



Legislative Assembly of Alberta

The 30th Legislature  
Fourth Session

Standing Committee  
on  
Legislative Offices

Thursday, February 16, 2023  
1 p.m.

Transcript No. 30-4-4

**Legislative Assembly of Alberta  
The 30th Legislature  
Fourth Session**

**Standing Committee on Legislative Offices**

Smith, Mark W., Drayton Valley-Devon (UC), Chair  
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC), Deputy Chair  
Hunter, Grant R., Taber-Warner (UC), Acting Deputy Chair

Ceci, Joe, Calgary-Buffalo (NDP)  
Dach, Lorne, Edmonton-McClung (NDP)  
Lovely, Jacqueline, Camrose (UC)\*  
Loyola, Rod, Edmonton-Ellerslie (NDP)  
McIver, Ric, Calgary-Hays (UC)\*\*  
Orr, Ronald, Lacombe-Ponoka (UC)  
Pancholi, Rakhi, Edmonton-Whitemud (NDP)\*\*\*  
Panda, Prasad, Calgary-Edgemont (UC)  
Rehn, Pat, Lesser Slave Lake (UC)  
Shepherd, David, Edmonton-City Centre (NDP)  
Toor, Devinder, Calgary-Falconridge (UC)

\* substitution for Pat Rehn

\*\* substitution for Glenn van Dijken

\*\*\* substitution for Joe Ceci

**Legislative Officers**

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Diane McLeod	Information and Privacy Commissioner
Terri Pelton	Child and Youth Advocate
Glen Resler	Chief Electoral Officer, Election Commissioner
Marguerite Trussler, KC	Ethics Commissioner
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Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

1 p.m.

Thursday, February 16, 2023

[Mr. Smith in the chair]

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

My name is Mark Smith, MLA for Drayton Valley-Devon and chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then we will hear from those joining us remotely. We'll start to my right.

**Mr. Hunter:** Thank you, Mr. Chair. Grant Hunter, the MLA for Taber-Warner and acting deputy chair.

**Mr. Orr:** Good afternoon. Ron Orr, MLA for Lacombe-Ponoka.

**Ms Lovely:** Good afternoon, everyone. MLA Jackie Lovely from the Camrose constituency.

**Mr. Dach:** Afternoon. Lorne Dach, MLA for Edmonton-McClung.

**Mr. Shepherd:** Afternoon. David Shepherd, MLA for Edmonton-City Centre.

**Ms Pancholi:** Rakhi Pancholi, MLA for Edmonton-Whitemud.

**Ms Robert:** Good afternoon. Nancy Robert, clerk of *Journals* and committees.

**Ms Rempel:** Good afternoon. Jody Rempel, committee clerk.

**The Chair:** Joining us online, I see Mr. Panda.

**Mr. Panda:** Good afternoon. Prasad Panda, Calgary-Edgemont.

**The Chair:** Is there anybody else online?

Hearing none, for the record I would note the following substitutions. The hon. Mr. McIver is substituting for Mr. van Dijken, and the hon. Mr. Hunter will be deputy chair today. Ms Pancholi will be substituting for the hon. Mr. Ceci, and Ms Lovely will be substituting for Mr. Rehn.

A few housekeeping items before we turn to the business at hand. Please note that the microphones are operated by *Hansard*, so members do not need to turn them on or off. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Members participating remotely should ensure they are prepared to speak or vote when called upon, and videoconference participants are encouraged to have their cameras on, if possible, when speaking. Please set your cellphones and other devices to silent for the duration of the meeting. Finally, I'm also pleased to note that pursuant to the motion passed on February 9, there will be American sign language interpretation services provided for this meeting.

On to point 2, the agenda. A draft agenda has been distributed. Does anyone have any issues to raise or changes to propose?

If not, could I get a motion to approve today's meeting agenda?

**Mr. Hunter:** So moved.

**The Chair:** Moved by Mr. Hunter that the Standing Committee on Legislative Offices approve the draft agenda for today's meeting as distributed. All in favour in the room, say aye. All in favour online, please say aye. Any opposed in the room? Any opposed online? I call that motion carried.

Item 3, adoption of the meeting minutes. Draft minutes for our previous meeting have been distributed. Are there any errors or omissions to note?

If not, would a member move approval of the minutes as distributed? Moved by Mr. Shepherd that the minutes of the February 9, 2023, meeting of the Standing Committee on Legislative Offices be approved as distributed. All in favour in the room? All in favour online? Any opposed in the room? Any opposed online? I call that motion carried.

Item 4, review of the office of the Child and Youth Advocate annual report 2021-22. Point (a), the deliberations. Turning now to our main item of business, we have the committee's deliberations and recommendations regarding the office of the Child and Youth Advocate annual report for 2021-22. Pursuant to Standing Order 52.041 committee members wishing to propose substantive motions were asked to put them on notice to ensure all members would have a chance to consider the various proposals that may be raised today.

Just before opening the floor, I will quickly ask that members in the room wishing to be put on the speakers list give me a quick wave while those of you participating remotely can either send a quick note in the Teams chat or raise your hands electronically.

Does anyone have any comments to start us off?

