need to complete investigative reviews in the future.

I want to talk briefly about the services provided by the rest of my office. Between the fiscal years 2015-16 and 2016-17 we saw increases in all of our program areas. Intake services, the first point of contact to our office, had an increase of 22 per cent in intakes, and general inquiries alone saw a 58 per cent increase. In advocacy services we saw an 18 per cent increase in the number of young people our office served. In legal representation for children and youth we had a 15 per cent increase in the number of lawyers appointed for young people, and in our engagement and education program there was a 24 per cent increase in the number of education and engagement activities and a 36 per cent increase in participation.

We are providing more services to young people than ever before. I believe this is a result of greater attention to our office and the impact of us reaching out and engaging with more young people and those who support them to access our services. We have also been involving all of our staff to identify more efficient ways to do our work, to set priorities, and to find innovations so that we can meet this increased demand across the OCYA.

The reason we're here today is to make a request of this committee to provide additional financial resources to our office to support the new investigative requirements resulting from the Child Protection and Accountability Act. It is our understanding that the changes to our responsibilities for investigative reviews will be proclaimed April 1, 2018. We've been working hard to identify what organizational structure, positions, processes, and resources will need to be in place for us to be operational and to function at full capacity. To be operational by April 1, 2018, we need to have some of the new staff in place and trained and the infrastructure requirements addressed by then so that we can meet this increased demand on our office.

We are asking for your consideration and approval of a supplementary budget amount of \$720,000. The funding will cover three months of operational funding for the period January 1 to March 31, 2018, along with the one-time infrastructure set-up costs. With this additional funding, it will bring our total 2017-2018 budget to \$13,962,000.

As indicated, to operationalize the new legislation on April 1, 2018, we will require some new staff to start before then. Our initial recruitment strategy is to hire an investigations manager, three new investigators, and one additional investigations analyst. With this new staff in place by early January, we can begin training along with clearing outstanding assessments, examinations, and investigations. In addition to the five investigations staff, we require a senior administrative support and an information technology lead to support the investigations team. In this fiscal year we are requesting an additional \$234,000 for salaries and benefits for seven new staff.

In addition to the new staff, we require operational funding of \$40,000. This will address investigators' travel, telecommunications, and materials and supplies.

We will also require additional space to house more staff. We have been working with Alberta Infrastructure to acquire more space within our current Edmonton location. The one-time set-up costs of \$446,000 address new furniture, video conferencing equipment, IT installation for the new office space to house the entire investigations unit. Also included in the one-time set-up costs is the purchase of computer equipment for all-new investigation staff to be hired in this fiscal year and into the next. We are requesting the funding to cover the one-time set-up costs in this fiscal year in order to have the infrastructure work completed at one time. We anticipate that our 2018-19 budget request to address the annualized cost of the staff we are seeking to hire this year along with additional resources in the future year will be in the neighbourhood of \$1.9 million.

I want to thank you, Mr. Chair and the members of the committee, for inviting us here today. Investing an additional \$720,000 into the business of the Child and Youth Advocate will help prepare my office to meet the demands of the new legislation, beginning April 1, 2018. We believe that as we gain experience with this new legislation, we will refine and further develop our capacity to meet the requirements of this new mandate effectively. We are looking forward to these new challenges.

I'll now be happy to respond to any questions that you have.

The Chair: Thank you, Mr. Graff.

At this point, then, I'll open the floor to questions from the committee.

Ms Woollard: Thank you, Mr. Graff and Terri and Bonnie, for your support, for your help in being here and making your presentation today. That's wonderful. The work of the Child and Youth Advocate makes such a huge difference in the lives of children and families in Alberta. We really appreciate that. We recognize that this will require more resources, and we want to ensure that the advocate and the staff have the support they need. I've got a few questions about this. I can't stress how grateful I am for the work that you and your office do.

I have a few questions. Your request for supplemental funding lists strategic support as one of the areas that needs additional funding. You've covered things very thoroughly, but can you just explain, when you talk about strategic support, exactly what you mean?

Mr. Graff: Certainly. Perhaps I can start with a response, and then Bonnie could follow up with some more of the specifics. We use the term "strategic support" to outline all of our costs that support the direct work with young people. Our financial management is in strategic support, our human resources is in strategic support. Our accommodation facilities, our information technology are all part of our strategic support division. So when we refer to that division, we're referring to all of those supports that enable us to do the work that we do.

Bonnie, did you want to expand on that some?

Mrs. Russell: When Del had mentioned that there would be two additional staff that would be part of strategic support, those would be an admin staff person as well as an IT. Our admin and IT are all housed within the strategic support division but provide support across the organization and to investigations.

Ms Woollard: All right. Thank you.

Just a couple of other points here. The additional seven staff members will assist in their various ways. So are you saying, like, two people with strategic support and then, I know, three with

investigations? And what are the rest of the seven additional staff members? Where are they?

Mr. Graff: There would be two more additional staff members. One would be a manager for investigations.

Ms Woollard: Right.

Mr. Graff: The other person will be an investigations analyst. One of the tasks when we complete an investigation is that there's a significant amount of analysis of information that exists already through our investigative process or through other information sources, so analysts are quite critical to the investigations work we do.

Ms Woollard: Thank you very much.

