



Legislative Assembly of Alberta

The 30th Legislature
Third Session

Standing Committee
on
Legislative Offices

Tuesday, July 5, 2022
9 a.m.

Transcript No. 30-3-2

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Third Session**

Standing Committee on Legislative Offices

Rutherford, Brad, Leduc-Beaumont (UC), Chair
Milliken, Nicholas, Calgary-Currie (UC), Deputy Chair
Schow, Joseph R., Cardston-Siksika (UC),* Acting Chair
Allard, Tracy L., Grande Prairie (UC), Acting Deputy Chair

Ceci, Joe, Calgary-Buffalo (NDP)
Dach, Lorne, Edmonton-McClung (NDP)
Hunter, Grant R., Taber-Warner (UC)**
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Renaud, Marie F., St. Albert (NDP)***
Rosin, Miranda D., Banff-Kananaskis (UC)
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC)****
Shepherd, David, Edmonton-City Centre (NDP)
Smith, Mark W., Drayton Valley-Devon (UC)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)

* substitution for Brad Rutherford

** substitution for Miranda Rosin

*** substitution for Lorne Dach

**** substitution for Nicholas Milliken

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Terri Pelton	Child and Youth Advocate
Glen Resler	Chief Electoral Officer, Election Commissioner
Peter Sherstan	Acting Ombudsman, Acting Public Interest Commissioner
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Tuesday, July 5, 2022

[Mr. Schow in the chair]

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

My name is Joseph Schow. I'm the MLA for Cardston-Siksika, and for today I am the chair of this committee. I'd like to ask that members and those joining the committee at the table introduce themselves for the record, and then I'll call on those who are joining us remotely, beginning to my right.

Mr. Smith: Good morning. Mark Smith, MLA, Drayton Valley-Devon.

Mr. Long: Good morning. Martin Long, MLA for West Yellowhead.

Member Loyola: Rod Loyola, MLA, Edmonton-Ellerslie.

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

Dr. Massolin: Good morning. Philip Massolin, Clerk Assistant and director of House services.

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

The Acting Chair: Thank you.

I will note for the record that we have a number of substitutions. Of course, as mentioned already, I am substituting for the Hon. Mr. Brad Rutherford. Instead of hon. Mr. Milliken, we have hon. Mrs. Allard as acting deputy chair and Mr. Rowswell as substitute for the committee member. We also have Mr. Hunter substituting for Ms Rosin and Ms Renaud substituting for Mr. Dach.

What I will do is that I'll go to the members who are joining us remotely, call upon you, and you can introduce yourself, beginning with Mr. Rowswell.

Mr. Rowswell: Hi. Garth Rowswell, MLA, Vermilion-Lloydminster-Wainwright.

The Acting Chair: Mrs. Allard.

Mrs. Allard: Good morning. Tracy Allard, MLA for Grande Prairie.

The Acting Chair: Member Ceci.

Member Ceci: Good morning. Joe Ceci, MLA for Calgary-Buffalo.

The Acting Chair: Ms Renaud.

Ms Renaud: Marie Renaud, St. Albert.

The Acting Chair: Mr. Hunter? No Mr. Hunter.

Finally, Mr. van Dijken.

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

The Acting Chair: Thank you.

A few housekeeping items to address before we turn to the business at hand. Microphones are operated by *Hansard*. Unless we move in camera, committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly television. Members participating remotely should ensure that they are prepared to speak or vote when

called upon, and videoconference participants are encouraged to have their cameras on when speaking. Please set your cellphones and other devices to silent for the duration of the meeting.

We'll now go on to item 2, which is the agenda. A draft agenda was distributed to all committee members. Does anyone have any changes to propose?

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

Mr. Smith: So moved.

The Acting Chair: Mr. Smith has moved that the July 5, 2022, meeting agenda of the Standing Committee on Legislative Offices be approved as circulated. All those in favour, both in the room and online, please say aye. Any opposed, please say no. That motion is carried.

If the committee will allow me to return to announcements of members who are joining us remotely, I do see Mr. Hunter is now joining us.

Mr. Hunter, could you please introduce yourself.

Mr. Hunter: Grant Hunter, MLA for Taber-Warner.

The Acting Chair: Excellent. Thank you.

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

Seeing none, can I get a member to approve the meeting's minutes as distributed?

Mr. Smith: So moved.

The Acting Chair: Mr. Smith has moved that the minutes from the April 27, 2022, meeting of the Standing Committee on Legislative Offices be approved as distributed. All those in favour, in person and online, please say aye. Any opposed, please say no. That motion is carried.

Item 4 would be review of the draft amendment to the publication ban (court applications and orders) regulation. Section 131.1 of the Child, Youth and Family Enhancement Act states that "no regulation shall be made prior to being considered by an all party committee of the Legislative Assembly." In accordance with this legislation, on May 25 the Legislative Assembly agreed to Government Motion 30, which ordered that the Standing Committee on Legislative Offices is an all-party committee responsible for reviewing the proposed amendment to the existing publication regulation.