**Mr. Hunter:** Mr. Chair, I move that

the Standing Committee on Legislative Offices recommend that the office of the Child and Youth Advocate and relevant ministries work together to identify ways to improve the outcomes for children and youth in care in Alberta.

**The Chair:** Do we have that?

**Ms Rempel:** It will be up shortly.

**The Chair:** It will be up shortly. Okay.

We have: moved by Mr. Hunter that the Standing Committee on Legislative Offices recommend that the office of the Child and Youth Advocate and relevant ministries work together to identify ways to improve the outcomes for children and youth in care in Alberta. That should be up here presently. Does that look like what you want?

**Mr. Hunter:** Yes, it does.

**The Chair:** Okay. We now have the capacity for discussion on the motion. Ms Pancholi.

**Ms Pancholi:** Thank you, Mr. Chair. I certainly want to indicate that, of course, the general spirit of this motion is something that we support. It's something that the opposition has been pretty clear in advocating for for some time. I think it's really important for this committee to keep in mind that the work that we have done over the last three years on reviewing the recommendations from the office of the Child and Youth Advocate is a new process. It is a process that didn't exist prior to the 2018-19 fiscal year, so that first review that took place in February of 2020 was really the first time that we've had an opportunity as this Legislature to consider the relationship between the office of the Child and Youth Advocate and the ministries to which the advocate makes recommendations with the objective of improving outcomes for children and youth in care and in the criminal justice system.

This has been an ongoing process, and we don't have the benefit of years of practice that has taken place with other offices of the Legislature such as the Auditor General. It's a really new process, and what I think we've seen over the last three years is that there are challenges in the way that that relationship is working between the advocate and the ministries and how they are working together to improve the outcomes for children and youth in care. The Official Opposition has been clear over the last three times that this annual report from the

advocate has come before this committee that improving transparency and accountability, which is the core of why this process even happens in the first place, has to be the primary objective of this committee. It is to shed light on the work that's being done to support the most vulnerable children and youth.

We've heard, I think, you know, when we heard from the ministries just last week that there was a disconnect between what was happening between what they understood the recommendations to be from the Child and Youth Advocate. The Child and Youth Advocate seemed to have a different perception about their input and certainly some grey areas around when a recommendation was met or not met or why updates were being given or stopped, that were no longer being given by the ministries. So certainly working together to identify ways to improve the outcomes appears to be clear.

I guess my hesitation, a little bit, is that this is pretty general, this motion. There's not a lot of, you know, concrete advice or recommendations that are coming about how they should be working together. My concern is that this perhaps doesn't go far enough because it simply leaves it again to the advocate and the ministries to work it out. As we've seen over three years, it doesn't seem to be working out, at least to the level of transparency that I think Albertans expect for the severity and significance of this issue. So while I think we can support this motion, I do think we need to be a little bit more concrete in terms of what recommendations can be made to improve that transparency and accountability.

**The Chair:** Thank you, Ms Pancholi.

Just before I see if there's anybody else that would like to speak to the motion, we have Mr. McIver online. Would you like to introduce yourself, please?

**Mr. McIver:** Ric McIver, MLA, Calgary-Hays.

**The Chair:** Thank you.

Mr. Orr.

**Mr. Orr:** Yeah. It is a motion that I can support because I think the most important thing we heard from the presenters, both the advocate and the departmental presenters, was the need to collaborate, to continue to have that conversation. I understand, you know, everybody works within the parameters of their own legal limits and responsibilities, so leaving it a little bit open but actually affirming that they do need to continue to work together because clearly there is more work to be done. There's no doubt about that. They're just – you know, when you read the tragedies of the stories that the advocate reports, I don't see how anyone could not agree that there is a need to work together more. I do think there is a will on the part of all of the players to speak directly to each other and to try to find solutions to move forward. So I – yeah. In brief, I think they do need to work together, and I'm totally prepared to support the motion as it stands.

Thank you.

1:10

**The Chair:** Thank you, Mr. Orr.

Is there anyone else that would like to speak to the issue? Mr. Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair. You know, in general I certainly support what Mr. Orr has just said. I support the intent of this motion. I appreciate the remarks that were brought forward by my colleague Ms Pancholi.

This is a relatively anodyne statement, recommendation. I don't think there's anything here that anyone could disagree with. The ideal is indeed that the office of the Child and Youth Advocate

would be able to work collaboratively together with the ministries, but as my colleague noted, I think we have seen that that has not been successfully the case. Certainly, we have seen that on some occasions it has, but there are clearly some systemic issues that have been identified and that do need to be dealt with, and that is one of our responsibilities as legislators and members of this committee, to work towards building constructive solutions to improve systems where they need to be improved to facilitate the outcomes that we want to see. This recommendation here certainly does a good job of laying out the outcome, but I think there's certainly more that we have the opportunity to do as a committee, perhaps to work towards providing some of the systemic change that will help us to get there, and I imagine we'll perhaps have an opportunity to debate a bit more on that a little later.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Shepherd.

Is there anybody else, either in the room or online, that would like to speak to this motion?

**Mr. Panda:** Mr. Chair, I support the motion as presented because the spirit – everyone that spoke before me, they all agreed in general. Taken the spirit of this motion, which is asking everyone to work together, we should give them the flexibility to work together rather than be too prescriptive. So I support it as is.