The Chair: Thank you, Ms Woollard.

Mr. Cyr.

9:20

Mr. Cyr: Thank you, Mr. Chair. Thank you, Mr. Graff and your colleagues, for coming. I really appreciate your time. I also got a chance to do a tour of your office – and I really enjoyed it – to see what you guys do and get an idea of how you guys are working.

I do have some specific questions. The supplementary budget that we're looking for is a six-month period. Is that correct?

Mr. Graff: The supplementary budget is for a three-month period, but it includes one-time set-up costs that will certainly extend beyond that three-month period.

Mr. Cyr: So this is a three-month one. Okay.

Now, for the salaries and wages that we're looking at, the \$234,000, is it reasonable to say that I can multiply that by four and you're actually asking for a million dollars a year going forward?

Mr. Graff: We've not prepared for the next round of discussions for the next fiscal year. In my opening comments I had indicated that we anticipate coming to this committee at our meeting for the next fiscal year with a request that is going to be in the neighbourhood of \$1.9 million total. That includes all of what we're asking for this year in terms of the operational funding, all of the set-up costs, plus our go-forward costs on an annualized basis.

Mr. Cyr: Okay.

Mr. Chair, can I continue?

The Chair: Yes, please. Go ahead, Mr. Cyr.

Mr. Cyr: Thank you. The materials and supplies that I see that you've got down here: we have approximately \$231,000 as the current estimate, and you're asking for a 50 per cent increase to your materials. Is this because you're trying to get your new function, that the legislation created, out to the public? What's causing this massive increase in your expectation for materials and supplies?

Mrs. Russell: Materials and supplies and that: those include things such as our IT licences. We have to renew our licences, whether it's Microsoft licences and things like that, on an annual basis. In order to have those licences and that in place, we would need to purchase those for this year. The other thing is that we also are looking at – the materials and supplies include things such as boardroom furniture, those types of things, that are under the capital limit. As well, materials and supplies include things such as travel for the staff, required things such as setting up copier machines. All those

types of things are included within materials and supplies. Some of them will be things that we would need ongoing, and then some are going to be one-time purchases.

Mr. Cyr: You can cut me off. I've got quite a few questions.

The Chair: Yeah. That's no problem.

Let's take a moment, then. Were there any other members that had any questions? Ms Woollard, you had a question?

Ms Woollard: I've got one more. A large portion of the additional funding which has been requested is listed under the investigations category, reasonably enough. Given that one of the key duties of the advocate's office is to investigate systemic issues, how vital is this funding to continuing the work of your office? I guess I'm looking at this being apart from the report writing and the actual, you know, individual, but the systemic work.

Mr. Graff: I don't know how to say it a different way than that it's absolutely vital to the work of our office. One of the things that I should articulate is that our office has been through substantial change before in terms of our work in investigations. The people that are here with you are the same people that initially built the investigations unit and built our capacity to do investigations when our legislation was first enacted. If you noted in the chart that looked at the number of reports we received, in May of 2014 we received a substantial change to our investigations that included children who had died and received service within a two-year period preceding their death, and that resulted in significant additional workload and adjustment to our investigations process. So we have that experience as well in terms of: what does it take to prepare ourselves for an implementation time frame?

Those two experiences have, I think, served us well in terms of trying to sort through what our model of practice, what our structure, what our needs are in terms of becoming ready for a proclamation date where we're expected to be able to deliver services.

Ms Woollard: Thank you very much.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Mr. Chair. How many, on average, investigations did you process before the legislation changes?

Mr. Graff: Which legislation changes are you referring to?

Mr. Cyr: That added to your mandate so that we needed to do the supplementary. Was it an average of 50 investigations a year, a hundred?

Mr. Graff: No. What happens when we receive a report of a child death or serious injury: we currently do a review of that circumstance that includes an electronic file review and includes contact with family members or with people that are close to that child, and then we make a decision about whether we proceed to a next stage or not. For every child that we have received a report on, that process is the first step, and that happens for every child.

If the determination is that we have questions where we are uncertain about what's taken place or we think that there are systemic issues that are arising from that circumstance, then we move to an additional phase where we gather more information. We ask for the paper files from the ministry, we ask for other records that are required, and our investigators go into a more in-depth analysis and, in fact, contact more people who are connected to that child. At the conclusion of that process we then make a decision

about whether we proceed with a full investigative review. The full investigative review is where we have terms of reference, an investigative plan, and where we're interviewing people, where we're accessing additional records, where we're doing the analysis, all of those tasks that are connected with an investigative review, that we're eventually going to create a public report on.

In my opening comments I indicated that over the period of time that we had been responsible for this area of work, we've completed 24 investigative reviews, but we've done that initial review of all children who were reported to us, and about half of those children – about half of them – would have gone through that secondary, more in-depth review.

Does that respond to your question?

Mr. Cyr: Okay. So you already were – you had enough manpower to do all of the children for the initial review. Then you went to the second phase and half of the children. Now, going forward with the mandate – and I apologize; I'm still trying to get my head around what we've done with legislation here – we go to full reviews for every single child going forward?

