



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Standing Committee
on
Legislative Offices

Tuesday, January 12, 2021
9 a.m.

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The 30th Legislature
Second Session**

Standing Committee on Legislative Offices

Schow, Joseph R., Cardston-Siksika (UCP), Chair
Sigurdson, R.J., Highwood (UCP) (UCP), Deputy Chair

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Lovely, Jacqueline, Camrose (UCP)
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van Dijken, Glenn, Athabasca-Barrhead-Westlock (UCP)
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* substitution for Joseph Schow

** substitution for Heather Sweet

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Jill Clayton	Information and Privacy Commissioner
Del Graff	Child and Youth Advocate
Glen Resler	Chief Electoral Officer, Election Commissioner
Marianne Ryan	Ombudsman, Public Interest Commissioner
Marguerite Trussler, QC	Ethics Commissioner
W. Doug Wylie	Auditor General

Office of the Child and Youth Advocate Participant

Terri Pelton	Executive Director, Child and Youth Advocacy
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[Mr. Sigurdson in the chair]

The Deputy Chair: Good morning. I'd like to call this meeting of the Standing Committee on Legislative Offices to order and welcome everyone in attendance.

My name is R.J. Sigurdson, MLA for Highwood and deputy chair of the committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining us remotely. I will begin to my right.

Mr. Horner: Nate Horner, MLA for Drumheller-Stettler.

Mr. Rutherford: Brad Rutherford, MLA, Leduc-Beaumont.

Mr. Shepherd: David Shepherd, Edmonton-City Centre.

Member Loyola: Rod Loyola, Edmonton-Ellerslie.

Dr. Massolin: Good morning. Philip Massolin, clerk of committees and research services.

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

The Deputy Chair: Then those joining us remotely.

Mr. van Dijken: Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock. Good morning.

Ms Lovely: Good morning, everyone. Jackie Lovely from the constituency of Camrose.

Mr. Walker: Good morning. Jordan Walker, Sherwood Park.

Mr. Yaseen: Good morning. Muhammad Yaseen, Calgary-North.

Member Ceci: Hi, everybody. Joe Ceci, Calgary-Buffalo.

Ms Pancholi: Good morning. Rakhi Pancholi, Edmonton-Whitemud.

The Deputy Chair: Just to be clear, have we missed anyone? Excellent.

For the record I will note the following substitutions. I am acting as chair today, and Mr. Horner is substituting for Mr. Schow, Ms Pancholi is substituting for Ms Sweet, and Mr. Yaseen is substituting for Mr. Nixon.

A few housekeeping items to address before we turn to the business at hand. Pursuant to the November 16, 2020, memo from the hon. Speaker Cooper I would remind everyone of the updated committee room protocols, which require that outside of individuals with an exemption, those attending a committee meeting in person must wear a mask at all times unless they are speaking. Based on the recommendations from the chief medical officer of health regarding physical distancing, attendees at today's meeting are reminded to leave the appropriate distance between themselves and other meeting participants. Please note that the microphones are operated by *Hansard*. Members do not need to turn them on and off. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Please set your cellphones and other devices to silent for the duration of the meeting.

Item 2, the agenda. A draft agenda was distributed for consideration and comment. Does anyone have any issues to raise or changes to propose?

Seeing none, would a member move a motion to approve today's meeting agenda as circulated?

Ms Lovely: So moved.

The Deputy Chair: Thank you, Ms Lovely.

All in favour? All opposed? That motion is carried.

Moving on to item 3, adoption of meeting minutes, are there any errors or omissions to note?

If not, would a member move approval of the meeting minutes as distributed? Mr. Rutherford. All in favour? All opposed? Hearing none, that motion is carried.

Moving on to item 4, business from the previous meeting, we are on (a), decision on the office of the Auditor General's 2021-2022 budget submission. At our last meeting we adjourned debate on a motion regarding the budget submission from the office of the Auditor General. I will read the motion into the record for clarity, and then I will open the floor for further discussion. The motion, moved by Mr. Ceci, is that

the Standing Committee on Legislative Offices approve the 2021-2022 budget estimates for the Office of the Auditor General in the amount of \$26,250,000 as submitted.

Does anyone have any comments regarding this motion? Mr. Rutherford.

Mr. Rutherford: Thank you, Chair. As I had asked for an adjournment on debate, I thought I would just give a minute of some context on what I did review. I had read through *Hansard* for Mr. Wylie's presentation to get some context and looked at comparisons with other provinces, and one of the things that Mr. Wylie had noted, I think, was an overall 5.7 per cent reduction in his budget over two years. Also, I believe he had said that it was 18 per cent under the private sector for auditing compared to his costs as well.

One of the things that had stood out to me was the difference between Alberta and British Columbia and between Ontario and Alberta as well in what the Auditor General receives, but I do appreciate that our Auditor General has said that he audits all public entities in Alberta, has some very large audits with Alberta Health and ATB as well.

I appreciate that I received some time, as everybody else on the committee did, to review the work of the Auditor General, and I will be supporting this motion.

Thank you.

The Deputy Chair: Mr. Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate those words from Mr. Rutherford, and I appreciate that he took his time over the Christmas break, used it much better than perhaps some of his colleagues in the government caucus who used that opportunity to take tropical vacations. Mr. Rutherford, instead, took the time to review the report as presented by the Auditor General, and I appreciate that he has come to recognize the important and indeed incredible work Auditors General do.

I had the pleasure of sitting in your chair as chair of this committee for the outgoing Auditor General, Mr. Merwan Saher, who I think is a legend, if I may say so, amongst Alberta Auditors General and was key in exposing, I think, some of the entitlement and arrogance that we saw from previous governments and which the new government seems to be flirting with again. Of course, his observation that what we need is a backbone of principles and not a corset of rules is one, I think, that will ring through the annals of Alberta history for some years to come.

Indeed, Mr. Wylie, who has taken on the office after Mr. Saher, has carried on his great legacy of delivering savings on their budget year over year while still delivering incredible, quality work, as we saw in his review of the government last year, highlighting several areas where indeed there was much work to be done; the energy

war room, for example, and the utter lack of care with which they were spending public dollars outside of the scrutiny of the Alberta public. We are well served, I think, to have Mr. Wylie in that chair and indeed to ensure we are funding Alberta's Auditor General well to do that work on behalf of Albertans to ensure that our government is held to account.

I thank Mr. Rutherford for coming around and supporting the motion, and I will be doing the same.

The Deputy Chair: Any further comments?

Hearing none, if no one has any further comments regarding this motion, I would ask: all in favour of the motion as submitted? All opposed? Hearing none,
that motion is carried.

We're moving on to item 5, review of the office of the Child and Youth Advocate's annual report 2019-2020, (a), mandate, Government Motion 51. Moving on to new business, we have the review of the office of the Child and Youth Advocate's annual report 2019-2020. Our mandate for the review of this report is outlined in Government Motion 51, agreed to on December 2, 2020, which reads as follows:

Be it resolved that:

1. The 2019-2020 annual report of the office of the Child and Youth Advocate be referred to the Standing Committee on Legislative Offices for review;
2. The committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned or prorogued;
3. In accordance with section 21(4) of the Child and Youth Advocate Act the committee shall report back to the Assembly within 90 days of the report being referred to it if the Assembly is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

This is the second time the committee has been tasked with this responsibility. Does anyone have any questions about the motion?

9:10

Then we'll move on to (b), technical briefing, office of the Child and Youth Advocate. As noted, we have less than three months' time to complete this review and report to the Assembly. Fortunately, Mr. Del Graff and his colleagues have joined us today by video conference and are prepared to provide us with a briefing on the report of roughly 20 minutes. I then will open the floor to questions from the committee members.

Mr. Graff, when you are ready, please proceed with your presentation.

As a quick reminder to just anybody that is on remotely, can you please make sure to mute your microphone when you're not speaking.

Mr. Graff, are you on the line?

Mr. Graff: I am. Thank you.

The Deputy Chair: Thank you, Mr. Graff. Please proceed with your presentation.

Mr. Graff: I'll do that. Good morning, Chairperson Sigurdson and committee members. It's nice to see all of you again. Thank you for the opportunity to meet with you this morning. With us today is Terri Pelton, our executive director of child and youth advocacy. Terri will be presenting some of the information we've prepared today. Also with us is Bonnie Russell, our director of strategic support. Bonnie is here to help us respond to questions following our presentations. You'll remember both Terri and Bonnie from previous meetings.

You have a number of slides in front of you that you should have received from Jody, and we'll move to slide 2 right now.

Today we will provide an overview of the 2019-20 annual report of the office of the Child and Youth Advocate. This briefing expands on the December 4, 2020, presentation to the Standing Committee on Legislative Offices and addresses four key areas: 30 years of advocacy for young people, the 2019-2020 highlights, reporting to Albertans, and looking ahead.

If I could ask you to move to slide 3, please.

I'm proud to say that September 2019 marked the 30th anniversary of the OCYA and 30 years of standing up for young people. While much has changed, our core mandate of advocating for children and youth has remained consistent. In addition to providing individual advocacy supports for young people, our services have expanded to include reviewing the circumstances of young people who tragically pass away or are seriously injured, providing independent legal representation for young people involved with Children's Services, providing public education opportunities and advocacy on children's rights, and engaging with communities.

The OCYA has had an enormous impact on Alberta's children and youth over the past 30 years. Consider for a moment these numbers. From September 1989 to March 2020 almost 70,000 young Albertans received individual advocacy services, and since its inception in 2006 almost 27,000 young people received legal representation through our legal representation for children and youth program.

If we can move to slide 4.

When we were last here, we spoke about our vision, mission, and values that guide our work. Because of the importance behind what we do, I want to mention them again. Our vision is that young people in Alberta succeed in their lives and communities. Our mission is that we stand up for young people. The values we uphold are rights focused, accountability, respect, and integrity.

I'd like to briefly note some of our work supporting young people this past year. Our 2019-2020 highlights include over 5,900 intake calls received by our office; 3,100 young people received advocacy services. Almost 3,600 individuals participated in presentations and workshops across the province. More than 3,800 young people received legal representation; 103 notifications were worked on regarding the serious injury or death of a young person, and 62 of those notifications were received in 2019-2020. We signed memorandums of understanding and information sharing agreements with Children's Services, Justice and Solicitor General's young offender branch, and vital statistics.

I'll now ask Terri to talk about the reports of our office. Terri.

Ms Pelton: Thank you, Del. I hope everybody can hear me. Good morning, Chairperson Schow and committee members. We are now on slide 5. There are a number of ways that we report on our work to Albertans. This committee is quite familiar with our annual report. It summarizes our major activities over the past year and looks forward to our priorities for the year ahead. The report provides information about who we are, how we do our work, how we measure the effectiveness of our services, and provides public accountability on the use of our financial resources.

Our annual report is also used as a reference and resource document over the course of the year and provides a written archival history of the OCYA going back 30 years. This past year we took the opportunity to go back through previous annual reports and develop a timeline for the OCYA, marking important milestones, that includes all of the special reports, investigative reviews, and advice to government dating back to 1989. Our annual reports are frequently accessed by our staff, stakeholders, and the

public. As you are aware, we are required to present the report to this committee for review.