Thank you.

**The Chair:** Thank you, Mr. Panda.

Anybody else that would like to speak to the motion either in the room or online?

**Mr. Dach:** I'll just be brief. I think that this is one of those times, Mr. Chair, when greater detail in prescription is required. This motion is kind of rolled oats and maple syrup. I won't vote against rolled oats and maple syrup, but I certainly think that we should be more prescriptive in giving direction to the Legislature from this committee on what we have seen as evidence as a need for a greater level of respect, I guess, from the ministries towards the office of the Child and Youth Advocate in responding to recommendations. So I'll support the motion, but I do think there is a need for a greater prescription from this committee.

**The Chair:** Thank you, Mr. Dach. I'll second your motion in that I also like rolled oats and maple syrup, too.

Is there anybody else that would like to speak to the motion that is before us either online or in the room?

Hearing none, I'll call the question. Moved by Mr. Hunter that the Standing Committee on Legislative Offices recommend that the office of the Child and Youth Advocate and relevant ministries work together to identify ways to improve the outcomes for children and youth in care in Alberta. All those in favour in the room, please say aye. All those in favour online, please say aye. All those opposed in the room? Are there any opposed online?

I call that motion carried.

Are there any other – we have one other motion that's been brought forward. I believe it was put online. Is there anybody else that wants to – Mr. Dach.

**Mr. Dach:** Thank you, Mr. Chair. I move that

the Standing Committee on Legislative Offices recommend that the Legislative Assembly refer the Child and Youth Advocate Act to a committee of the Legislative Assembly to review the requirements of the government in responding to recommendations from the Child and Youth Advocate in reports made under section 15 of the act and to provide any

recommendations it considers appropriate for improving accountability and transparency.

**The Chair:** Okay. We'll give the clerks here some time – oh. There we go. You're very good. Okay.

Moved by Mr. Dach that

the Standing Committee on Legislative Offices recommend that the Legislative Assembly refer the Child and Youth Advocate Act to a committee of the Legislative Assembly to review the requirements of the government in responding to recommendations from the Child and Youth Advocate in reports made under section 15 of the act and to provide any recommendations it considers appropriate for improving accountability and transparency.

Mr. Dach, would you like to speak to your motion?

**Mr. Dach:** Certainly. Thank you, Chair. I think that over the past while, while we were considering testimony from the office of the Child and Youth Advocate, it became abundantly clear that there was a difficulty and a problem in the disconnect between the ministries and the Child and Youth Advocate when it came to their interpretations of a satisfaction of recommendations, and there were questions as to who should have the final authority to determine if, indeed, a recommendation be closed, when further updates should be provided or not, and I think most members of the public would agree that one would expect that the body making the recommendation would be the one who would actually determine whether or not that recommendation had been satisfied or not.

There are a number of questions around the process and around the reporting of recommendations as being closed or not that were raised in testimony, and I think that a review should be made via the Legislature, and we're recommending that this be done by this motion so that the gaps that we saw in communications and in actual clarity between the ministries and the office of the Child and Youth Advocate were properly addressed, and perhaps new legislation might be required, if the Legislature so deems it, to provide clarity to both parties and a higher level of respect for the recommendations made by the office of the Child and Youth Advocate that we see given to other legislative offices as well.

I think this is an appropriate and prudent move to make this recommendation for this report to the Legislature and ask that the Assembly review the requirements of the government. I hope that all members will support it; a more prescriptive direction, I agree, but I think it's necessary.

**The Chair:** Thank you, Mr. Dach.

Mr. Orr.

**Mr. Orr:** Thank you, Mr. Chair. While in essence I don't disagree with the intent of the motion, my response would be that this, in fact, is a committee of the Legislature, this is in fact exactly what we have already been tasked to do, and it would just be spinning it off into another – like, "Why don't we just do it all over again?" would be my point.

I begin with that. I don't necessarily agree that there is a problem or a disconnect. There are definitely differences of mandate and constraint between the advocate and the departments, so definitely there will at times be, because of those different constraints, different points of view on things, but the reality is that an advocate doesn't really have the legal authority to mandate that the Legislature has to act in a certain way. The Legislature has to decide that.

So for those couple of reasons, while I support sort of the idea of it, I really don't see the point of the motion.

**The Chair:** Thank you, Mr. Orr.  
Ms Pancholi.

**Ms Pancholi:** Thank you, Mr. Chair. I thank Mr. Orr for his comments. What I will say is that I agree that there is not that clarity in the legislation that is governing the Child and Youth Advocate, that is the Child and Youth Advocate Act, and that is precisely what this motion is about. It's to take a look and specifically to review that legislation to see whether there are changes that are required.

I appreciate that we've sort of partially begun that conversation within this committee. We've identified, I think, an issue and a challenge with respect to the transparency and accountability of government ministries for recommendations made by the advocate, but the mandate of the committee did not really allow for the review of the act itself. Certainly, I think we've had a thorough conversation as well, or at least we've hinted at it in this committee, about comparing the powers and authorities of the advocate as compared to other legislative offices. And it is of interest, I think, that the act that governs the Auditor General's role also doesn't specifically address the recommendations and how they must be met and who determines that, but it has become so out of a practice.