Mr. Graff: I can describe some variation in terms of what we anticipate. There are some circumstances where a young person's experience will be out of scope of the mandatory reviews. For example, a two-year-old child is taken to the hospital for an injury, and a screening comes from the hospital, a report comes from the hospital that child intervention should be involved but there had been no involvement before. We would not be involving ourselves with that as a mandatory review because it's in that screening phase. It's been determined that a child in need of intervention does not include that screening phase. Some of the circumstances will be outside of our scope.

For those that aren't – could you just clarify? I lost track of your question. Sorry.

Mr. Cyr: I'm trying to establish – we're adding seven FTEs to your department. How much more work are we looking at being added to your department? It sounds like you investigate every child that's being supported by the government in some way. We're going through that first phase, and the legislation that we put forward – my understanding is that we're going to be investigating a lot more of them. Are we going to see a 50 per cent increase in investigations? Are we going to see 100 per cent, 1,000 per cent? It looks to me, sir, like you're adding 10 per cent to your staffing levels for this three-month period. I'm curious. Does that mean that we're looking at a 10 per cent increase in the workload? If we're looking at a 100 per cent increase, is this enough money, or are you going to be coming back to us for another \$2 million or \$3 million to support this new mandate?

9:30

Mr. Graff: I've pulled up the slide that shows the investigations flow so that we might be able to kind of briefly walk through it, if it would be helpful to the committee for us to do this. What happens now is that we receive a notification, and we request information right away. The legislation asks for proactive response in terms of organizations providing that information to us. For those that are in scope, which would be about half of the reports that we receive, we follow that process of interviews, research, et cetera. We draft a report, and then we make a decision about the report type.

It's really the report type that distinguishes what activity we do and how much of it we do. For example, if we complete all of the information gathering and we find that there are not systemic issues in this tragedy and that there are not issues related to the services and supports, our report is then almost complete because all it

requires is a message about: what has this child's experience been, and how do we provide a message of public assurance that, in fact, their services were handled responsibly by the authorities that are responsible for service? The administrative fairness and privacy and legal considerations, et cetera, would be brief, and the audit committee – the need for recommendations would be minimal in that circumstance. Those would flow quite quickly.

Where a report type includes services and supports and public assurance, again, they would move more quickly than the systemic investigations that we do now.

When we do the systemic investigations we do now – if you look down below, it speaks to experts and accessing experts. We do that in a significant way with systemic issues and our systemic investigations.

Of those three areas, the systemic investigations would take the lion's share of effort, and we anticipate that we ought to be able to do what we are required to do within the resource request that we've made. We are differentiating between three different types of reports, which require three different types of workload. All of them, though, would be additional to the work that we currently do.

The Chair: Do you have further questions, Mr. Cyr?

Mr. Cyr: I do, but I don't want to if there's . . .

The Chair: Sure. We'll take a moment, then, just to check if any other members have questions they'd like to bring forward.

If not, back to you, Mr. Cyr.

Mr. Cyr: Thank you, Mr. Chair. I'm looking at your supplementary amount by account, page 5. It says: contract and information technology services. You contract experts. Is that where that would be, in the \$4.3 million, \$4.4 million? What exactly is that line item?

Mrs. Russell: That line item is for the supplementary estimate only, and that is related to IT services that we contract for as well as moving. We would be moving staff into the new space. That's all that that includes at this time.

Mr. Cyr: Sorry. No. What exactly is the \$4 million spent on?

Mrs. Russell: Okay. The \$4 million is spent within our organization, and that is for contracted services. It's for contracted services, whether it's IT services, whether it is an expert panel for investigations, whether it is quality assurance. We have file reviewers, use surveyors. Those types of things are all contracted services for our office. The majority of that, though, is legal representation for children and youth. That's the legal costs, the fees and disbursements that we pay to the lawyers from the roster. That is primarily that.

Mr. Cyr: We're anticipating that you're going to be doing potentially more investigations. I'm still not clear on how much you're expecting as additional numbers of investigations. I do understand that. Your report there is great. We're not expecting any additional legal fees in all this? If we're going through this process a lot more, you would think that this number would go up, like, a million dollars.

Mr. Graff: Perhaps I can clarify a couple of points. One is that the legal representation costs that Bonnie was referring to are related to the costs for us to contract with lawyers to provide services to children with issues that are in front of the courts under the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act. They're quite distinct from legal counsel that would be involved with our investigative reviews. Legal

representation for children has been in place for something like 11 years, and the cost for that is somewhere in the neighbourhood of \$3.1 million. It's the service that's provided for these young people to have a voice in the court system. That's quite different than our investigative review legal counsel costs.

Our costs that we anticipate as part of the next submission for the coming fiscal year are where we'll see some inclusion of additional legal costs.

The other thing, if I could just mention it. You were talking about kind of what the pressures are for us as an organization regarding this. In our experience to date in dealing with investigations, we've had some pressure around our investigations being timely, for example. Our thinking, with the challenges related to that, is that when we have to compromise something, we use that kind of approach where, you know, there's quality, there's time, and there are costs. For us to be able to move forward – and we have to compromise something. Which is it going to be? Are we going to spend more money so that we can have faster reports and maintain quality? Historically what we've had to do is to compromise time. We've stayed within our costs for investigative reviews, we've maintained the quality, and we have been challenged by the time that it takes to complete them.