This is slide 6. In 2018 the Child and Youth Advocate Act was amended and now requires that a mandatory investigative review be completed when a young person passes away who is involved with child intervention services at the time of their death or within two years, meaning that they have or had an open child welfare file. These reviews must be completed within one year and are in addition to the systemic reviews that the advocate has been conducting since 2012.

During this reporting period we completed mandatory reviews regarding 16 young people who passed away. These young people will forever be missed and mourned by those who knew and loved them. It is critically important that we look into their circumstances and make recommendations for meaningful change. The reviews were put together in two separate reports released in September 2019 and March 2020. Each compilation report contains eight separate and distinct reviews. The advocate made recommendations to the ministries of Children's Services, Community and Social Services, Justice and Solicitor General, and Alberta Health Services.

Slide 7. Special reports are another way that the OCYA brings issues affecting young Albertans to the attention of decision-makers and to the public. Systemic issues, those that impact a number of young people, are identified by sharing information across our office, watching for themes, and conducting research. Special reports raise awareness and result in recommendations to public bodies. In September we released *Care in Custody: A Special Report on OC Spray and Segregation in Alberta's Young Offender Centres*, which brought attention to the use of OC spray, commonly known as pepper spray, and segregation in youth justice facilities.

The completion of this report involved talking with young people directly, consulting with stakeholders and experts, and reviewing statistical information from across the country. This is the first special report that our office has completed directed at youth justice. It is an important report because young people in custody are particularly vulnerable and need our attention. The report resulted in four recommendations to the young offender branch related to reducing the use of OC spray and segregation as well as increasing accountability measures to improve the safety and well-being of young people in custody.

In November we released *A Critical Time: A Special Report on Emerging Adults Leaving Children's Services Care*, which brought attention to the need for young adults to have continued supports and services after their 18th birthday. Over nine months our advocates had involvement with 102 young adults who requested our assistance in having their voices heard, their opinions considered, and their rights upheld, specifically related to continued support as they move to full independence.

During that same time period our investigations team learned of six young adults who, sadly, passed away and had received support from Children's Services through a support and financial assistance agreement. Researchers identify that young adults between 20 and 24 years old are in a distinct stage of human development known as emerging adulthood or, as some refer to it, the in-between phase or late adolescence, still needing supports as they move into adulthood. For those leaving government care, accessing the necessary supports to be successful is particularly challenging.

Young people and stakeholders told us that supports provided to young adults under support and financial assistance agreements were often confusing, inconsistent, and subject to conditions, resulting in anxiety and often not knowing where to turn for help. The special report resulted in three recommendations to improve

services for Alberta's young adults to help them be successful in their lives and in their communities.

I will now turn it back to Del.

9:20

Mr. Graff: Thank you, Terri. I'd like to take a few minutes to talk about recommendations that are made by our office to improve services and supports for young Albertans. In 2019-2020 12 new recommendations were made for government that are outlined in the technical briefing provided to you. I'm frequently asked if the government has accepted or implemented my recommendations. The answer is not simple. My role is one of influence, not oversight. But we do track responses and the progress made on recommendations, and I am pleased to say that more often than not they are accepted, and work is being done to implement them.

However, we continue to see the common themes emerging from past reports. The themes we identify through our findings are complex, and often our recommendations require significant changes to both policy and practice. Public bodies must demonstrate that the recommendations are being implemented and sustained. For us, when young people and their families experience these changes, that's when we know our recommendations are making a difference.

Since 2012 I've made 125 recommendations. This chart highlights the progress made by government organizations on the implementation of the recommendations. You'll see that there has been an increase in the number of recommendations met over the past couple of years. In our March 31, 2020, assessment 67 per cent of the recommendations were met, and another 10 per cent were substantially completed. Over the years we've fostered a good working relationship with government, with a common focus on improving outcomes for children and youth. We regularly meet with various child-serving ministries to discuss the recommendations, to answer questions, and to hear about their progress towards implementing them. We assess all responses at six-month intervals and post progress updates on our website.

I'll now turn to our work for this coming year. As we look ahead, there are five areas that we will focus on to improve services for young people. Indigenous young people in the child welfare system. Now, 30 years ago, in his annual report, Bernd Walter, the first Children's Advocate, identified the issue of the disproportionate number of indigenous young people in the child welfare system. At that time 32 per cent of children receiving child welfare services and 40 per cent of children in care were indigenous. In September 2020 64 per cent of children receiving child welfare services and 71 per cent of children in care were indigenous. The difference is striking.

The federal legislation, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, is a step toward indigenous leadership, assuming their inherent right and responsibility to care for their children. We will continue to provide our support to indigenous communities to improve the circumstances of young people. We'll continue to highlight this issue at both the provincial and federal levels.

Youth opioid use in Alberta: a follow-up. Our special report, *Into Focus: Calling Attention to Youth Opioid Use in Alberta*, was released in 2018 and emphasized the importance of government taking immediate action on the five recommendations contained in the report. Although some progress has been made on the recommendations, more needs to be done. We're following up to continue the conversations and discuss what needs to happen to improve the circumstances for young people impacted by opioid use. We're engaging young people, their families, stakeholders, and communities to inform our findings.

Care in Custody report. In our special report, Care in Custody, we made four recommendations directed to the young offender branch. Although some progress has been made, we remain in discussions with them to fully implement the recommendations.

Proposals for change. Since the review of our legislation in 2017 and the last amendment to the Child and Youth Advocate Act in 2018, we've implemented changes to our policy and practice. Working with the amended legislation and based on our experience, we have a number of proposals for change that will further align our legislation in ways that we believe will benefit young people and be helpful to the OCYA and to the systems that serve children and youth. We'll be raising these areas for future consideration.

Delivering services to young people affected by the pandemic. We have yet to fully understand what impacts COVID-19 will have on the young people we serve. Some of the issues we heard about are concerns about contact with family, school choices, and court delays, among others. Whatever their challenges, we're here to support and advocate for them. We continue to adapt our approaches in our commitment to serve young people while keeping them safe. We're using virtual meetings and social media to stay connected with them.

Chairperson Sigurdson and committee members, in conclusion, the work we do is important for young people and the future of our province. We're committed to remaining an effective, rights-focused, and accountable resource for Alberta's children and youth. As we have done in the past 30 years, we will continue to advocate on behalf of young people so that they can succeed in their lives and communities.

I want to thank you for your time. We'll be happy to respond to any questions you may have.

The Deputy Chair: Thank you both, Mr. Graff and Ms Pelton, for your presentation.

I will now move on to the Q and A in the order that was submitted to me, and then from there we'll alternate between government and opposition. I will start with Ms Lovely.

Ms Lovely: Well, thank you for the presentation. I do have a question – you touched on it briefly – and that's: how did COVID-19 shift the way in which you provide services to children and youth in Alberta?

Mr. Graff: Well, thank you for the question. Certainly, like other organizations that serve people, we've had to make significant adjustments to how we do that. When we were first involved with the pandemic and needed to close our office, we had to very quickly figure out how to continue to serve young people, continue to receive the many calls that we do receive from young people and other stakeholders related to advocacy, and keep our office closed and have our employees working from home. That took a little bit of time to put together, but once we got those processes in place, we were in a position where young people could contact our office by telephone or by e-mail, and we would be able to respond directly. After the first little while we didn't have to take messages. They would get somebody on the other end of the telephone line if they called, and we could work virtually with young people through mediums like Skype and Zoom and other means. We did that for quite some time.

We had a period where we came back to the office, and as those safety measures relaxed, we had a process in place where we would identify what needed to be in place if we felt the need to see a young person in person. There was certainly a safety checklist and some other measures that we would take to make sure that everyone was safe if we did need to meet young people directly, in person. Those

measures were put in place, and they still remain although we very seldom meet young people in person right now.

Terri, would you like to expand on that? Is there anything that I might have missed?

Ms Pelton: Sure. I was just going to add that we were pleased that Children's Services did what they needed to do to get technology to young people. Most young people in care have cellphones so that we can connect. One of the challenges has been that sometimes when advocates are meeting virtually with a young person, they can't always be a hundred per cent sure that there's not somebody else in the room and that their conversation is private, but they've been able to work that out. Young people know technology better than us older folks, so they're good with the tech, staying on FaceTime and Facebook Messenger. It's been interesting times. I'm quite pleased with how everybody has adapted.

Mr. Graff: The only other thing I would add to that as well is that the embracing of technology by young people and, in fact, our use of technology has certainly given us pause to think about: how do we use these virtual ways of communicating on a go-forward basis once we're through to the other side of the pandemic? You know, we deal with young people throughout the province, and we think that there might be significant benefit from continuing to embrace technology like Zoom, et cetera, for our communications.

9:30

Ms Lovely: Well, thank you for being so flexible and adapting.

Just another question here. Did this shift have any negative repercussions?

Mr. Graff: In terms of repercussions, I would suggest that for some young people it is harder to communicate this way. We would do our best, but it did have that impact on some young people.

Our ability to respond quickly was perhaps a bit compromised at different points in time, but for the most part we were pretty timely. We had a period of time when we first began our office closure where young people or anybody who called our office would get an answering machine. We found out very shortly that, in fact, that's not an effective way, so we very quickly moved to being able to access telephones right away.

There are some repercussions for us as an organization. It is harder to have those kind of informal conversations that help us to resolve problems quickly or to get ideas for some piece of work that we're moving forward. Those kinds of hallway discussions that are part of everybody's workplace become more formalized when we need to do it through these vehicles, so we do kind of miss our sense of collective engagement with our own folks and between each other as a result of the pandemic.

Those are some of the implications, but, by and large, I have to tell you that the agility of our staff and the flexibility with which we've been able to respond to the pandemic has been substantial. Certainly, I've heard from both our staff and others the reassurance that they feel from having all of those safety measures in place so that when they are here – you know, we've got all the things that need to be put in place in terms of sanitizers, and all those things are helpful and reassuring to them.

Ms Lovely: My last question is: if there were any negative repercussions, how have you mitigated those? Now, you've touched on it, but I just wanted to allow you an opportunity to expand if there was anything else that you wanted to add.

Mr. Graff: Well, certainly we remain very concerned about the longer term impacts of the pandemic on young people and the added

sense of isolation that we sometimes hear about. We did receive an increase in the number of calls to our office through the pandemic, and we continue to receive quite a high volume of calls. We are in fact trying to be as responsive as possible given the pandemic and the circumstances that people are calling about. Often people are calling about services that are beyond the scope of what we do just because they're at a loss as to where to turn, so our referral processes have really increased – we refer to them as our general inquiries calls – but we've also become more responsive to them. Those are some of the things that happen and that we're mitigating those events with.

The Deputy Chair: Thank you.

I'm just going to move on here, but I'm going to make one quick note before I do move on. To those asking questions: please stick to a principal question and then one single follow-up. I'm sure there are lots of members that do want to ask questions, and in the interest of time we want to make sure we get through as many as possible.

We will now move on to Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair, and thank you, Mr. Graff and Ms Pelton, for being here today. I know that Albertan children are very well served by the office of the Child and Youth Advocate. You indicated that your mission is to stand up for children, and I know very much that your office does that and we're all the better for it. So thank you for your hard work, especially during this challenging year.