1:20

My concern is that, you know, we need to have that conversation about: why is it that other officers have this format? I think that at a committee of the Assembly that could bring in that sort of perspective more broadly about what is the proper role of offices of the Legislature and comparing their ability to request information, require information, deem recommendations met or not, how long they stay open for – and that's sort of outside the purview of this specific committee, that was brought together to address simply the questions of how ministries are responding to current recommendations from the Child and Youth Advocate.

This motion is not presupposing the outcome of that. It's not saying: this is what we will require and what we won't require. Maybe in a conversation with the Child and Youth Advocate they will say: we don't want to be the ones to determine whether or not a recommendation is met or not. We haven't put that to them for that question. What we do know is that the advocate has been very clear in their position, both the current advocate and the former advocate, that having ministries come before a committee of the Legislature and answer questions is important, and that is not clear in the legislation. This motion would allow for that review.

I actually can say that I think it was pretty clear in our conversations last week with the ministries that we understand now why it is important for those ministries to come before. For example, had it not been for this opportunity to have a back and forth with the Ministry of Mental Health and Addiction, we would not have been aware that the ministry did not seem to know why the advocate believed a youth-specific opioid strategy was necessary as opposed to just a strategy, generally speaking, to address drug poisoning. We had the representation from the assistant deputy minister, that she wasn't aware of some of the questions and concerns specifically around youth that the advocate had.

Had we not had this discussion at committee, I don't think that would have come forward because the advocate certainly thought that they had communicated that. So it is important that all ministries that have recommendations from the Child and Youth Advocate should come before a committee. That is not clear in the legislation, but it's clearly something that lends greater transparency and accountability to outcomes for children and youth. It is something that we have supported on the Official Opposition side for three years, and it's something the advocate has been asking for for three years.

This motion, I think, is critically important, to have a committee look at the Child and Youth Advocate Act specifically and look at the powers and the reports that are made under section 15 of that act and see what measures can be changed as compared to other offices to make it more accountable and transparent. I think we are shared in that objective in this room. I believe that the reason we have had these discussions and we've brought these ministries here is that there is a joint objective around understanding better what is happening for children and youth in care.

This motion simply says: let's look for giving greater legislative transparency and clarity so Albertans can trust that there is information available, that we can ask questions, and that we can better understand what's happening to support children and youth in care. I would urge all members of the committee – again, not a partisan issue. We are joined in our concerns around this very, very dire situation and crisis that's occurring right now, and I think we're simply saying: let's look for ways to be more accountable and transparent.

**The Chair:** Thank you, Ms Pancholi.

Is there anyone else that would like to address the motion either in the room or online? Mr. Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair. I'd like to echo the comments from my colleague Ms Pancholi and just reflect back on what brought us here. We are here doing this work as a committee, reviewing these recommendations and the reports from the Child and Youth Advocate because of incredibly tragic circumstances, the death of Serenity. From that came an extensive process, an extensive discussion, a special committee, changes to legislation which instituted the process that we have in front of us now, where each report that comes out from the Child and Youth Advocate is referred to this committee for review.

That was done because there was a recognition that the status quo was no longer enough, because we recognized the gravity of the situation that we had with the deaths of children in care, and we wanted to make real, substantial change – both sides of the aisle, Mr. Chair – to try to prevent that happening in the future. Now, unfortunately, what we have seen since we've begun to implement that change in the legislation over the last three years is that government members seem to have been satisfied with the status quo, and what we have seen is an utter lack of interest, until recently, from government members in doing anything substantial or that could actually lead to any form of change as part of that review. What I've seen is that, largely, it was treated as a rubber-stamp exercise.

We recently, finally, all at this table, came to the consensus that we would actually do something with that review and bring the respective ministries to the table to have that discussion. That is an important step in moving forward. In that discussion we found that indeed there are still some challenges. The status quo, Mr. Chair, is not adequate. It is not achieving the ends, and all members at this table say that they are committed to the ends of better outcomes for children in care, for youth in the province of Alberta, and that the recommendations of the Child and Youth Advocate are an essential part of that. So for us today to simply rest on our laurels, having passed a motion saying, "We hope everyone will play more nicely together," I think there's a bit of an abdication of the responsibility and the opportunity that is given to us.

Let's be clear. This government has not been shy about being prescriptive. I can tell you that as the critic for Health, from the folks I've talked to both in the public service and various bodies that are under the aegis of the Department of Health and the provincial government, this is not a government that's been shy about being prescriptive when they felt there was an outcome that they wanted to reach. This is not a government that has shied away from doing a review

of legislation when they felt it offered the kind of political opportunity or cover that they needed, as I recall from a review of the Public Health Act after they passed some embarrassing portions in Bill 10 that they were forced to walk back, and we had an entire committee that was dedicated to trying to erase that from the memory of the province.