The requirement that's coming to us has some limitations on that time that say: we need to do this within one year. Where we see challenges is with that. We are saying: you know, these are the resources that we can best estimate that will enable us to do this work within one year. But I would be remiss if I was to say that I'm not concerned about that given the additional requirements of our review process. I'm concerned about the timing. I would be also not in a position where I would be wanting to reduce the quality of our service.

Mr. Cyr: Okay. At this point we're probably not looking at more investigations, but we are looking at time challenges: that's what I'm hearing from you. I guess my question is – we saw with the Serenity case that there was a lack of communication with your office, and that is part of what the problem was. Now we've got that one-year window where you have to have an investigation done. What tools have you got to force the information into your hands and still be able to make that one-year deadline?

Mr. Graff: We have the tools that the legislation gives us. The Child and Youth Advocate Act provides authority for us to access a range of records, but the addition in the Child Protection and Accountability Act speaks to a proactive response from organizations. For us to be within our time frame, we're certainly going to have to have the arrangements in place for those organizations that we most frequently receive information from to in fact do that on a proactive and timely basis.

The one other thing that I'd add in relation to our earlier discussion is also something that Terri pointed out. There will be more public reporting. Today, when we have done those initial reviews of circumstances of children but we haven't proceeded with an investigative review, those circumstances have been reflected in our annual report, just very small, brief statements about each child's circumstance. We anticipate that our public reporting will be more substantial with these new requirements.

Mr. Cyr: Can I continue?

The Chair: Yeah.

Mr. Cyr: Thank you, Mr. Chair. Now, I guess we can put deadlines as much as we want on your office. Now, if it seems like there is an

organization on that long list that you'd given of people that you need to contact and they're not being co-operative, are we going to start seeing your office using the courts to start to force the documents into your hands so you can do your job? Are we going to see this legal expense balloon in order for us to be able to make these deadlines?

9:40

Mr. Graff: From our experience to date I wouldn't anticipate that. Currently we have the authority of a commissioner under the inquiries act to access records. The recognition of that authority has prevented groups from withholding information. Once they find out what our authority is and that we're prepared to use it, we've not experienced the need to go to court to get the information. So I wouldn't anticipate that being a big part of what we do. Part of the reason we need to have protocols with law enforcement agencies is to make sure that we are anticipating process, that we can then implement when the circumstances warrant it and there is agreement on those protocols. Some of the work that we're going to do is to be proactive about: how does this happen in a way that's predictable and that we've already agreed to beforehand?

Mr. Cyr: So you have agreements with all of the groups that were listed there for sharing of information?

Mr. Graff: No. A requirement that will be under the legislation is that we will need to put those agreements into place. That will take place over time. They won't all be in place during that three-month period, but we're hopeful that, certainly, we'd be moving along that path.

The Chair: Excellent. I have a question from Mrs. Littlewood.

Mrs. Littlewood: Thank you. I just wanted to reinforce, you know, that I'm thankful for the work that you're doing and glad to see some of the important changes that have been passed in the Legislature coming to fruition by the means of people and the stuff that needs to go along with them, to allow them and you to do the work that you've been asked to do. I want to thank you for a really easy-to-understand budget to see where the money is going – you've done a great job laying it out for us – and to see that you know where the people need to be. I trust your expertise, that you are picking the right people to put in those positions to do that work.

I know that – sorry. I just am looking at your discussion here about what it is that your office is being asked to do, things like the time notification for reporting and all the groups that you will be notifying of the work that your office is doing, which is incredibly important. It's something that is a really important step forward, to make sure that the right people are being notified and made aware of the process. It is a long list, but it's an important list.

I'm fully supportive of the funding request that you're asking for, and I know that because you are incredibly responsible for the funds that you ask for and use, you're asking for what you need. So I look forward to supporting your request.

Thank you.

Mr. Graff: Thank you.

The Chair: Mrs. Littlewood, are there any further questions for Mr. Graff or his staff?

Mr. Cyr.

Mr. Cyr: Thank you, Mr. Chair. Now, I do have some questions on the voted capital investment, the \$286,000, that you're putting forward. Again, I visited your office, and it looks like you're

actually stacking people, more or less, at your office. There are a lot of people there. How exactly are you going to fit \$286,000 worth of desks and everything? Are we looking at whole new facilities? How exactly are you going to be bringing this in?

Mrs. Russell: We've been working with Alberta Infrastructure on that for the last few months with respect to: how can we find more space? The timing of this is such that the space that is right next door to us is becoming available by the end of this calendar year, so Alberta Infrastructure is working with them to look at that space and to acquire additional room for us in order to be able to do that. That's what the capital funding is that we're asking for, basically to have the desks, the offices and all that, the boardroom furniture and all that, that's required along with the video conferencing equipment and to do the IT hookups to our network from that space next door. We are at capacity right now.

Mr. Graff: If I could just add to that, the group that is leaving that space is from PolicyWise, and they're moving to a different floor in the same building that we're in. We've worked with PolicyWise. They are an ally with us. So we're familiar with the space, and it's a space that would meet our needs. It's on the same floor as the rest of our services that you have taken the tour of.