I'd like to ask a question about one of the special reports referenced in the annual report, which was A Critical Time: A Special Report on Emerging Adults Leaving Children's Services Care. I understand that report was issued by your office in November 2019, and the recommendations that came out of that report focused on, as highlighted by the presentation today, a few specific recommendations. They seem to be premised primarily on the continuation of the fact that the supports for financial and assistance agreements should be available to young people leaving government care up until the age of 24. There are certainly some other recommendations that are specific, of course, as well. But we know that – I think it was maybe even just two weeks prior to the issuance of this report – the government of Alberta announced that they were going to be reducing the age of eligibility for the supports and financial assistance agreements from 24 down to 22.

I'm wondering, first of all, if you can comment on whether you feel that the recommendations from this report – how they're consistent with what we know now is the government policy, which will be to reduce the number of young people who will be eligible for supports from the government, considering, as you've indicated a number of times, Mr. Graff, and many experts and those in the field have indicated, that this is a critical time for these young people, who will have, you know, been in government care, experienced trauma, and that up until the age of 24 is critical. So knowing now that the government is reducing it to 22, I'm wondering if you can comment on that, on the consistency of your recommendations with government policy.

Mr. Graff: Well, thank you for the question. It's an important question. Part of the reason that we released our report when we did – and I can tell you that to develop a report like this, it takes a considerable period of time, so we had been working on it for quite some time before the government announced their policy change. But I can tell you that our report and our recommendations are inconsistent with government policy. In my view, where it is warranted, our report should be inconsistent with current government policy when what we're calling on is for government policy to better serve young people.

I have been at this for a while, and I recall when the age was increased to the age of 24 for support and financial assistance agreements, and that was on the basis of young people describing what they needed. We released our first report on this issue in 2013, about youth aging out of care, and that was a key part of what they were interested in.

Part of the reason that we were wanting to do this report in the first place – and it preceded the government change in policy – is that there had been clear policy about how young people involved with government care were supported up until they were 18 and then there were some measures in place, but there wasn't clear policy to say: how should we expect government services to respond to young people between that age range of 18 to 24? There is certainly clear evidence that young people, by and large, are not fully evolved into adulthood by the time they're 18 years old, and for those of us that have older children, we all know that they continue to have support needs. That's especially true for young people who have spent, you know, time in government care. When we completed our report, we talked with a whole range of people, and there wasn't anybody who suggested that there was less than that age being needed in terms of the levels of support for young people.

So we released our report with the recommendations that we did. It includes some messages for policy and practice to be clearer for young people, for it to be, in fact, in place until they're 24. We believe that that's the right thing to do. There are other groups across the country that are addressing this issue as well, and there's a national group of youth in care who speaks to the issue of assessment, being able to assess the differential needs of young people as they're moving into emerging adulthood. There are young people who are prepared to leave those support services when they're 20 or 21 years old, but there are also people who may be 24 and still be really struggling and have to have some kinds of transition planning put in place to address their needs. There are lots of groups that are looking at this. I don't know of a group that is looking at reducing the ages of support for young people anywhere in the country.

The Deputy Chair: Thank you.

Ms Pancholi, a follow-up?

Ms Pancholi: Thank you, Mr. Chair, yes, and thank you, Mr. Graff, for that. I note that the annual report talks about what preceded – and you've provided a bit of an outline as well – the need to do this special report on youth transitioning into adulthood. One of the things that's highlighted in the annual report was that the need for this consideration of this specific group of young people was based on, at the time, that there was, I think it was something like – it said that there were six young people in this age group who were receiving supports under the SFAA agreements who had died in a nine-month period of time. That, obviously, highlighted that this was an area of focus and need.

9:40

We're now seeing that in the first eight months of this fiscal year, the 2020 year, 10 young people, 18 years of age and older, who were under the support and financial assistance agreement program have died, so certainly the numbers suggest that there is a growing concern around this group of young people at the same time as the government has implemented lowering the age of eligibility for these support systems. We know that the result of the change from this government will mean that 500 young people, who would have otherwise been eligible up to the age of 24, are going to lose these supports. I realize that that's also contrary a little bit to the

recommendation in the special report that, you know, young people need to be connected to the services that they need before they turn 18, the adult services.

The reason I'm providing this context is that when you're looking ahead – I note that the annual report talks about the things that you're going to be considering, looking ahead – it would seem that the numbers of young people 18 years of age and older who have died in the first few months of 2020 have increased. We know these supports are decreasing. Is this going to be, in your view, something that you will need to address going forward again? The issue of young people transitioning out of care: is this going to become a priority issue, or do you see that as something that your office is going to have to look at again?

Mr. Graff: Well, certainly, when we complete a report and release it, we continue to look at the issues that are related to the recommendations that we've made. One of the characteristics of this report is that while we saw a number of young people who had passed away and were involved with support and finance assistance agreements, we didn't just focus on those young people; we also, in our advocacy services, were attending to over a hundred young people that were struggling for a variety of reasons and required some level of advocacy by our organization. We included that group in terms of the information that we had gathered for the report.

We continue to see those young people, and, as you indicated, there has continued to be further challenges and further difficulties related to young people who pass away while they're involved with a support and finance agreement or have been involved with a support and finance agreement. Often the support and finance agreement is a measure that is one of many things that are going on in a young person's life, and some of those complexities can be what is the driver towards their tragic outcome. But it certainly is something, in terms of support and finance agreements, that we will continue to look at, both because of the number of young people that we hear about through advocacy and the circumstances that you've described.

The Deputy Chair: Thank you.

Next on the list I have Mr. van Dijken.

Mr. van Dijken: Okay. Thank you, Chair. Do you hear me?

The Deputy Chair: Yes, I can hear you. Go ahead.

Mr. van Dijken: Okay. Thank you.

Thank you for your presentation, Mr. Graff. I really appreciate the work that you're doing day in and day out to help the youth in the province that are in provincial care. You do talk in your briefing with regard to proposals for change and that you're looking to raise these areas for future consideration. I note that you're the president of the Canadian Council of Child and Youth Advocates. I think that you should be very proud that you, as an Albertan, are leading this organization and lending your expertise to the organization. I also understand that when we're looking for proposals for change, quite often there are learnings that we can have from other jurisdictions, doing cross-jurisdictional comparisons, and I'm just curious, in your role as chair of the council, what learnings you've been able to garner and possibly implement in your own practices or that can possibly be suggested and recommended as proposals for change.

Mr. Graff: It's a very good question. I should clarify that I was the president; now I'm the past president of the council. But it is a council that meets regularly and exchanges ideas and program information. We exchange policies that we've developed, et cetera.

So there are a number of areas where we've already benefited from our relationship with other provinces.

I'll give you an example of something that we're looking at that is going to take some time and that we've just started. It's that the child and youth advocate for Manitoba has just started a new system for reviewing progress on recommendations. Reviewing progress on recommendations is always a challenging kind of task because it can be quite subjective. There are some models that have come out of the U.K. and other countries in the European Union about how to review recommendations in a way that is more structured and more objective than the way that we have done it. Manitoba has embarked on that, so we're learning from them about how they've done it to try to incorporate some of that information into how we do our assessment of the recommendations. It's just one example. There are many examples of that.

In relation to the changes that we have been thinking about within our own province, one of the things that's a challenge for us in terms of the current legislation is that there are different age ranges in the Child and Youth Advocate Act for different things, and it can be a bit of a struggle to figure out kind of how to explain that to different groups who are stakeholders who want to know about that type of information.

As well, one of the things about our reviews where there's a tragic loss of life or a serious injury is that there isn't a stated purpose for our mandatory or systemic reviews in our legislation. We think that that's a very important piece that we'd like to suggest be included, primarily because when anybody who's impacted by the loss of a family member talks with us, one of the first things they ask is: "What is the purpose of your coming to talk with us? What is it that you're trying to accomplish by coming and meeting with us?" So purpose is really an important consideration for anybody who's involved in our reviews to know.

The Deputy Chair: Mr. van Dijken, a follow-up?

Mr. van Dijken: Yeah. Thank you, Chair. More a comment than a question. I just want to encourage Mr. Graff that in any proposals for change, you know, we take a look at what we're currently doing. Is there a perfect policy, procedure that continues to be perfect going forward? I would suggest not but that we continue to learn from what we're doing right but also, then, what maybe we have to do differently to aid in positive outcomes for these youth. I believe in continual discussion and always trying to search for those solutions that will help going forward and being reasonable in our thought process to understand as individuals, as a community, as government what we are doing that is helping and possibly what we are doing that is hindering the progress of these individuals.

Mr. Graff: If I can just follow up on your comments, I think they're very helpful. One of the things that we wanted to be able to do is to make sure that we had a meaningful amount of experience with the legislation before we started to generate ideas about how we might want to make some proposals for change, so it's on the basis of having a few years of working with it and trying to find those ways of resolving some of the challenges that are inherent in policy. That's really part of why we have waited until this point in time, where we're saying that we believe that with our experience, we're ready to move forward.

The Deputy Chair: Thank you.

I'll move on to Ms Pancholi again.

9:50

Ms Pancholi: Thank you, Mr. Chair, and thank you again, Mr. Graff. I want to go back to a comment that you made in your

presentation today as well as a recommendation that has come forward a number of times through the mandatory reviews into child deaths. It's recommendation 9 in your annual report, which talks about: "Children's Services should ensure there is a process for ongoing evaluation of how policy changes, assessment tools and practice frameworks are being integrated into day-to-day casework practice." I think this speaks to your comments a little bit on how you can make recommendations; however, there's a requirement to sort of implement those recommendations, and it can be challenging to assess because changes to policies and practice take time.

But I'm coming back to your comment during the presentation that government must do more to implement the recommendations that you make. I'm wondering if you could speak to what you think government needs to do more of to actually implement the recommendations that you have made throughout your reports as well as how you can assess that these policy changes have actually been made and integrated into day-to-day casework practice. I think we've seen a number of reports, not just from your office but also reviews and reports that have been done by Children's Services as a ministry when a child dies in care, that make recommendations, yet it's difficult to assess if those changes have actually made a difference or if they've actually been implemented into practice. What do you see, in your view, that government needs to do more of to implement recommendations?

Mr. Graff: Well, it's an important question. One of the reasons that I raised the issue is that we will make a recommendation at some point in time often, and the government will develop the policy to change the circumstance, provide training to staff, and in fact implement that change. Then some time later we'll review another tragic circumstance, and we'll see that the same situation arose in that one as in the earlier one. It is part of what we continue to see and what we've seen for quite some time. It's also not unusual in terms of the areas that we do our work in, where we see things repeat themselves over and over again.

One of the things that we think is critically important is that for those responsible for implementing services for young people, when we make a recommendation to them, they not only attend to the policy and the training and the practice but that they evaluate and look into and audit whether or not that practice is actually taking place for the children and families that they serve. Certainly, ministries do some of that now, but we think it's important that they, in fact, provide a more significant effort to audit and review to make sure that those changes they've implemented are embedded and are happening across their system.