Now, setting that aside, we have an opportunity now to simply make a recommendation to look at one portion of the Child and Youth Advocate Act, to say that we are not going to simply be satisfied with the status quo, that we are willing to sit and have the discussion and work towards trying to make this a better system, a better process to allow for the outcome that we just all voted we want to achieve, which is for our departments, our ministries to be able to work collaboratively with the Child and Youth Advocate to actually realize the intended outcomes of the recommendations that come from the CYA. I don't think that's unreasonable. I don't think that's too much of an ask for us as representatives on this committee to do that work.

I will be voting in support of this motion.

**The Chair:** Thank you, Mr. Shepherd.

**Mr. Hunter:** Mr. Chair, I've listened to arguments on both sides of this issue and, you know, I think that we need to remember that, even in the title of the office, it is the office of the Child and Youth Advocate. It is not the audit function that we would see in the OAG. They play a different role, a different responsibility. When this was set up, it was specifically designed to be able to have a second set of eyes on issues, to be able to give a different perspective, which we certainly have seen, and I take my hat off to the direction, the advocacy that the OCYA is doing.

But I have to say that, like, the members opposite, what they're really, truly asking for is to have a change in the role of the advocacy office. You know, they can talk about transparency and that sort of thing; well, when it comes before this, this is public. This is public information. Everybody gets to know about this. This is in *Hansard*; this is pretty transparent. So I don't know if the transparency argument – actually, I don't really think that that holds sway here.

I think that the argument that I'm hearing from the opposition is that rather than having an elected body, an elected committee, make the decision on these things – and elected in terms of ministers in these departments making the decision – they would prefer to have an unelected body make those decisions. I reject that, Mr. Chair, and I don't think that is transparent.

**1:30**

I think that having an elected body which falls under certain parameters under the, you know, hundreds of years of legislative precedents is really where the transparency comes from. We've seen it here, and that information that was presented was received by the ministries. If the members opposite feel differently, there will be an opportunity in May of this year to be able to bring forward to Albertans their value proposition. If they feel that it is not in the best interest of Albertans, that's when they have the opportunity to be able to present to Albertans.

I'm actually quite proud of the work that our ministries have done to try to be able to address some very, very difficult situations, especially in light of what's happened with COVID. I know many people, people in this room, that have had children that have suffered because of the stresses that COVID has brought on. There is more need than ever to have the support structure for our children and for our grandchildren, for Albertans. You know, I was a little offended by the hon. member saying that we are ambivalent to this. I don't think that we've shown any kind of ambivalence to the importance of this, and I would hope that he was not saying that we are ambivalent to this, Mr. Chair.

I think that the first motion that I brought forward clearly articulates what we're trying to accomplish here. This is, again, a public-facing committee. Everybody knows now that we've directed the ministries to work together collaboratively with the office, and I think that that is – they're going to need to show evidence that they're doing that, and I think that's where we need to go with this.

**The Chair:** Thank you, Mr. Hunter.

Just before we go on to another individual, I just want to recognize that Mr. Toor is online. If you could introduce yourself to be put on the record, please, Mr. Toor. Mr. Toor, can you hear us? One last time. Mr. Toor? Okay. We'll maybe try again a little later. Maybe he's having troubles getting on.

I believe it's Ms Pancholi that would like to speak next.

**Ms Pancholi:** Thank you, Mr. Chair. I just want to take a moment to respond to Mr. Hunter's comments. In my comments in support of this motion I made it very clear that I thought we all shared a joint objective around this room to actually improve outcomes for children and youth. Even as I said it, I have to say I was saying it in the hope that it would persuade and perhaps tap into some values that perhaps members of the government side might have that would trigger them and make them feel inspired to actually do a small thing, a very small thing, which was to actually support this motion. I wasn't confident when I said it and I'm not confident now that there is a shared objective around the table from all the members about improving outcomes for children and youth in care, because this is an issue that we have been raising, that the advocate has been raising, that those who work on the front lines with children and youth in care have been raising for two years, which is the tragic number of children and youth in care who have died in the last two years.

It is not a new issue, yet here we are at the very tail end of our Legislature, of this Legislature, where suddenly this government's members have thrown the smallest of bones on this issue, which was to allow for some ministries, after rejecting this for three years, to come and take questions from this committee on what they're doing to implement or respond to recommendations from the Child and Youth Advocate. They picked a random assortment of ministries which they would agree to hear from, as we will all recall. It was puzzling as to why Indigenous Relations was here because there were no recommendations from the OCYA for them. Puzzling as to why Health and Justice, who had a number of recommendations made by the OCYA, were not brought before the committee when there are a lot of questions that were around their recommendations, but we didn't get an opportunity to ask.

It comes from, I think, a profound indifference and, yes, I will say ambivalence. Actually, ambivalence, I believe, implies a sort of neutral perspective on things, and I think it's actually a negligence by the government to actually understand the issues, to take them seriously, to call before this committee, before public transparency, those ministries that have key obligations with respect to children and youth in care and in the criminal justice system, and it shows a profound ambivalence toward their job. For Mr. Hunter to say that we're asking for an unelected body to make decisions shows that he doesn't even understand what the Child and Youth Advocate does, what they're empowered to do under the act, what the role of the ministries who respond to recommendations is, and what the role of this committee is.