Mr. Cyr: Yes. Again, I'm very thankful for your staff providing that tour for me. It did wonders for my understanding of how your operation works, and I encourage every MLA to take up that invitation if you were to move that forward.

We're going to do a massive renovation of a new space with this money. Is this kind of what we're looking at?

Mr. Graff: I don't think that with the resources we're asking for that we're talking about a massive renovation. In fact, there's very little renovation that's taking place, but we have, as an organization, the need to move people into space. The space will be vacant, so there won't be any furniture. There won't be any of those things that are needed for a new space, and that's what this money is there to support. I don't think there's much money in this for renovation.

Mrs. Russell: No. There's no money in here for renovations. The only other part of that other than furniture and all that is with respect to running our networks for IT back to our server rooms – that would be our cost – and secure storage.

Mr. Cyr: Okay. Are we doubling the size of your physical space?

Mrs. Russell: No.

Mr. Cyr: So it's a lot smaller space that we're adding on?

Mrs. Russell: Yeah. We take up more than about three-quarters of the floor now.

Mr. Cyr: So you're just taking up the rest of the floor, more or less.

Mrs. Russell: Right.

Mr. Cyr: Okay. Thank you very much. I think those are my questions.

The Chair: Thank you, Mr. Cyr.

Ms Woollard: Would it be possible to bring forward a motion at this time?

The Chair: Just before we move on to motions, see if there are any further questions for the advocate and his staff.

If not, I'd say thank you very much, Mr. Graff, for your time and for a very thorough explanation of your request. Again, I think, as all committee members have noted, we deeply appreciate the work you do. I look forward to ensuring that that will be able to continue.

Mr. Graff: Thank you.

The Chair: Excellent.

Then, Ms Woollard, you had a motion you wished to bring to the floor.

Ms Woollard: Yes. I'd like to move that

the Standing Committee on Legislative Offices approve the request from the office of the Child and Youth Advocate for supplementary funding for the 2017-2018 fiscal year in the amount of \$720,000 to cover costs of expanded responsibilities created by amendments to the Child and Youth Advocate Act resulting from the passage of Bill 18, Child Protection and Accountability Act, and that the chair on behalf of the committee forward the request to the President of Treasury Board and Minister of Finance.

The Chair: Thank you, Ms Woollard.

Do we have any discussion or debate on the motion?

Seeing and hearing none, are we ready to call the question? All those in favour of the motion put forward by Ms Woollard to approve the supplementary funding request from the Child and Youth Advocate, say aye. On the phones? Any against? That motion is carried. Thank you.

9:50

Moving on then to item 5 in our agenda, these next two items of business both involve officers of the Assembly, and I would suggest that the committee, including the Law Clerk and director of House services; the director of human resources, information technology, and broadcast services; and the manager of research and committee services consider moving in camera for our discussions as we may be discussing details of the contracts of the officers of the Legislature.

Do we have a member that would move that motion to go in camera? Mr. Carson. Thank you. All those in favour of the motion to move in camera, say aye? Any against? On the phones? The committee will move in camera.

[The committee met in camera from 9:50 a.m. to 10:22 a.m.]

The Chair: Excellent. All right, everyone. We have returned to the record, and I believe we have a motion to be presented. Do we have a member that would like to move a motion in regard to the 2017-18 officer compensation review?

Mrs. Littlewood: Oh, sorry. Let me just get my bearings again as we've just come back from in camera.

The Chair: No problem, Mrs. Littlewood. You would like to move a motion?

Mrs. Littlewood: Yes. Thank you.

The Chair: The clerk has a proposed motion if that's helpful.

Mrs. Littlewood: Yes, please.

Ms Rempel: Thank you, Mr. Chair. Possible wording for a motion by Mrs. Littlewood would be that

the Standing Committee on Legislative Offices adopt a compensation strategy parallel with that provided to the public service management employees, which includes no scheduled increases or movement within salary grids for 2017-2018.

The Chair: Mrs. Littlewood, does that capture what you wish to move?

Mrs. Littlewood: I want to thank the clerk very much. Thank you.

The Chair: Excellent. Thank you.

So we have the motion on the floor recommending that there be no movement in the salaries of the officers of the Legislature for 2017-18. Any comments or debate? Hearing none, all those in favour, say aye. Any opposed? Those on the phones? Thank you. That motion is carried.

All right. Then we did have some other discussion. I believe members wish to make some statements on the record regarding the appointment of the Child and Youth Advocate. Mr. van Dijken.

Mr. van Dijken: Yeah. Thank you, Mr. Chair. With regard to the letter received from the Child and Youth Advocate this spring, we do have a decision that's come before the committee on whether or not to reappoint Mr. Graff to the position. There have been some possible missteps along the way to get to this point, and it's important that the committee get all the information necessary to make a decision on the process going forward. I suggest we move that into the next meeting, to get some of that information for us. I believe that our current Child and Youth Advocate, Mr. Graff, is doing a fine job and that in the middle of all the transition within the office some stability is good. That being said, we also have to recognize our role as legislators to ensure that all the processes are fully considered and that we ensure that the role is filled to the best of our ability.

So I would recommend that we move further consideration of the request into our next meeting.

The Chair: Thank you, Mr. van Dijken.