Then if a circumstance comes up in a child death where we see a similar kind of situation and we raise it to the government again, we say, "Lookit, we're seeing this again." If they say to us, "We are auditing that, and we're doing it 90-some per cent of the time, and you're catching that 1 or 2 or 3 per cent in the extreme circumstance" – child death reviews are at the extreme end of a circumstance – "but because you're at that end of the extreme circumstance, that's why you are seeing it; if you want to, you can take a look at all of the ways that we've embedded that and that we've audited to know that it is happening for 90 per cent of the families," if that were the case, I'd be much more okay with that than I am today not knowing that those audits are happening or whether they are or aren't. Certainly, I know that they are in some areas, but I'm also pretty confident that they're not in others.

The Deputy Chair: Thank you.

Ms Pancholi, a follow-up?

Ms Pancholi: Thank you. Thank you, Mr. Graff. I think that's a very important piece that you just highlighted there and would speak to something that this committee could certainly recommend in its role reviewing the annual report and making recommendations to the Assembly, which is the job of this committee. That recommendation around evaluating, reviewing, and auditing would be a critical recommendation that I believe this committee could make to talk about how those recommendations are being implemented.

Mr. Graff, when you speak to, I know, the extreme situations, you're right. When it's a child death and it's usually because something has gone wrong, that's the hope, that that was a one-off, bad incident as opposed to a failure or lack of a strong policy. You know, we've seen situations very recently. For example, a young boy just a month ago in care died in a kinship home, and there are investigations. Just two months prior there had been a child death review by Children's Services, who looked at children who were injured in kinship care homes, and there were specific recommendations. It's not clear whether or not those recommendations were actually implemented, so it speaks to, I think, the same concern you highlighted here, that it's about auditing and reviewing and evaluating the implementation of policy and practice changes to make sure that that was actually a one-off and not a failure of adequate policy or practice.

I'm wondering, then: would you agree that that sort of might be a good recommendation for this committee to make, to talk about requirements for some auditing and evaluation processes? Also, might timelines be something that would be helpful, from your perspective, when you're providing recommendations to ministries to implement your recommendations? When you say that you regularly evaluate the progress every six months, is that something that you think should be mandated, that there is a requirement for a timeline by which recommendations must be implemented?

Mr. Graff: It does get a bit complicated because the recommendations that we make are not binding. One of the things that you're raising, though, is the question of accountability for recommendations. There had been submissions in the legislative review of the Child and Youth Advocate Act that spoke to the issue of government accountability for taking action on recommendations. In fact, the Auditor General's office put forward – I think they came to that committee twice to speak about the importance of a type of committee like the Public Accounts Committee is with the Auditor General. That wasn't moved forward, but the issue of accountability for government related to recommendations is an important one. It's one where, in fact, this review of our annual report, this review after we've provided our initial presentation to the standing committee, could in fact be a time where we're not just responding to you as a committee about our annual report but where Children's Services or Justice and Solicitor General's young offender branch and others who have been provided with recommendations provide you with an update as to what progress has been made and that there is a measure of accountability for those groups to the recommendations that we've made to them.

Our responsibility is not to implement those recommendations, and our legislation doesn't include a monitoring function like some other provinces' child and youth advocate legislation does. But as a measure of accountability in terms of having the capacity for there to be questions that go to government ministries about how have they implemented the recommendations that have been brought forward, this committee or the subcommittee from the standing committee could be an opportune place for that to take place.

The Deputy Chair: Excellent. Just as a quick note, in the interest of time I just want to comment to the members asking questions to try to keep the questions as short as possible. We have a list of quite a few people wanting to ask questions, so if we could just be brief and try to get to the point as best as possible.

Having said that, next on the list I have Mr. Walker.

Mr. Walker: Well, thank you, Chair Sigurdson, for giving me the floor, and thank you to Mr. Del Graff and your staff at the office of the Child and Youth Advocate for being here today. You guys, as all members have said, do tremendously important work, and we're doing important work here today as we review the 2019-2020 annual report, and that is the scope for today. I just also, Mr. Del Graff, want to thank you for the tremendous work you guys do in your core functions of direct advocacy, investigations, legal representation, and service supports. Also, congratulations on 30 years of operation. That's tremendous.

Now to my questions, and I will have a follow-up, Mr. Chair. Mr. Del Graff, given that the 2019-2020 OCYA annual report collected data pre-COVID and given that the SFAA agreement eligibility has not changed, what do you think caused the 10 per cent increase, and what do you anticipate it will be next year?

Thank you.

10:00

Mr. Graff: I couldn't tell you. I couldn't provide a reasonable response to either of those questions. Maybe I'll ask Terri if she can, but I don't have a strong sense of either, what accounts for the increase or what we can anticipate on a go-forward basis. I certainly recognize that there's a lot that we don't know about what the impact of the COVID-19 pandemic is for young people, particularly young people who are in care or involved with youth justice, but in terms of what accounts for that 10 per cent: Terri, would you have any comment about that?

Ms Pelton: No, I don't.

Mr. Walker: Okay. Thank you, guys, for your candour there. I appreciate it. But just as a follow-up: even if we don't quite understand the causation behind that increase, how are you guys accommodating potential for increases in this context to ensure that children and youth can still receive services they need? When you see a spike, you know, what sort of mechanisms do you have in place to accommodate children in such a case?

Mr. Graff: The nature of our work is that there are always adjustments that we are making in all of our program areas. So there are times of the year, for example, where there is more work in individual advocacy and other times where there is more work in education and engagement, et cetera. We make adjustments on an ongoing basis. Our programs are never static.

One of the areas where we have been most challenged is with our legal representation for children and youth program, just because of the amount of pressure that can be created from change. Unlike our individual advocacy, where we have a number of advocates and the workload can go up or down and we can manage within that, LRCY is a contracted service with a roster of lawyers, so each time a new court matter comes forward or each time there are hours of legal work that are done, that results in a direct cost.

So we have had to make significant adjustments, but that's part of the ongoing work of our office, to make those adjustments. We have not been in the circumstance where we have said: oh, we can't serve those young people that are within our mandate to serve. That's not been the situation that we've found ourselves in.

Mr. Walker: Thank you, Mr. Del Graff. Thank you, Terri. Chair, I hereby forthwith cede the floor back to you.

The Deputy Chair: Thank you, Mr. Walker. Next on the list I have Mr. Shepherd.

Mr. Shepherd: Thank you, Chair. Thank you, Mr. Graff, for being here today. It's always a pleasure to see you. I just wanted to follow up on a portion of the briefing you provided to us in which you note you're working on following up on your report from 2018, which called attention to youth opioid use in Alberta.

So following on, I guess, the line of questioning Ms Lovely had started earlier, I was wondering. Can you give us a sense – certainly, we know that during the last year of the COVID-19 pandemic we have seen sharply increased numbers in terms of opioid deaths across the province of Alberta at the same time as we are seeing some significant shifts in government policy in methods of treatment and access for those who are substance users. Have you observed anything similar, I guess, in terms of youth, in terms of an increase in the use of opioids or deaths resulting from them? Just wondering what your thoughts were on that for youth and young people during the pandemic.

Mr. Graff: Certainly, I can tell you that we hear about young peoples' use of opioids and the tragic outcomes through the notifications that come to us about the deaths of young people and serious injuries. We also hear about challenges through our individual advocacy, so it's a very unfortunate but not an unusual occurrence that we hear about, you know, another young person who passed away from opioid poisoning. I'm not quite sure of the numbers at the moment for this year, but I do know that they are substantial, and they have continued to be. We are most concerned about it, and that's part of the reason why we are doing the follow-up.

We believe that there needs to be greater attention to this issue and particularly to the issue as it applies to young people. We recognize that there is an urgent, crisis-type of response needed for adults who are dying from opioid poisoning, but there is also a very concerning circumstance for young people, both in terms of that but also in terms of the more preventive activities, the activities that are upstream from that crisis that can happen, you know, when they become adults. There are measures that can be taken for prevention that can make a huge difference for young people, and we believe that those are critically important to start and to start when young people are quite young. We've made those recommendations, as you might recall, in our report, and we want them to be able to have some more attention. It's part of the reason we're doing the follow-up.

The Deputy Chair: Thank you.

Mr. Shepherd, a follow-up.

Mr. Shepherd: Thank you, Mr. Chair, and thank you, Mr. Graff. I appreciate that, and I do look forward to the next report. I was wondering, just as a follow-up: are you also looking, then, at, I guess, forms of treatment that are available to young people? Again, we have seen a significant shift with the new government towards a large investment in recovery services. I know that that's often an option that parents explore, that youth may be looking into. In your work have you found that that's something that's often accessed by the youth you're working with, and has that generally been helpful for them?

Mr. Graff: One of the things that we have heard about, that I think relates to your question, is that when we released our first report, we spoke fairly briefly to the issues related to harm reduction, and

we have since that time heard a significant message from young people and from those who serve young people across sectors that harm reduction has to be a critical part of a continuum of service, not just for adults but also for young people, and that harm reduction – although it can be challenging for people to kind of think about, opportunities for harm reduction create opportunities for relationships, and relationships are what can lead to influence and change. Without relationships it can be very difficult for young people to engage, and harm reduction is a key way to develop relationships with young people that might be in very dire circumstances, so one of the things that we know will come forward in the follow-up report is greater numbers of people and greater attention to the question: how do we provide harm reduction services to young people who are really struggling with opioid use?

The Deputy Chair: Next on the list I have Mr. Yaseen.

Mr. Yaseen: Thank you, Mr. Chair, and thank you, Mr. Graff, for your work and presentation. I just have a quick question for you. How are you able to increase this engagement in children and youth, given that this reflects pre-COVID engagement and you were still able to complete in-person activities?

Mr. Graff: Could you rephrase the question? I'm not quite sure I understand what your question is.

Mr. Yaseen: I was just wondering. How are you able to increase this engagement in children and youth given that this reflects pre-COVID engagement and you are still able to complete in-person activities that you needed to have for this work that you are doing?

Mr. Graff: Well, our in-person activities are intermittent, so even before the pandemic we would be involved with young people and – I don't want there to be confusion. Meeting directly in person with young people, we believe, is a critical requirement for them to understand who we are and what we do, especially for younger children. They might not be able to make sense of just a virtual kind of conversation. But once we've established that relationship based on seeing a young person, then we often deal with services by telephone or through other vehicles, and we'll see young people intermittently. That's more the approach that we use, so we don't see any issue in relation to our capacity to see young people either in person or virtually as being an unusual challenge for us. It's something that we've always dealt with, and we anticipate that we always will in terms of needing to balance those demands.

10:10

Mr. Yaseen: Thank you, and back to you, Chair.

The Deputy Chair: Thank you, Mr. Yaseen. You have no follow-up?

Mr. Yaseen: No follow-up.

The Deputy Chair: Okay. Then I'll move on to Mr. Ceci.

Member Ceci: Chair, can you hear me?

The Deputy Chair: Yes, I can hear you, Mr. Ceci.

Member Ceci: Okay. Great. Thank you. Mr. Graff, I'm just wondering about the report that was done with regard to the youth justice system and thinking about the recommendations there that you have made. I think it's called the critical – no, that's the one before. The four recommendations, Care in Custody, OC spray, and segregation. Thinking about segregation experiences in Ontario that made the news, it might have been in the adult system, but clearly

the young person came through the youth justice system and died, unfortunately, in care, was left in segregation for – I can't remember the amount of time. The four recommendations and getting to the whole issue of accountability: how can we be assured that there will be follow-up from the youth justice system with regard to all of that, and what would be the ideal way for us as legislators and the public to see that take place?