We're not asking for the office of the Child and Youth Advocate to make decisions, to be able to tell a ministry that you must do this; what we're saying is that if the office of the Child and Youth Advocate makes a recommendation and a government ministry doesn't meet it, which is their right to do – they can choose not to follow that recommendation – that there is transparency around

that. They can report regularly why they are not meeting that recommendation. Alternatively, if they don't want it to be stated publicly that they are not meeting that recommendation, they can work with the office of the Child and Youth Advocate to find out what they could do to meet it or maybe why the recommendation needs to change.

We've heard the Child and Youth Advocate say: "Great. If the ministry could tell us why this doesn't work, why they can't meet it or why it's not reasonable, we will change our recommendation. We will work with them." But that's not happening.

What we're asking for is transparency and accountability, and I don't know how many times the advocate has to come before this committee to say that them filling out a paragraph-long written statement on a website is not transparency. That is not a way to ask questions and to elicit actual information about what's being done and what's not being done.

So if Mr. Hunter wants to take issue with this motion, at least understand the role of the advocate, at least understand the work they do, the role that the ministries do, the role that this committee does, and the role that the legislation does; otherwise, we will assume that it's not just ambivalence, that it is negligence about actually doing anything. You want to do the bare minimum. This is the least amount that this . . .

**Mr. Hunter:** Point of order, Mr. Chair.

**Ms Pancholi:** I withdraw, Mr. Chair.

**The Chair:** Okay. Thank you.

**Ms Pancholi:** I believe that the government members are doing the bare minimum when they are refusing to even consider changes to legislation. The motion is purely based on saying, "Let's refer this to a committee to take a look at it and how to improve transparency and accountability" because those two issues were very clearly problems. They were brought up by both the advocate and the ministries in this process. If the government members are serious about actually doing something, rather than just showing in the last dying days of this Legislature that they're doing something, then this should be an easy motion for them to support.

**The Chair:** Thank you.

I'm going to try one more time to see if we can get Mr. Devinder Toor to introduce himself to the committee and to Albertans. Mr. Toor, can you hear me? Mr. Toor?

Okay. We'll move on. Is there anybody else, either online or in the . . .

**Mr. Toor:** Mr. Chair, can you hear me?

**The Chair:** Yes, we can finally hear you, Mr. Toor. Do you want to introduce yourself, please.

**Mr. Toor:** Sure. Good afternoon, everyone, and sorry about this Internet problem I have. Devinder Toor, MLA, Calgary-Falconridge.

**The Chair:** Thank you very much.

Is there anybody else, either online or in the room, that would like to speak to this motion?

**Mr. Orr:** Mr. Speaker, the members opposite want to claim that government is negligent, that it's ambivalent, that it's unwilling to do the bare minimum, that it's not serious, but I just have here in front of me from June 2, 2016, at the very beginning of the members' opposite term of office as government, a motion passed in the Legislative Assembly of Alberta that "the Child and Youth

Advocate Act,” which is exactly what they’re asking for here, “be referred to the Standing Committee on Legislative Offices,” this committee, “for the [very] purpose of conducting a comprehensive review . . . of that act.”

1:40

The NDP can say all they want about this, but at the very beginning of their term they had four years to do exactly what they’re claiming now we’re not going to do. Why didn’t they do it themselves when they had the opportunity? It was there; the motion was there. They can throw around all kinds of critical and condemning ideas toward this government, but at the very beginning of their own term they had the full opportunity to do it. If they wanted it done; they could have done it as well. I wonder who’s negligent or ambivalent or serious about this whole thing. I will not vote for this motion based on what I’ve heard in the last 10 minutes.

**Ms Pancholi:** Well, Mr. Chair, that was quite embarrassing, Mr. Orr, because if you had done your homework, which you clearly had not, you would know that actually the NDP government did review and completely overhaul the Child and Youth Advocate Act, and the very fact – the very fact – that we actually have the advocate coming and making recommendations, doing mandatory death reviews is because of the changes that the NDP made to that act, made to that office to give them the authority to do those investigations, require them to do them every six months and to table that report with the Legislature and to include recommendations.

But, as I mentioned, this is a new process, Mr. Orr, and during that process we found out that things are not happening the way we wanted them to. The whole reason that act was changed . . .

**The Chair:** Ms Pancholi, through the chair, please.

**Ms Pancholi:** Through the chair, the whole reason that act was changed, Mr. Chair, for the benefit of the members on the other side who don’t understand the history of this issue at all, the reason that act was changed: because there was no transparency and accountability, and it was part of a process, a continuum to continually improve outcomes for children and youth.

What we’ve heard since that act has come into place, since those recommendations and the changes that were made by the NDP government have come into place, was that there’s more work to do. We are willing to do that work. Who is not willing to do that work and who is now, just for partisan reasons based on poor information and a lack of preparation, not willing to support this motion out of partisan reasons – I mean, that’s the appalling part. If the members of the government would just simply look at the wording and say: do we agree with the idea that there should be improved accountability and transparency? For any government, whether it be an NDP government, a UCP government – this is not about that; it’s about ministries being transparent and accountable. If they were able to put aside their petty partisanship, Mr. Chair, I believe they would see that this is a motion worth supporting, but I sincerely doubt they will.