So what I hear you saying is that on the consideration of this question, you feel that we should address it but that you would like to see that done at our next meeting, which would, then, likely be in or around December, when we would be considering the budgets and business plans of the offices of the Legislature.

Mr. van Dijken: Thank you, Mr. Chair. Yes, in December. Currently, you know, we do have members from this committee that are engaged in the work of the search for a replacement for the Auditor General, so to fully engage with that process, and then we can take a look at a process in December on how we want to handle the appointment of the Child and Youth Advocate.

The Chair: Thank you, Mr. van Dijken.

Any other members have comments or thoughts? Mr. Horne.

Mr. Horne: Thank you, Mr. Chair. First, I wanted to take a moment to – he's not in the room – thank the advocate for all the work that he does to support Alberta's children and our families. I know that in March this committee had deferred the decision on this point to this meeting, and I wanted to thank him for his patience on that.

However, I think it would be prudent for us to defer the decision to the next meeting, along the same lines as Mr. van Dijken. I think it's a process that deserves the utmost attention of the members involved in that decision, whatever process that ends up being. But given that many of the members of this committee are currently involved in the search committee for the Auditor General, I think it would be prudent for us to defer that consideration to a further time.

The Chair: Thank you, Mr. Horne.

Are there any further thoughts or comments?

If not, we'll move on to other business. Is there any other business which committee members wish to raise? Mr. van Dijken.

Mr. van Dijken: Yeah, Chair. I have a motion that I'd like to put forward to the committee at this time. I do have hard copies for everyone if that would be helpful.

The Chair: Thank you.

All right. Mr. van Dijken, did you wish to read your statement into the record and offer any thoughts or comments?

Mr. van Dijken: Okay. Yeah. I make a motion that the Standing Committee on Legislative Offices request that the Ministry of Children's Services provide copies to the committee of the draft regulations that have been prepared pursuant to the amendments to the Child and Youth Advocate Act that were included in the Child Protection and Accountability Act, Bill 18, 2017.

This motion comes out of the September 28 letter that you received, Mr. Chair, from the Child and Youth Advocate and some of the changes that were seen within the office with regard to Bill 18 and how that's going to affect the work that the office does. The advocate does have in the letter that he has requested from Minister Larivee that draft regulations be referred to the Standing Committee on Legislative Offices for our consideration. I think it's clear in his letter that he feels strongly that this committee should consider, review, and approve the draft regulations before they are finalized.

10:30

Given the substantial new responsibilities the government has given Mr. Graff through the legislation, that the government admits was written in a time crunch, it's only fair to Mr. Graff that we take the time to carefully review the regulations. As Mr. Graff pointed out, his role is independent from government, so this committee should have a role in the regulations to which his office will be held accountable.

So it's a motion that encompasses the request from the Child and Youth Advocate that our committee at least have some participation and some input into regulations being considered in draft form, and if we can possibly move that forward, then we will give, I believe, the Child and Youth Advocate some confidence that there is thorough review on the work that we are asking him to do.

The Chair: All right. Thank you, Mr. van Dijken.
Mr. Malkinson.

Mr. Malkinson: Thank you very much, Mr. Chair. I thank Mr. van Dijken for bringing forward this motion. Upon looking at the motion, I mean, I'm not sure if I could support this. The reasoning for that is that the panel made strong recommendations to improve, you know, the child death review process, and my understanding is that the ministry is implementing all of their recommendations. Also, this summer we introduced and the Assembly unanimously passed the Child Protection and Accountability Act, and of course work continues on the regulations that flowed from that act. Of course, as a committee we already have reviewed the legislation that those regulations flow from, that Mr. Graff in his letter decided to see.

Of course, as a committee we cannot approve legislation, which makes sense, and I'm thinking that the best place for those regulations to be reviewed would be by the panel, which is an all-party committee that involves all parties, and I think that would be the place to best do that. Here, I mean, we focus on reviewing the legislative offices and working with them, but this sort of regulation, I would say, would be perhaps outside of the scope of work that we would normally want to do in this committee. I think

the panel would be the best place for those regulations to go. For that reason, you know, I'm not willing to support this.

The Chair: Thank you, Mr. Malkinson.

Any other members wish to comment? Mr. van Dijken.

Mr. van Dijken: Yeah. I take a look at the request from the Child and Youth Advocate, and the request here is to give the confidence to the Child and Youth Advocate that the committee that he is answering to has full understanding of the work that he encompasses and is charged to do. This is just a request that the ministry provide copies of the draft regulations. I'm not certain that the panel will review any of those draft regulations. That might be the recommendation that the committee gives, then, that ensures that the panel review it, but I believe that the Child and Youth Advocate is accurate in his request to have this committee take a look at those regulations and have input going forward and full understanding of the regulations that are coming forward.

The Chair: Thank you, Mr. van Dijken.

Any other members have any questions or comments regarding the motion on the floor?

Mr. Cyr: Can we confirm that the panel is going to be reviewing these draft regulations, or is this something that the deputy chair is making an assumption on?

Mr. Malkinson: If I may, Mr. Chair.

The Chair: Mr. Malkinson.

Mr. Malkinson: Mr. Cyr, what I'm saying is that I would, you know, recommend that these regulations, if they're going to be reviewed, should be reviewed by that panel, and I would suggest that that would be the best place for them to be reviewed. I would think that the request from Del to have these regulations reviewed should go through that panel.