Mr. Graff: It's a very good question. One of the measures that I am aware of that influences what takes place in the justice system – and it applies to adult and youth justice – is the notion of public accountability, that where there is greater public access and accountability, there tends to be more humane policy development and more thoughtful kinds of ways of approaching the challenges that are part of the justice system. When you say, "Well, how can we play a role in making sure that recommendations are adhered to?" I think it goes back to some of my earlier comments about a role that a subcommittee kind of like this could consider, which would be, you know, having the young offender branch come and talk with you about what they've done related to the recommendations, particularly around the use of OC spray, or pepper spray, and segregation.

We're very concerned about segregation and its impact on young people, and we are in discussion with the ministry on a regular basis about these matters, and we are continuing to be. We are aware of their intention regarding the recommendation about publicly accounting for the levels of segregation and the use of pepper spray in young offender centres. They are developing a process for that to take place, to have a public report about those things. But we still have to have the discussions about: well, what's exactly included? Are we talking just about the administrative segregation, which is kind of one type of segregation, amongst which there are others as well? Those conversations are ongoing.

In terms of accountability the two areas where our recommendations were clearly asking for public accountability were related to segregation and the use of OC spray. The other one was with respect to complaints that were made in the facility. If a young person had a complaint that they were concerned about, we wanted to have the system have an impartial review process that included external stakeholders, that included people from outside the facility, that didn't just end up being on the director's desk and the director being the final decision-maker, which is the way that the current policy is now.

Member Ceci: Just a brief follow-up if I could. Thank you for that. Do you know if any of the four recommendations here have been addressed? That's one.

Just in follow-up, you talked about the Public Accounts Committee, that the Auditor General uses. Are you aware of the office of the Child and Youth Advocate ever having a standing subcommittee like Public Accounts where they can speak to accountability issues with departments?

Mr. Graff: I'm not aware of that taking place in Alberta in terms of a standing committee, but I do know that some other provinces make use of that. The one that comes to mind is British Columbia. They have a Select Standing Committee on Children and Youth, that is much broader than just the children's advocate. It's a committee that looks at a range of children's services. I'm not sure whether or not there are others. I am quite confident that there hasn't been one in Alberta that I can recall.

In relation to the recommendations one of the things that we have identified is that since our report was released, there has been a reduction in the use of pepper spray, or OC spray, in facilities, quite

a significant reduction. We're not sure if that's the result of a policy change or if it's the result of some other measure. But we do know that we receive notification when there are incidents of OC spray, and we have recognized a reduction there.

They have made some progress in terms of developing some frameworks for how they're going to implement policies. But we don't see what we believe would be a sufficient response, so we're in discussions with them. I think we have a meeting that's scheduled imminently to talk about that very issue. We want to see more significant activity related to these recommendations.

Member Ceci: Thank you, sir. Keep it up.

The Deputy Chair: Now we have Mr. Rutherford.

Mr. Rutherford: Thank you, Chair. My question is quite brief. I'm just looking at page 51 of your report. You have 23 accidental deaths, but your description of accidental includes overdoses. Is that a fair way to describe or to lay out how these young people have died? Should overdoses not be a separate category?

Mr. Graff: I'm not sure if it should be. These categories are taken from other organizations that use these types of definitions. Overdoses happen in a whole bunch of different ways. Some of them are accidental in terms of that there is no intention to overdose. Others are a result of someone trying to take their own life through suicide. There's a range of different impacts or reasons that overdoses might differ from each other. I really don't know what to say other than that's how we've categorized it, and we've included it in the description so that there is some recognition that it is part of that umbrella of accidental.

The Deputy Chair: Mr. Rutherford, a follow-up?

Mr. Rutherford: No. You know what? Actually, Member Ceci asked about the young offender questions. I got my answer through that, so that was it.

Thank you.

The Deputy Chair: Thank you.

Next on the list we have Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair, and thank you, Mr. Graff. I want to ask a question about one of the recommendations that came out of the mandatory reviews into child deaths from April 1, 2019, to September 30, 2019, and that's recommendation 10, which talks about:

The Ministry of Community and Social Services should ensure that the Family Support for Children with Disabilities (FSCD) program pays for services upfront and provides key workers, who help with accessing resources and supports, to families facing financial and social barriers.

It's a recommendation, clearly, around ensuring that young people and children and their families have access to FSCD. We know a significant challenge for children in care is accessing appropriate supports through FSCD.

10:20

I'm wondering, Mr. Graff, if you can comment a little bit on the fact that – as you may recall, of course, the changes to your role in mandatory death reviews came as a result of the Ministerial Panel on Child Intervention, which had an action plan which detailed changes to the Child and Youth Advocate Act. One of those action plans that also came out of that panel was, you know, increasing supports to children with complex needs, improving service delivery for children and youth with disabilities and their families,

and these were specific actions that were supposed to be completed by the end of September 2020.

So in assessing the progress that may have been made on implementing some of the recommendations that came out of your mandatory death review, I'm wondering – if the ministerial panel action plan is being implemented as the government has indicated it is, there should have been work that had been done during the time period of this annual report to increase access to FSCD for children with complex needs and children with disabilities. Does your office play a role when you're assessing the implementation of those recommendations in assessing what progress has been made in improving access to supports for children with disabilities? I'm wondering if you've seen progress on this specific recommendation, again knowing that you can only make recommendations and that the implementation is the responsibility of the government. You know, there should be work that has been done to increase access, and I'm wondering if you have been part of that work or can comment on what you see in terms of implementation.

Mr. Graff: Certainly, we have had occasion to be informed by that work. I'll ask Terri to speak to that in just a moment if she can, but one of the things I did want to mention is that the recommendation that you're referring to is really a result of a family circumstance where the family was being expected to pay for services and then be reimbursed, and because they were challenged, you know, to both find the services and pay up front for them, they ended up not being able to access the services that they really needed. So the recommendation is suggesting that, in fact, the services that should be in place for families should be paid for up front as opposed to having to use their own money when they may have financial challenges and then wait for reimbursement. That's really what the circumstance was that your recommendation emerged from.

Terri, can you speak to the question of the progress, if you will, between child intervention and FSCD services in terms of the co-ordination of them?

Ms Pelton: Sure. I'm not a hundred per cent on this, but I do know that they have an interministry committee that is looking at co-ordination of services. They are trying, but I don't know that we have a current update on where it's at. I do know they are trying to co-ordinate services better, but we are still seeing that there needs to be more done.

Mr. Graff: We do continue to see challenges with it, and I don't expect that they're going to end soon. There may be progress points, and we could provide you with an update. All it takes is for us to ask the question, and I could provide that to the committee if it would be helpful.

Ms Pancholi: Yeah. Thank you. I think that would be very helpful.

As a follow-up, Mr. Chair, I just want to clarify that I'm hearing correctly. I realize that this specific recommendation was around making sure that families don't have to pay up front for access to those services because it is a huge barrier for many of those families to do that. You're saying that you're not sure any progress has been made and a change on that front, right? With respect to – there's been no shift in policy that said that families no longer have to pay up front, maybe even a special exception for children in care or families involved in the child intervention system. You're not aware to date of any change with respect to that practice. Is that correct?

Mr. Graff: I'm not aware of funding that has happened systemically. I know for sure that ministries make exceptions in exceptional circumstances. I know that that takes place, but it may be kind of

an occasional occurrence or maybe like an often-used occurrence. I couldn't tell you at this moment in time.

The Deputy Chair: Thank you.

I'll now move to Mr. Horner.

Mr. Horner: Thank you, Chair, and thank you, Mr. Graff, for all the important work that's being done in your office. Most of my questions have been answered. Thank you for being so generous with your time this morning. Maybe just quickly you could break down a comment from your report where I read, "Further refinement is required for the collection and reporting of systemic issues in this performance measure." I was wondering if you could break that down for me, how that would potentially be achieved.

No follow-up, Chair.

Mr. Graff: I'm not sure how to respond. Can you provide a bit more information as to what you're referring to, and I'll reference it with my documents here?

Mr. Horner: Well, I remember reading it and writing it down, the comment about refinement on the collection of the reporting in the systemic issues. It's just that I was seeking clarity. I didn't really follow, so I was hoping that you could break that down, what that potentially would look like. It's on page 60, Mr. Graff.

Mr. Graff: Oh, yes. Some of our performance measures have produced better information than others in terms of the way that we collect information and what we do with it. For example, in the earlier performance measure one of the things that we did was that we do surveys of young people who have received our services, and we could tell you that 94 per cent of over 500 young people indicated that they received respectful, timely, and responsive services from our organization. Now, when 94 per cent of over 500 young people tell us that, that's a pretty important performance measure.

On the one that you're referring to, where it speaks to, "The Legislature, government, and other stakeholders are informed of, and relevant stakeholders are asked to respond to, identified systemic issues," our target is 100 per cent and our performance is 100 per cent, because what this is actually about is us having conversations with the ministries and other public services to make sure that they are aware of our recommendations. When we talk about refinement, what we're talking about is the need to further refine how we have a goal that we're reaching for in relation to that, not one that's a given. This one feels like a given to us, which is why we made that statement. I hope that makes sense.

Mr. Horner: That does.

Nothing further, Chair.

The Deputy Chair: Thank you.

I have nobody further on the list, so if there are no further questions, I would like to on behalf of the committee and everyone in attendance thank Mr. Graff and his colleagues for all your time today and being so generous with your time and answering all the questions. Your effort in support of this committee's work and on behalf of children and youth in Alberta is greatly appreciated. Thank you, Mr. Graff.

Mr. Graff: Thank you very much.

The Deputy Chair: We're now at a point where I think it's appropriate, seeing that the clock is 12:30, that we will take a quick ...

An Hon. Member: 10:30.

The Deputy Chair: Or 10:30. I missed a couple of hours there.

Seeing that it's 10:30, we're about halfway through the meeting. I think it's an appropriate time that we take a quick 10-minute break to allow people to grab a drink of water or hit the bathroom. It is 10:30 now. We will reconvene at 10:40, if I can get that right.

Thank you.

[The committee adjourned from 10:29 a.m. to 10:40 a.m.]

The Deputy Chair: Thank you. It is now 10:40, and we are reconvening. We are now, for the members in attendance, on agenda item 5(c), discussion on reviewing the annual report. Having had the opportunity to review the office of the Child and Youth Advocate annual report 2019-2020 and having been briefed by the advocate on the report, this committee must now decide what is next in terms of this review.

Does anyone have any thoughts in this regard? I recognize MLA Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I'd like to move a motion if I could.

The Deputy Chair: Yes. Proceed.

Mr. Rutherford: I would move that

the Standing Committee on Legislative Offices (a) conclude its review of the office of the Child and Youth Advocate's 2019-2020 annual report without making any recommendations and (b) direct research services to prepare a draft report on the committee's review of the office of the Child and Youth Advocate annual report 2019-20 and authorize the chair to approve the report after making it available for committee members to review.