**The Chair:** Thank you, Ms Pancholi.

I would just remind everybody on the committee that I’d like you to speak through the chair. When I recognize you, you have the opportunity to speak; when you’re not recognized, you have the opportunity to listen.

Is there anyone else that would like the opportunity to speak to the motion? We have Mr. McIver online. Go ahead, Mr. McIver.

**Mr. McIver:** Thank you. I was just a little taken aback by what I just heard. I’ll remind the NDP member that just spoke that though she has a wonderful revisionist version of history in her mind, or

certainly on her lips, the fact is that the NDP government was dragged kicking and screaming into a review of the child review, the way children are looked after in this province, because they had botched the job. The leader at the time had to fire a minister or two. Certainly, members from the UCP side embarrassed and humiliated the NDP into looking at this issue, which is why it was looked at. Now, she somehow failed to mention that, so what I hear today, Mr. Chair, is a string of partisan nonsense . . .

**The Chair:** Mr. McIver, if you could address the motion, that would be appreciated.

**Mr. McIver:** Yeah. I’m addressing the motion. A lot of the debate has been around partisanship, and what we’ve seen from the NDP side is nothing but partisanship. It’s really pathetic. This is at a committee of the Legislature, and they want to review it at a committee of the Legislature.

Mr. Chair, the issues of looking after children are what’s important here, are what we should focus on. Unfortunately, the other side is trying to dissolve this into politics on the eve of an election, and they haven’t really said anything about looking after children. I would like us all to return the debate and the conversation to caring for the children that we are all responsible for instead of trying to deflect from that and trying to create some wedge issue before the election. Probably one of the greatest responsibilities that we have in the Legislative Assembly is for the children in the care of government, and I would appeal to members on all sides of this meeting to talk about children in care rather than let this dissolve into a partisan series of rants while the children are being ignored. That’s what I’m interested in here, doing things to make sure that children that we are all responsible for get the care that they need.

**The Chair:** Thank you, Mr. McIver.

I’m going to remind everybody that they need to speak through the chair, they need to speak to the motion, and when you are not recognized by the chair, that you would keep your comments less than auditory for the rest of the committee. If you want to say something, please say it when you have the opportunity as you’ve been recognized by the chair. We are beginning to hear some repetition, so please make sure that the points that you’re bringing to the motion bring new information and new consideration to that motion.

I believe, Mr. Shepherd, you now have the floor.

**Mr. Shepherd:** Thank you, Mr. Chair. This motion is about supporting children. We are here debating how we can improve these systems, how we can make a better process for the protection of children in the province of Alberta. Now, we may have differing interpretations. Certainly, we’ve heard some creativity from the government side as well just now in terms of interpreting how things have happened over the course of consecutive governments that have required the changes that were brought forward by a bipartisan committee during our time in government. We are here today talking about how we improve things for children by ensuring that those changes that are made are indeed effective. The motion that we have in front of us is about seeking to improve a portion of those systems.

Making the recommendation that this come back to this committee, again, Mr. Chair, is not – I recognize that it may sound circuitous, but it is part of the point. We had this discussion. We have identified an issue. It is not under the mandate of the committee right now as a part of the review of the act. As we saw at the last meeting, we had a number of discussions about what was appropriate for discussion within the circumstances. Our review of that report was not given to us to consider the act and changes that need to be made to the act, so this is a recommendation to the



Legislature that they give us that recommendation to do so. That is not a circuitous thing; that is following the appropriate processes of the Legislature. To begin, to be clear, we are doing so because we believe this will result in better results, better outcomes, better care for the children of this province through increased transparency and accountability.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Shepherd.

Is there anybody that has anything more to add either online or in the room?

I've heard a call for the question. Okay. Let us read the motion, and then we'll vote. Moved by Mr. Dach that

the Standing Committee on Legislative Offices recommend that the Legislative Assembly refer the Child and Youth Advocate Act to a committee of the Legislative Assembly to review the requirements of the government in responding to recommendations from the Child and Youth Advocate in reports made under section 15 of the act and to provide any recommendations it considers appropriate for improving accountability and transparency.

All of those in favour of the motion as read? Online, all in favour? All of those opposed in the room? All of those opposed online?

I call that motion defeated.

**Ms Pancholi:** Recorded vote, Mr. Chair.

**The Chair:** A recorded vote: we can do so. Okay. We'll just be going around the room and online. All of those in favour of the motion within the room. Start with Mr. Dach.

**Mr. Dach:** Aye.

**Mr. Shepherd:** Aye.

**Ms Pancholi:** Aye.

**The Chair:** Anybody online that is in favour of this motion, please say aye.

Those opposed within the room, please state your name and that you're opposed.

1:50

**Mr. Hunter:** Grant Hunter. Opposed.

**Mr. Orr:** Ron Orr. Opposed.

**Ms Lovely:** Jackie Lovely. Opposed.

**The Chair:** Online?

**Mr. Panda:** Prasad Panda. Opposed.

**Mr. Toor:** Devinder Toor. Opposed.

**Mr. McIver:** Ric McIver. Opposed.

**The Chair:**

I call that motion defeated.