Mr. Cyr: Are you proposing a motion after this, then, Mr. Chair, to issue a direction on the ministry to do something? I'm just trying to figure out what it is – if we can't do it, then how is the panel going to have the authority to try to get those draft regulations before them?

Mr. Malkinson: Thank you, Mr. Cyr, and I appreciate the job promotion to chair.

Mr. Cyr: I apologize, Mr. Chair. It was not my . . .

The Chair: No problem.

Mr. Malkinson: No. That's okay.

No. What I would say is that it would make sense that, you know, the ministry could provide a briefing to the panel. It would also make sense that Del could redirect his request to the panel to see those regulations. I am not suggesting a motion here.

Mr. Cyr: Okay. When does the mandate of the panel end? Do we know that?

The Chair: Does anyone from Parliamentary Counsel have . . .

Mr. Cyr: Wasn't it given an extension? I guess the thing is that by the time the regulations are completed, that panel may not exist. Is that fair to say?

The Chair: Mr. van Dijken.

Mr. van Dijken: Yeah. I think Mr. Cyr is accurate in the assumption that the regulations being put forward to the panel may never happen, so I reiterate from the letter that we received from the Child and Youth Advocate. He states:

I report to the Standing Committee and because my role is independent from Government . . .

The panel is government.

. . . I believe it is most appropriate that the Standing Committee have a role in the regulations to which my office will be accountable.

And to ensure that there's some input from the committee that is overseeing his work, it would be prudent for this committee to at least be provided copies of the draft regulations, and a decision can be made at that time how we would as a committee look to handle those draft regulations.

The Chair: Thank you, Mr. van Dijken.

Ms Woollard: This is a complex issue, but I was thinking that for any of the other offices which this committee oversees, as far as I know, we have not overseen any of the regulations of any of those other offices, and I'm pretty sure they all have regulations associated with them, so I think this would be a very kind of strange road to go down.

10:40

Mr. Cyr: I'd like to ask Parliamentary Counsel a couple of things. Has this been done by this committee ever before? Secondly, I'd like to comment on the fact that I believe that we have failed some of our children within Alberta under our care. This is an important thing that we get right, and the more we can make sure that the regulations coming down from the government are done right in an all-party committee just makes sense to me. So I'm hesitant to say, "Let's just ram regulations through" for one of our advocates who's actually asking us to look at this as a committee but to actually state for the record that we support him in his office and be able to say that we support the regulations moving forward, too. This is something that we could easily do a report on, in my opinion, and make sure that we move forward and support the good work.

The Chair: Thank you, Mr. Cyr. You had a question, then, for counsel as to precedents, I suppose, in terms of whether this committee has ever undertaken such a request or action before.

Ms Dean: Thank you, Mr. Chair. To my knowledge, there's no recent example of regulations being requested from this committee. There are examples in connection with the legislative policy committees where they have undertaken reviews of proposed regulations. This committee, though, does have a history of providing or at least reviewing proposed amendments to legislation.

The Chair: To be clear, Ms Dean, at times such as recently, when we were assigned by the Legislative Assembly to review the Child and Youth Advocate Act, in the past the committee has, then, in those situations reviewed legislation or amendments?

Ms Dean: Or in other circumstances, where the officer is bringing forward proposals for legislative change, the officer may bring these to the attention of the committee before that legislation comes to the Assembly.

The Chair: Okay. So an officer in the past has brought specific amendments that they would like to see occur to the committee for discussion, and the committee then would have the option to refer those to a minister or make a report.

Ms Dean: Well, the committee basically transmitted the amendments, as I recall, but yeah.

The Chair: Understood. Thank you, Ms Dean.

Do we have further questions, comments from any members?

Mr. van Dijken: I think it's important that we recognize that these are draft regulations. All regulations are available to committee members for the offices that we deal with. But as we move forward on draft regulations that will need to be followed by our Child and Youth Advocate, having the input of this committee and having just the eyes of this committee be able to take a look at those draft regulations I believe is important. I don't necessarily have confidence that the panel will be taking that under their consideration. We do have a panel member that is on this committee, from our side, that would be able to help us to understand if the regulations coming forward are to a certain degree reflective of the work that the panel was doing. These are draft regulations; they're not finalized. The more eyes that see them, the better and the more confidence Albertans can have that we are doing the work that will help to protect the children and youth in Alberta.

The Chair: Thank you, Mr. van Dijken.

Does someone on the phones wish to – Mrs. Pitt, did you wish to speak?

Mrs. Pitt: Yes. If I can go on the list.

The Chair: Certainly. I'll put you on the list after Mr. Cyr. Thank you.

Mr. Cyr, go ahead.

Mr. Cyr: Now, I guess, to our Parliamentary Counsel: to your knowledge, has an independent office ever asked this committee to be involved in the regulation or draft regulation process? First, I'll wait for that answer. Then I've got a follow-up question.

Ms Dean: I'm not aware of that occurring. We would have to conduct a more extensive search to verify that one hundred per cent, but typically, no, this committee doesn't get involved in reviewing regulations.

Mr. Cyr: Would that speak to the possible lack of confidence the office may have regarding the upcoming regulations?