I think we've gotten valuable insight from the youth advocate, Mr. Del Graff, and we've had a chance to go through a lot of different questions with him, get answers and insight, which I think has been helpful. We also have a list of recommendations that he has provided independently. There's always opportunity to follow how those recommendations are being implemented, but I think our job right now is to basically review and approve the annual report as we've received it. Keeping it within that scope, that's why I have moved this motion.

The Deputy Chair: There is now a motion that has been made by MLA Rutherford, that I do believe is up on the screen now. Is there any discussion in regard to this motion? Mr. Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I do have some remarks to make, but first I just wanted to clarify a couple of points. Can you just clarify for me: when was the deadline to submit motions for this committee for this meeting today?

The Deputy Chair: One sec. I will check, Mr. Shepherd.

Friday at 3 o'clock.

Mr. Shepherd: Thank you.

I guess, perhaps directed to the committee clerk, then, could you just clarify: when were the presentation materials for the committee provided to the members?

Ms Rempel: I believe the presentations from Mr. Graff were provided on Monday.

Mr. Shepherd: Last Monday?

Ms Rempel: Yesterday.

Mr. Shepherd: Thank you, Clerk.

So prior to hearing from the advocate, prior to seeing the presentation of the office, the UCP members of this committee, it seems to me, had likely already decided the outcome of this meeting. They'd already decided that they were not going to proceed with any further discussion. They'd had a week, frankly, Mr. Chair, and this motion would have had to be in by Friday, so they literally had decided in that time that there was nothing further that needed to be discussed on any matter regarding this report from the Child and Youth Advocate.

I want to be clear, Mr. Chair, on how we came to have this process in place. Now, this legislation was changed to include an annual review of the annual report. It was intended to improve the effectiveness of the office following a substantive review process with multiple stakeholders and members of the public and indeed, to be clear, members of the opposition at that time, who now sit in government today, some as ministers. They engaged in an extensive process. They were adamant repeatedly on the record about the need for there to be greater scrutiny on behalf of the people of Alberta and indeed at great length about the impact these decisions have on the youth of Alberta, who Mr. Graff serves and has served so admirably.

It was clear from those members, Mr. Chair, and from hundreds of Albertans who participated in that process that the system was broken, that there were real issues that needed to be addressed, and that indeed there were gaps and failings in ensuring that the incredibly important reports that are put forward by Mr. Graff are properly reviewed, are genuinely considered, and indeed are done so in depth to ensure that the important recommendations that he puts forward are given due and proper consideration, are considered in depth so that government at all its levels, those of us who are elected officials and those who work in the public service, are held to account for the work that needs to be done to follow through on these recommendations and indeed to better protect the very lives of youth and children in the province of Alberta. This is an office that advocates for some of the most vulnerable in our province, for the services they need to keep them safe, an office that reviews all of the deaths of children in care, which all of the members of this committee and Albertans know there are far too many of. All of that was actually determined before the final recommendations of the Ministerial Panel on Child Intervention.

We know that from the last time this committee met to review this report, perhaps we could already see the direction that members of the government were going to be going. We for the first time had the opportunity to actually delve into and follow through on that procedure that was put in place after much deliberation, much testimony, much consideration, and indeed changes in legislation. We had our first opportunity to actually dig into that report. In fairness, the chair at that time brought forward a good process, relatively speaking. We had a subcommittee that was put in place that allowed us to generally have the debate. We had to push back as opposition members to ensure that we actually had a voice and could actually have any influence on that subcommittee. That subcommittee brought forward some very clear recommendations on specific areas to look into, and then we proceeded with that work.

Now, government members chose, once that was established, to try to curtail that work as much as possible, to shorten it and try to duck out of the opportunity to look into these things and indeed to do the work that we are given as elected members. To be clear, Mr. Chair, our work does not stop at the Legislature doors; it also takes place here in committee. It does not stop when we pass legislation. It continues in reviewing that legislation and the impacts and in this committee working with the officers of the Legislature.

We had the opportunity there to set the standard for what this process was going to look like, and while government members may have chosen, in our view, to curtail that work sooner than we would have liked, it pales in comparison with what we are seeing here today, with government members essentially saying that they are not interested in doing any actual work on this committee, that they are interested, as it seems is so common with this government, in fulfilling the briefest of the letter of the law while entirely ignoring the spirit and intent.

I'm disappointed, particularly when we heard from Mr. Graff himself today on a number of areas which he himself stated this committee would be well equipped in this process to delve into. He said that a role that a committee like this could consider is hearing from people in youth justice, young offenders, about their progress in adopting his recommendations. That was a direct statement from the Child and Youth Advocate here today, that that would be an excellent role for this committee to take. But government members, before we even got in the doors, put a single motion forward saying: yeah, after a couple of hours of work we're done. That's the only motion they put forward, before we had even heard from Mr. Graff, before we had any idea of how he would follow up on his reports, what he might bring forward, or any information that might come forward from the questions that were put forward to him today. This utter lack of curiosity even from these members, Mr. Chair, is just – I'm astounded.

Having seen that that was the government's motion that they intended to bring forward, I also put forward an amendment, and I would like to move that amendment now.

10:50

The Deputy Chair: Yes. Please proceed.

Mr. Rutherford: Mr. Chair, I have a question. When was the amendment submitted? Just to make sure it's on the right timeline.

Mr. Shepherd: It wouldn't be on the paper if it wasn't legal.

The Deputy Chair: Yes. Just one sec. I'll clarify.

Yeah. This was an amendment that was submitted in the correct time frame, so it is valid.

Mr. Shepherd, please proceed with proposing the amendment.

Mr. Shepherd: Thank you, Mr. Chair. Of course, this amendment was on the website as having been submitted on time if members had chosen to review it.

My amendment: I move that

the motion be amended (a) in clause (a) by striking out "without making any recommendations" and substituting "after hearing a presentation from the Ministry of Children's Services at the committee's next meeting and completing deliberations on all aspects of the annual report that committee members wish to discuss" and (b) in clause (b) by adding "following the conclusion of the committee's deliberations on the annual report" after "annual report 2019-2020."

Now, Mr. Chair, I think I've been pretty clear about why I'm moving this amendment, but even as I was reading it, I was again just struck by the fact that the government moved a motion without having heard a single word from the Child and Youth Advocate's presentation . . .

Mr. Rutherford: Point of order.

The Deputy Chair: Mr. Shepherd, one sec. A point of order has been called by MLA Rutherford.

MLA Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. Under 23(h) and (i), I moved the motion after hearing the presentation in this room from Mr. Del Graff, not before. I just want to make sure that that's clear. It basically makes an allegation against another member and imputes a false or unavowed motive against another member.

The Deputy Chair: Thank you, MLA Rutherford.
MLA Shepherd, any rebuttal to the point of order?

Mr. Shepherd: Let me clarify my comment, Mr. Chair. My intent was to say that the government introduced this motion for possible movement in the committee before having heard a word from the Child and Youth Advocate. I will recognize that the motion itself was not moved until after.

I would also note, Mr. Chair . . .

The Deputy Chair: Just to clarify, just so we can finalize the point of order, at this point in time are you saying that you withdraw your comments in regard to . . .

Mr. Shepherd: I withdraw any suggestion that the motion was moved before hearing from the Child and Youth Advocate, Mr. Chair.

The Deputy Chair: Thank you. Please proceed, Mr. Shepherd.

Mr. Shepherd: So, to be clear, this was the sole motion the government introduced. Right? No other motion was introduced by the deadline, no other recognition that perhaps they would wish to do anything other than, without making any recommendations, call the work of our review on this report done. It's astounding to me, Mr. Chair. So we are moving this amendment because, indeed, on seeing the government motion, we immediately knew that we would want to have the opportunity, being committed to doing the actual work of this committee, to give us the chance to delve deeper and to do at the very least what we did in the last committee opportunity that we had for the initial review of a report from the Child and Youth Advocate, to at least hear from Children's Services, the ministry which is largely tasked with following through on the recommendations of Mr. Graff, and hear their perspectives on the issues he might raise.

I think we heard a number of things from Mr. Graff today that it would serve well to have some follow-up on at the very least. Let's be clear, Mr. Chair. This is the least due diligence. Well, I suppose what the government members are actually proposing would be even less, but this would at least rise to the level of what we accomplished in our first meeting.

Let me be clear, Mr. Chair. I am deeply concerned about the precedent that is being set here. This is only the second opportunity that this committee has had to follow through on this significant recommendation and change to legislation. If this is the standard these government members intend to set, I think that is highly problematic for our due diligence and our accountability on behalf of the people of Alberta.

That said, I think I've made my views pretty clear. I imagine some other members have some comment to make on the amendment. I'll yield the floor.

The Deputy Chair: We have an amendment that is now up on the screen. Is there any further discussion with regard to this?

Member Ceci: Mr. Chair, if I could get in.

The Deputy Chair: Yes, Mr. Ceci. I do have on the list ahead of you Ms Pancholi.

Member Ceci: Who I think is ceding to me, sir.

The Deputy Chair: Thank you. Then proceed, Mr. Ceci.

Member Ceci: Thank you very much, Chair Rutherford. I apologize. I want to speak to my colleague MLA Shepherd and to certainly support him, but I do have a subamendment I would like to put. But before I do that, I too have concerns that the motion moved by MLA Rutherford says that this committee conclude its review of the office of the Child and Youth Advocate's report, et cetera, et cetera, et cetera. I would argue that we've just heard one part of the review, one-half, if you would, of what's necessary to understand the implications of the recommendations on other ministries that the Child and Youth Advocate has identified as being targeted to address the recommendations.

So I would agree with MLA Shepherd, Mr. Chair – sorry for misnaming you earlier, Mr. Sigurdson – that we need to go further to really understand if the recommendations have had any significant weight to change processes and procedures in the two ministries that have been identified here, both the Ministry of Children's Services and the Ministry of Justice and Solicitor General.

That brings me to my subamendment, and I recognize there are procedures for this that you need to follow up with. I would say that this amendment would add five, six words to MLA Shepherd's motion here, and it would be, of course, to say that after "the Ministry of Children's Services" I would put

and the Ministry of Justice and Solicitor General

and then continue with the rest of it, "at the committee's next meeting," et cetera, as the Child and Youth Advocate mentioned both ministries as targets for recommendations in his reviews. We certainly need to understand if there is any follow-up.

The Deputy Chair: Mr. Ceci, I apologize for cutting you off at this point in time, but you've proposed a subamendment that would require a majority vote of this committee to proceed to discussion. There is no discussion at this point in time on the subamendment, so I'd have to put it to the committee. Upon a majority vote we can then add the subamendment and then move forward with discussion on this issue.

Member Ceci: Yes. That's fine, Mr. Sigurdson. I can call for a recorded vote at that point.

The Deputy Chair: At this point in time . . .

Mr. van Dijken: A clarification. I'm not sure how I'm supposed to find where the motion is up on the screen, where the amendment is up on the screen, where the subamendment is up on the screen. Doing this remotely, it becomes difficult to truly understand, without having it written in front of me, what's being proposed. You know, MLA Shepherd talked about that the motion was available to us previously on the website. I'm on the committee portal, and I'm not finding it anywhere there. I'm having difficulty, then, following along. So if somebody could point me to the place where I can actually see the motions, the amendments, the subamendments, that would be very helpful for me.

The Deputy Chair: Yes. Just one sec, MLA van Dijken.