We now are moving on to the report to the Legislative Assembly. Thank you, everyone. Having concluded our deliberations, we are at the point where we should consider providing direction to the Legislative Assembly Office regarding the preparation of a draft report. At this time I would ask Ms Robert to provide us with a brief overview of this process. Ms Robert.

**Ms Robert:** Thank you, Mr. Chair. I think most of you have probably been through this process before, but I'll go over it just

very, very briefly. Typically at the end of a review a committee will direct research services with the Legislative Assembly Office to prepare a draft report for the review and approval of the committee. Reports are generally organized in about three different sections. There's an introductory section, which, of course, lays out the statutory requirement for the review, the government motion that made the referral for the review. The second section is about committee activities, the work that the committee undertook to receive information from stakeholders. And then the third section is centred around the recommendations that the committee has agreed to, and it includes the text of the recommendation and any contextual information that will help the reader understand the purpose of the recommendation. That's basically what the main report looks like, and any minority reports are appended to the end of the main report. So that's all there is to it.

Thank you.

**The Chair:** Were there any comments or questions for Ms Robert? Online?

Okay. I believe we have a draft motion. Could we have it up on the screen, please? Okay. Is there anybody that's prepared to move the motion? Mr. Hunter. Moved by Mr. Hunter that

the Standing Committee on Legislative Offices direct the Legislative Assembly Office to prepare a draft report on the committee's review of the office of the Child and Youth Advocate annual report 2021-22 and authorize the chair to approve the report after its distribution to committee members for review.

Any discussion?

**Ms Pancholi:** Just if we want to do a minority report, do we need to address that right now or do we do it afterwards or as part of the motion? We don't need to . . .

**The Chair:** No. I think you've got – it doesn't need to be part of the motion. You've got the right to do a minority report.

**Ms Pancholi:** Okay.

**The Chair:** Any other discussion?

All in favour of the motion in the room? Online? Any opposed within the room? Any opposed online?

That motion is carried.

Just to review that comment, based on where we find ourselves today, it is reasonable to anticipate that we will be able to have our report finalized and tabled as an intersessional deposit shortly before session resumes. If any committee members are considering submitting a minority report, I would suggest you let the committee clerk know as soon as possible and be prepared to provide it by 10 a.m. on Monday, February 27 – 10 a.m. on Monday, February 27 – so that there is time for it to be appended to the committee's report. Are there any questions about this process?

Hearing none, then we'll move on to other business. One quick item before we adjourn relates to the records of this committee. It's quite possible that this could be the last meeting of the committee prior to the dissolution of the Legislature. In order to ensure a complete record of our work, we could consider an alternative method for approving the minutes of this meeting. In other committees the chair has been authorized to approve the final minutes after a copy has been distributed to committee members for their consideration. Does anyone have any thoughts on this?

**Mr. Orr:** Is it essential or required that there be some period of time defined between distribution to all members and the chair deciding to approve them?

**The Chair:** Good question. I'm not sure.

**Ms Rempel:** Thank you, Mr. Chair. Just based on general experience, there hasn't been a hard and fast rule, but it's certainly in the order of a week or so. Normally what would happen is that once the minutes are available, committee members will be advised and given a deadline to provide any questions, comments, concerns to the chair before things are approved.

**Mr. Orr:** So is this practice acceptable to everybody, a week and then he has authority to approve? Is that . . .

**The Chair:** Like she said, there's no hard-and-fast rule, but generally we want to make sure that the committee has the opportunity to provide feedback. We want to make sure that the minutes are acceptable to the committee, and any feedback that would be presented to me would be overseen and brought back, I'm sure, for committee approval if there were any changes that needed to be made.

**Mr. Orr:** Maybe it's not important because the staff team does such a good job of minutes for any issue anyway.

**The Chair:** I thought you were walking a really fine line there and maybe you were going to get yourself into trouble there, Mr. Orr.

**Mr. Orr:** No. It's just one of the things I've seen through the committees, and it always strikes me. Motions, contracts, agreements, whatever – like, when? Like the . . .

**The Chair:** Fair question, and you have the right to ask that question.

Okay. So we have potentially a draft motion here. The draft motion reads that the Standing Committee on Legislative Offices authorize the chair to approve the minutes of the February 16, 2023, meeting after a copy has been distributed to the committee members for comment. Is there anybody that would be prepared to move that motion? Mr. Hunter. Moved by Mr. Hunter that

the Standing Committee on Legislative Offices authorize the chair to approve the minutes of the February 16, 2023, meeting after a copy has been distributed to committee members for comment.

All in favour in the room? All in favour online? Any opposed in the room? Any opposed online?

I call that motion carried.

Are there any items for discussion under other business?

If not, on to the next meeting date. If another meeting is required, it'll be at the call of the chair.

Would a member move a motion to adjourn?

**Ms Lovely:** So moved.

**The Chair:** Ms Lovely. Moved by Ms Lovely that the February 16, 2023, meeting of the Standing Committee on Legislative Offices be adjourned. All in favour? Online, all in favour? Any opposed in the room? Any opposed online? I call that motion carried.

This meeting is adjourned. Thank you for your hard work.

[The committee adjourned at 1:58 p.m.]