The Chair: I'm not sure that Parliamentary Counsel can speak to the mind of Mr. Graff.

Mr. Cyr: Fair enough. Thank you.

The Chair: Thank you, Mr. Cyr.

Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair. You know, I've been listening to this conversation and then the request. I think we need to be careful when we're essentially asking the right hand to do something without knowing what the left hand is doing. That's certainly the case with this situation. You know, given the information that we just heard about previous decisions and regulations that were reviewed in this committee in making those decisions, I'm not sure we can move forward without having some sort of framework of what that might look like in our hands. Without that, we're just going to kick the can further down the road because we're never going to have the right information to be making a decision on the future of Mr. Graff and the office of the Child and Youth Advocate.

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

Mr. Malkinson: Thank you very much, Chair. You know, Mrs. Pitt just said that it's important that we be able to see that framework. I will point out that we've already reviewed that framework and that we reviewed the legislation, the Child and Youth Advocate Act. We had a report on it. I remember being in this committee and being at many, many presentations about the review of that act. That act dictates and provides the framework for the regulations. I would say that we, in fact, have reviewed that framework and, you know, we've in this committee had ample opportunity to provide feedback with regard to that legislation. All members of this committee have had ample opportunity to do that.

We heard from Parliamentary Counsel that we in the past haven't reviewed regulations before in this committee, nor, to the best of our knowledge, at least available at the moment, has anyone requested that before. That makes sense. I mean, this committee does have, from my understanding, no ability to make recommendations on what regulations ought to look like, nor can we officially approve regulations.

Now, you know, there were some comments from other members of the House, respectfully, Mr. Cyr and Mr. van Dijken, that we're not being thorough. I would say that, in fact, we are. At the end of the day, my problem with this particular motion is that the best use of our time and I think the most effective place for this request to go would be to the panel. That panel has been closest, you know, getting down really into the ins and outs of it more so than we have in this committee. We did the framework in this committee that those regulations are based on. The panel definitely is reviewing in depth the children as they receive care. I think that Mr. Graff should put his request to the panel if he wants to see the draft regulations reviewed.

The Chair: Thank you, Mr. Malkinson.

Any further comments regarding the motion on the floor? Mrs. Pitt, go ahead.

Mrs. Pitt: Thank you very much. Perhaps I should clarify. You know, one thing that I'd like to point out is that you're changing the scope. The panel will be changing the scope regardless of the legislation that was passed in the Legislature. Sorry. Not changing the scope. That's not the right terminology. There will be additional tasks required of our advocate given the regulation from the ministry and the work of the panel.

10:50

I'm not quite sure why there's such a resistance to the sharing of information from government members of this committee, but I have some areas of concern with that hesitation. Given the gravity of the situation and, you know, especially when children are involved, the decision that we're tasked with making here is extremely important. Why would we make that without having all the information in front of us?

The legislation that was passed in the Legislature is simply a framework. You know, it's wonderful. We all agreed on it. However, there's more to that. We all know that. Everyone in this room knows that it rests in regulation, and that's the meat and potatoes of what we need to know and what we need to be talking about. I mean, I guess I would ask what this significant hesitation

is in the lack of sharing information to make such an important decision. Perhaps somebody could answer that.

The Chair: I'm sorry, Mrs. Pitt. Just to clarify, what decision of the committee are you referring to that we're lacking information for?

Mrs. Pitt: To make a decision about the future of the appointment of the advocate. I think it's important to know what the Ministry of Children's Services has under consideration. It would be useful for the committee, and I don't understand the hesitation. That's what I'm trying to wrap my head around. Maybe I'm just off the mark here, but it's not adding up.

The Chair: Understood. Thank you, Mrs. Pitt.

Do any other members wish to have any further comment on the motion that is before us?

If not, I will call the question. We have the motion from Mr. van Dijken moving that

our committee request that the Ministry of Children's Services provide copies of the draft regulations being prepared in regard to the Child and Youth Advocate Act.

All those in favour? And opposed? And on the phones? That motion is defeated.

Mr. Cyr: Can we do a recorded vote, Mr. Chair?

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

Mr. Malkinson: MLA, Calgary-Currie. Voting no.

Mr. Carson: No.

Mr. Horne: MLA for Spruce Grove-St. Albert. No.

Mrs. Littlewood: No.

Mr. Kleinsteuber: Calgary-Northern Hills. Against.

Ms Woollard: Edmonton-Mill Creek. No.

Mr. van Dijken: Barrhead-Morinville-Westlock. In favour.

Mr. Cyr: The MLA for Bonnyville-Cold Lake. Aye.

The Chair: And on the phones?

Mrs. Pitt: MLA, Airdrie. In favour.

Mr. Gill: Calgary-Greenway. In favour.

The Chair: Thank you. That motion is defeated.

Do we have any other business that committee members wish to raise?

If not, then, as we discussed, the date of the next meeting will be at the call of the chair but will likely, as we noted, be towards December, when we have the opportunity to consider the business plans and budgets of the officers of the Legislature.

Do we have a motion to adjourn? Ms Woollard. Thank you. All those in favour? Any opposed? This meeting stands adjourned.

Thank you.

[The committee adjourned at 10:55 a.m.]