At this point in time – I'm just being advised – I'm going to call for a five-minute recess just to discuss getting you access to the information so we're sure that everybody remotely can access and look at this before we proceed to a vote, which I think is reasonable. At this point in time it is 11 o'clock. We will reconvene at 11:05.

[The committee adjourned from 11 a.m. to 11:05 a.m.]

The Deputy Chair: Thank you, everyone. Just on review now with Parliamentary Counsel, they have advised me that Mr. Ceci's subamendment is in order and is allowable for discussion without a vote. I'd like to apologize to Mr. Ceci and thank him as well for his patience. The last five minutes allowed us to get a rough draft of his subamendment to the other members remotely so they can see and view that. I will turn it back to Mr. Ceci to proceed.

Member Ceci: Thank you very much, Mr. Chair and the staff who are helping you, for that clarification. It's straightforward and simple, because there were two ministries referenced, to add the second ministry in MLA Shepherd's motion as a subamendment. It says right now "the Ministry of Children's Services," and I would just say, "and Ministry of Justice and Solicitor General." I recognize that calling the question is the next step. Thank you. I ask for a recorded vote.

The Deputy Chair: Thank you, Member Ceci.

Is there any further discussion on this subamendment? Mr. Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I would simply note that I would be in support of this subamendment. As I noted earlier, Mr. Graff himself, today at this committee, noted that it would be a good use of this committee's time and, indeed, a role that it could play to follow up on his recommendations in terms of youth justice and, in particular, the use of OC spray. I would be happy to support this subamendment.

The Deputy Chair: Is there any further discussion? MLA Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. I just want to state for the record, as I look at Government Motion 51, "that the 2019-2020 annual report of the office of the Child and Youth Advocate be referred to the Standing Committee on Legislative Offices for review," that we are reviewing the annual report. I don't want to get into a position, personally, where it seems like I'm trying to in any way interfere with an independent office, so I don't think it's appropriate, at this point, to utilize this motion to bring in different ministers. That doesn't mean they can't be questioned by this committee at different times or in different ways, but we're trying to deal with the annual report of the Child and Youth Advocate.

That's the report that we're reviewing, and having listened to some of the conversation around the initial motion, the amendment, and now the subamendment, I'm not hearing additional questions for the Child and Youth Advocate, and that's the annual report that we're reviewing here.

The Deputy Chair: Thank you, Mr. Rutherford.
Mr. Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate Mr. Rutherford's thoughts on that. I would counter that indeed we are tasked with reviewing the report. Reviewing the report means understanding the full context in which the report exists. It means looking at all of the aspects on which it touches. I would disagree with Mr. Rutherford that the only person who can provide any perspective on the information that's provided in the Child and Youth Advocate's annual report is the Child and Youth Advocate himself.

I would say that all of those who are touched on by the report and who are impacted by the report and the recommendations that are referenced in the report could all provide valuable information depending on the specifics of what are being considered from that

report. I, personally, find Mr. Rutherford's view incredibly reductive, and I have to fundamentally disagree.

The Deputy Chair: Just to clarify, too, we are in discussion on the subamendment, which is, of course, on the screen, and it is the inserting of "and the Ministry of Justice and Solicitor General" after "Children's Services," so I would just make a comment, everybody, to direct their direct discussion at this point in time to the subamendment.

The next individual that I have on the speaking list is Mr. Walker.

Mr. Walker: Thank you, Chair. I think we are wildly off the mark here with regard to this subamendment and even the one that followed. Speaking directly to this subamendment and echoing a lot of the comments of my colleague MLA Rutherford, committee members, through the chair: we are here discussing the report that covers the period of April 1, 2019, to March 31, 2020, and specifically to Member Ceci's amendment. It would not be appropriate to invite Children's Services and Justice or any other department to this committee with the specific focus that it has, which I mentioned.

The office of the Child and Youth Advocate, my fellow committee members, must be free to operate entirely free of government intervention or bias. Member Ceci is a former minister of the Crown, and Member Shepherd is now a two-term parliamentarian. They know better.

Mr. Chair, I just wanted to make that clear, that we need to get back to the business at hand, which is reviewing and approving this report. Again, the office of the Child and Youth Advocate has to be wholly free of politicization, and this would not be appropriate.

Thank you.

The Deputy Chair: Thank you.

Next on the speaking list I have Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. I'm a little confused after Member Walker's most recent comments because I would assume he has actually read the annual report and listened to the presentation provided by Mr. Graff in which the annual report deals specifically with recommendations to the Ministry of Justice with respect to their OC spray and segregation report that was within the time frame of the annual report that is before this committee right now for review as well as containing a number of other reports that make specific recommendations to the Ministry of Children's Services.

Certainly, we have precedent from a number of different circumstances where committees of the Legislature have reviewed annual reports by independent offices of the Legislature and have invited and heard from ministries who are affected by the recommendations made by those independent offices, and this is no different. In fact, when this review first took place a year ago on the previous annual report of the OCYA, we did hear from other ministries. We did hear from the Ministry of Children's Services. Certainly, the precedent is there.

For the reasons that Mr. Ceci has outlined, it's very clear that the Ministry of Justice has some clear recommendations that were made as a result of that report on OC spray. Mr. Graff, today, spoke very eloquently to the fact that hearing from the members of that ministry, specifically with respect to the youth offenders act, would be very helpful for this committee in understanding the annual report that was provided by the OCYA, so I stand in support of Member Ceci's subamendment.

The Deputy Chair: Thank you.

Is there any further discussion on this?

Member Ceci: I'd just like to – sorry I'm jumping in late, Chair Sigurdson. Just to conclude, if I might.

The Deputy Chair: Proceed, Mr. Ceci.

Member Ceci: Thank you. The subamendment, I think, is in order. We definitely saw the report from the advocate talk about two specific ministries. Regrettably, my colleague MLA Shepherd didn't include the one that I'm putting now, and I think it's a small matter to use this in a subamendment opportunity.

I just want to underline what the advocate said several times in comparing the Auditor General's processes. He talked about Public Accounts Committee, where the Auditor General is held to account and has to go and speak, but that committee also has the ability to call other ministries and ministers before it to explain the recommendations and what they are doing to address those.

We've only gone part of the way of understanding the impact of the advocate's recommendations, and it's necessary to find out what impact those recommendations have made because we're not just talking about small matters here. We're talking about very serious quality of life issues for children in care or children who connect with the advocate's office to the extent that we're also looking at unfortunate deaths in care.

These are matters that need to be followed up with. I don't want to interfere. I want to understand if things will be different going forward, and the advocate can't give us the complete understanding of the impact that his recommendations would have because he's not in charge of the processes and procedures after making the recommendations.

11:15

That would be my recommendation, to vote in favour of the subamendment. Please call the question, a recorded vote, to support the amendment by my colleague MLA Shepherd.

Thank you.

The Deputy Chair: If there is no further discussion on this subamendment proposed by Mr. Ceci, I will continue with proposing the question. All those in favour of the subamendment proposed by Mr. Ceci, please say aye. All those opposed? That appears to be defeated.

Moving back to . . .

Member Ceci: A recorded vote, sir.

The Deputy Chair: Yes, Mr. Ceci. We will move to a recorded vote, starting with those in the room, and then I'll move to those who are online. Starting to my right, how do you vote?

Mr. Horner: No.

The Deputy Chair: Oh, sorry. State your name and how you vote.

Mr. Horner: MLA Horner. I vote no.

Mr. Rutherford: MLA Rutherford. No.

Mr. Shepherd: MLA Shepherd. Yes.

Member Loyola: MLA Rod Loyola. Yes.

The Deputy Chair: Now I move to those online. Please state your name and how you vote.

Mr. Yaseen: MLA Yaseen. No.

Ms Pancholi: Rakhi Pancholi. Yes.

Mr. Walker: MLA Walker. No.

Member Ceci: MLA Ceci. Yes.

Ms Lovely: MLA Lovely. No.

Mr. van Dijken: Van Dijken. In favour.

The Deputy Chair: At this time we have a tie – it is five to five – in which it is my responsibility to break that tie. I vote no. MLA Sigurdson. No.

That now being defeated.

Mr. van Dijken: Can I have a clarification, please, Chair?

The Deputy Chair: Yes. Please go ahead.

Mr. van Dijken: You know, I see no substantive problem with adding another ministry to the amendment. I would suggest that the chair ruling against the subamendment would not be – like, I understand that you have that power, but I also understand that in the spirit of progress here, we need to be able to hear all voices. I think maybe it can be reconsidered on your position.

The Deputy Chair: The vote is cast, so that has actually already been decided, MLA van Dijken.

We are back on the amendment proposed by Mr. Shepherd. Is there any further discussion on the amendment by Mr. Shepherd? Mr. Shepherd, please proceed.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the thoughts of Mr. van Dijken. Indeed, fairly easy, if the government wishes to vote down the amendment, to simply add the subamendment and then allow it to be voted down. That said, that's aside. We are back to the main amendment.

There have been accusations from government members that us bringing forward this motion is interference in the work of the Child and Youth Advocate, that it is politicization. What I would say, first, Mr. Chair, is that I will not take any lectures about politicization from members of the government, who passed legislation to fire the elections commissioner that was investigating their own leadership race. I will not take lectures from them about respect for legislative officers.

That said, this is not interference into Mr. Graff's work. This committee exists for the purpose of interacting with and working with the legislative officers, of reviewing their work, of looking at their budgets and business plans, interacting with – we are in no way telling Mr. Graff what he should do. We are in no way giving him instruction by inviting Children's Services to provide additional perspectives on the issues raised in Mr. Graff's report, by the consideration, which has been voted down, of inviting Justice to do the same. That is doing due diligence, seeking additional context and information, doing our job as representatives of our constituents and indeed all of the people of Alberta to ensure we fully understand the report and indeed then, based on that, to make recommendations.

Now, of course, the government has indicated today that they feel no need to make any recommendations whatsoever. It seems they were fairly confident of that before we even entered this room. But this is not interference or politicization. However the government wishes to cover for their actions today, those accusations clearly ring false.

The Deputy Chair: Is there any further discussion, to the government side?

Seeing none, moving to Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. I'd like to speak in favour of my colleague MLA Shepherd's amendment that's been put forward and is being discussed right now. As I mentioned earlier in my comments, the first time that this annual report by the Child and Youth Advocate was reviewed was last year, and at that time this committee did hear from the Ministry of Children's Services.

It is absolutely clear that the Ministry of Children's Services bears primary responsibility, as we've identified, not sole responsibility but primary responsibility, for implementing the recommendations made through the office of the Child and Youth Advocate. We know that because of the specific focus of the advocate on children in care and young people transitioning out of care, Children's Services is primarily affected. So it is almost, to me, dumbfounding why we would not want in this committee to hear from the ministry responsible for that.

Frankly, I would imagine that members of the UCP caucus, particularly the Minister of Children's Services, should be proud to stand up and hear from the Ministry of Children's Services, about the work that they are doing, and if they are not proud, perhaps that's why they don't want to hear from Ministry of Children's Services.

But it goes without saying that it is a clear function of this committee to hear about the implementation of the recommendations from the office of the Child and Youth Advocate. In fact, we heard very clearly from Mr. Graff this morning that accountability is a key issue for his office. He's identified that he believes that government needs to take further action to implement the recommendations that are made, and he identified that evaluation and review and assessment of the implementation and policy and practice of the recommendations made by the advocate's office is a concern, and it is something that, as he said, goes to the heart of accountability to ensure that Alberta children and Albertans have full transparency around the protections and measures that are being taken to ensure the safety and health of children in care.

It is, to me, absolutely – it is clear as day that we should be hearing from the Ministry of Children's Services to see their response to the recommendations that have been made by the advocate.

I also want to highlight for the members of this committee that a mere few days ago the Premier of this province stood up and talked about how his government and his caucus needs to take greater accountability, needs to demonstrate a renewed commitment to ensuring public trust. That is the primary focus of doing this kind of a review in a committee. The reason why the legislation was changed in order to allow for the review of the annual report of the advocate was because there was transparency and accountability that was needed with respect to children in care. This government has a lot of work to do to regain Albertans' trust right now, and certainly shutting down any discussion or transparency from within their government ministries as to how these recommendations are being implemented only hinders that public trust further.

Thank you, Mr. Chair.

Mr. van Dijken: Chair, can I get on the speakers list?

The Deputy Chair: Yes. Mr. van Dijken, I have Mr. Walker right now, and then I'll proceed to you. Thank you.

Mr. Walker.

11:25

Mr. Walker: Thank you, Chair Sigurdson. I will be speaking in strong opposition to Member Shepherd's motion here before the floor. Mr. Chair and my colleagues, I see no reason to deliberate further, having no further recommendations. I am quite dumbstruck by the opposition members, including we have the shadow critic for

Children's Services here today. They are missing the mark here on the scope and the purpose of the committee. Once more, anything outside the time frame of April 1, 2019, to March 31, 2020, and not directly discussed in the contents of the report is out of the scope for discussion today. As well, as per Member Shepherd's motion, anything in addition, including bringing in stakeholders, in this case the Ministry of Children's Services, would be a deviation from the original intent. Again, I can't believe – I feel the opposition members are confused on the intent of this committee.

Also, going back further to last year, Mr. Chair, Children's Services appeared and the office of the Child and Youth Advocate, again operating independently of the Alberta government. On January 20, 2020, in the opening remarks for the Ministry of Children's Services' technical briefing, a ministry official, Ms Lajeunesse, said in *Hansard* the following:

This is a unique opportunity for us to present to you today as the advocate operates independently of the ministry. We actually have no input into the annual report that we're here to discuss, nor would we want to have any input. The independence of the advocate is an important structural component of the system.

Mr. Chair, once more, I see this as grossly outside the scope of our intent today, which is to review and approve the report as is, agreeing with Mr. Rutherford. You know, they're either confused – the opposition are – or they are politicizing this, and if any member interprets that as a lecture, so be it. I am strongly opposed to this amendment by Mr. Shepherd.

Thank you.

The Deputy Chair: Next I have MLA van Dijken. Please proceed.

Mr. van Dijken: Yes. Thank you, Chair. I will be voting against the amendment as proposed. I believe that it goes outside the scope of what we are called to do in this committee under Government Motion 51, and that's a review of the annual report from the office of the Child and Youth Advocate. In our review we review the information that has been in our hands since late November, beginning of December. We take a look at what's in the report, and if it meets our understanding and our acceptance, we proceed with advising the Legislature with a report so identifying that we are comfortable with the report as presented.

You know, like, at the end of the day when I open up the annual report, in the annual report we see – I'm just trying to open it here now – the recommendations that are within the report, and these recommendations, by our approval of the report, then go the next level towards government to say: okay. What members of the opposition have put forward here is that it's important that these recommendations go to government for review.

One thing that we also understand and were briefed on this morning by the officer was that they see a general improvement in the acceptance of recommendations by government. I'm happy to report that government is receiving these recommendations from the officer and is identifying where there is need for improvement and where we can do better by the youth in this province that we are charged to be properly overseeing. I look at the acceptance of the report as the acceptance of the recommendations, so I believe that the amendment is not necessary. I believe that the report is complete and that the recommendations will go forward to government as put forward in the report.

Thank you.

The Deputy Chair: Is there any further discussion on the amendment proposed by Mr. Shepherd? Mr. Loyola.

Member Loyola: Thank you very much, Chair Sigurdson. I've been observing and listening to the debate going back and forth, and

I just have to state how frustrated I am. Having the experience of having chaired the Standing Committee on Resource Stewardship – I could give you the example of the Property Rights Advocate – when we had reports done to that committee, we would bring in people from different ministries. It's not unprecedented. Members from our side have already stated that on the previous report of the office of the Child and Youth Advocate there were also presentations done by ministries, specifically Children's Services.

I have to say that I'm incredibly frustrated by how the members of the government caucus are acting on this. This is our job. Our job is to review these things and to understand them. I'm so incredibly frustrated, Chair Sigurdson, because we're talking about the most important people in our society; that is, these youth. I will even stress that specifically I am incredibly concerned with the overrepresentation of indigenous youth in the care of the government. We are talking about the long-lasting effects that it's going to have on people and how they act and are interconnected with others within our society.

Now, I'm not saying that we're going to fix these things overnight, but it is our responsibility to understand these things and how they are interrelated with the work that this government does through its ministries. Now, I'm not one to be poking at people and shame and blame. I don't like shame and blame, but I do like responsibility and us taking responsibility and not only that; taking responsibility for what Albertans are expecting us to do. They want us to do our job, and it does not rest simply at just hearing from the report of Mr. Del Graff from the office of the Child and Youth Advocate.

The words "due diligence" have been used a number of times. Now, I understand that the members of the government caucus are simply going to vote this thing down, but know this: it is our responsibility to do the work of this committee, to understand the interrelation between this office, that is at arm's length from the Legislature, and the work that it does in the ministries of the government, and it is our job to at least propose recommendations, whether we agree with the office of the Child and Youth Advocate or we want to complement them with other recommendations that we have because we understand the issues that are before us as a committee.

Again I state: this is our job. To simply just check-mark and say, "Okay; let's move the report forward" – as has been pointed out by the Member for Edmonton-City Centre, it seems that the government caucus members already had it in their plans, before we even sat down at the table today, to actually do that. They just wanted to okay the report: "Okay. Done deal. Let's all go home early, right? Let's all go home early and just finish the meeting." But, no, here we are. You know, it has nothing to do with opposition. It's just doing our job, to understand these issues and how they relate to the work of the government.

I'm asking members on the other side to please reconsider what it is that we are proposing here and to do their job as it's been done not only by other committees – and I stated at the beginning the experience that I had of chairing other committees and the work that we did in terms of making recommendations to the Legislature – but has been previously done by this same committee in the past.

Unfortunately, I suspect that these members from the government caucus are simply going to vote this amendment down, but I can tell you, Chair Sigurdson, that I am exceptionally disappointed if that's going to be the outcome today. I'll be sure to communicate to my constituents about how these members have voted here today.

Thank you.

The Deputy Chair: Is there any further discussion on the amendment proposed by MLA Shepherd?

Mr. van Dijken: MLA van Dijken to speak.

The Deputy Chair: Please proceed, MLA van Dijken.

Mr. van Dijken: I'm speaking to the amendment that's been prepared and submitted. You know, the previous member identified that he's not one to shame and blame, but he essentially alluded to me not doing my job. I would argue that that is completely offside and that I have been doing my job very diligently.

When I take a look at the amendment and when we take a look at the motion that was presented and approved by the Legislature, we are charged with reviewing the advocate's report. I take a look at, within the report, the recommendations to the government: number 1, that "OC spray should only be used in exceptional circumstances"; number 2, that "the Young Offender Branch should review and update their policies"; number 3, that "the Young Offender Branch should develop an impartial" – and it goes on and on and on.

I look at these recommendations that have come forward from the office of the Child and Youth Advocate in the annual report, and then I take a look at the presentation that we received today, where on March 31, 2018, in the recommendations progress there were 55 per cent that were met, 43 per cent that were in progress. March 31, 2019: we have 69 per cent that were met, 30 per cent in progress. March 31, 2020: we have 67 per cent met, 10 per cent substantially completed, 21 per cent in progress. I believe that the government receives these recommendations that are in the annual report, that we are here to review, upon us accepting the report and presenting that to the Legislative Assembly as accepting the report.

You know, I look at this as delaying the work that we have done and that we are doing, and the recommendations that have been put forward by the officer will go forward to the government upon the approval of the report by this committee. I strongly urge the committee to vote down this amendment and move on with approving the report so that it can go forward to the next stage.

Thank you.

The Deputy Chair: Before I move on, I'm starting to hear some repetition in the argument from both sides. I would like to move to calling the question on the amendment proposed by MLA Shepherd.

All those in favour of the amendment proposed by MLA Shepherd, please say aye. All those opposed?

Ms Pancholi: A recorded vote, please, Mr. Chair.

The Deputy Chair: That amendment appears to be defeated, but I will move to a recorded vote. Thank you, Ms Pancholi.

Starting on my right, please state your name and how you vote.

Mr. Horner: Nate Horner, MLA, Drumheller-Stettler. No.

Mr. Rutherford: MLA Rutherford. No.

Mr. Shepherd: MLA Shepherd. Yes.

Member Loyola: MLA Loyola. Yes.

The Deputy Chair: Moving to the phones, can you please state your name and how you vote.

Mr. Yaseen: MLA Yaseen. No.

Ms Pancholi: MLA Pancholi. Yes.

Mr. Walker: MLA Walker. No.

Member Ceci: MLA Ceci. Yes.

Ms Lovely: MLA Lovely. No.

Mr. van Dijken: MLA van Dijken. Not in favour.

The Deputy Chair:

That amendment is defeated four to six.

We are now back on the original motion proposed by MLA Rutherford. Is there any further discussion on the original motion?

Hearing none, I'm moving to call the question. All in favour of the motion proposed by MLA Rutherford, please say aye. All those opposed? That motion appears to be carried.

Mr. Shepherd: A recorded vote, Mr. Chair.

The Deputy Chair: We're moving to a recorded vote. Starting on my right, please state your name and how you vote on the motion proposed by MLA Rutherford.

Mr. Horner: MLA Horner. Yes.

Mr. Rutherford: MLA Rutherford. Yes.

Mr. Shepherd: MLA Shepherd. No.

Member Loyola: MLA Loyola. No.

The Deputy Chair: On the phones, please state your name as well and how you vote.

Mr. Yaseen: MLA Yaseen. Yes.

Ms Pancholi: MLA Pancholi. No.

Mr. Walker: MLA Walker. Yes.

Member Ceci: MLA Ceci. No.

Ms Lovely: MLA Lovely. Yes.

Mr. van Dijken: MLA van Dijken. In favour.

The Deputy Chair:

That motion is carried six to four.

As there are no other motions proposed, we move on to agenda note 6, other business. Are there any other items for discussion under other business?

If not, we move on to agenda item 7, the next meeting date. That will be at the call of the chair.

Now on to item 8, adjournment. Would a member move a motion to adjourn?

Mr. Horner: So moved, Chair.

The Deputy Chair: Moved by MLA Horner. All those in favour? This meeting is now adjourned.

Thank you.

[The committee adjourned at 11:42 a.m.]