Just a quick history lesson if I may. When the government proposed this publication regulation, it was reviewed pursuant to the same legislative requirement by the Standing Committee on Families and Communities in 2014.

Number (ii), the letter from the Minister of Children's Services. Unlike the committee in 2014, this time around we are considering a proposed amendment as opposed to an entirely new regulation. On June 6 the Minister of Children's Services sent a letter to me as chair of this committee providing the draft amendment to the regulation. Currently the publication ban regulation is scheduled to expire on September 30, 2022. The proposed amendment would move the expiry date to September 30, 2027.

Now on to the review of the draft amendments. I'll review the process and discussion. Having seen the letter from the minister and the proposed amendment to the regulation, do the committee members have any thoughts or amendments to review? I see that Mr. Smith has caught my eye.

Mr. Smith: Okay. Thank you, Mr. Chair. I would put forward a motion if that's possible.

The Acting Chair: Just a quick question, Mr. Smith.

Mr. Smith: Yeah.

The Acting Chair: The motion you're about to put forward: was it put on notice in the appropriate time?

Mr. Smith: I believe it was.

The Acting Chair: Okay. Please proceed.

Mr. Smith: Okay. MLA Smith to move that the Standing Committee on Legislative Offices confirm that it has considered and supports, in accordance with section 131.1 of the Child, Youth and Family Enhancement Act, the draft publication ban (court applications and orders) (expiry date extension) amendment regulation as set out in the letter of the Minister of Children's Services to the chair of the committee dated June 6, 2022.

The Acting Chair: Okay. So we have an amendment. It was proposed to the committee. I'll see Mr. Shepherd in just a moment. We will get that motion up on the screen for all committee members joining us in person and online to view, and then we'll go into discussion of that motion. I see it is here. Okay. Any discussion on this motion? Mr. Shepherd.

Mr. Shepherd: Well, thank you, Mr. Schow. I'm disappointed that Mr. Smith would put forward this motion immediately, with absolutely no discussion of any kind by any member of the committee. We had another motion on the record – it was pretty straightforward – simply to have a technical briefing from Children's Services to understand more about this situation, this particular regulation. It's been in place for about five years.

Now, this is a fairly serious matter. This is pertaining to the publication bans around the death of a child in care, in government care. The process by which this amendment came to be in place was back under a previous government. There was extensive discussion around concerns about this issue. Changes were made to the act back in 2014. It used to be that there was an automatic publication ban. Then there was a Bill 11 in 2014 that changed that to require that a family member or, in certain circumstances, a department could apply to the Provincial Court for an expedited publication ban process. Now, this was because families, in many cases, wanted to be able to speak out about the death of their child but were prevented from doing so because there was an automatic ban that was put in place. So this change was made.

Now, there were concerns about how this might operate and the impacts that this might have on some families, so at that time there was work done by the committee, indeed the Leader of the Official Opposition, which brought forward an amendment that it could not come into force without first being considered by the committee. So that committee took the opportunity to hear from some stakeholders. Now, there were some stakeholders who raised concerns with the regulation, but at that time the government members at that time simply chose to vote in a majority to slam it through. There was no consideration of the concerns that were raised. There was no further depth. Sounds a little bit like what we have here today, Mr. Chair.

It would be a very small bit of effort required for this committee to undertake a small modicum of due diligence even to simply just hear from Children's Services a technical briefing. One more meeting during this summer, Mr. Chair, and this member proposes that we simply ignore even that, unwilling to do even that small amount of work.

9:10

We also had another motion on the record that simply would have given us the chance to seek out written submissions to ensure that after five years of this amendment operating, there had been no concerns, that there were no issues. We know that we have had record levels of deaths amongst children in care. We know we have just come through a global pandemic. We know that many who were involved in these circumstances may not be in a position where they are regularly able to be heard by government or where their stories are able to be heard or recognized. Yet this government member says that the committee should simply rubber-stamp an extension to this regulation without even a moment of consideration.

Now, I recognize, Mr. Chair, that government members have an awful lot of distractions this summer, as they have had over the last few months, but I think we can still find some time to do a bit of the work that we were elected to do and take the time to actually look at this properly. Again, a single meeting. All we have to do is move a motion to hear from written stakeholders, give a brief period of time. Our suggestion would be a targeted list; not even talking about a fully open public process. Take a look at the folks who were consulted before, look at some folks who were involved in this, ask them to make a submission, give a brief period for that to come in, one more meeting where we have a technical briefing, have an opportunity to review those submissions, and then make an informed decision.

Of course, there still is the opportunity for that, Mr. Chair. The government member that put forward this motion can certainly vote against the motion he put forward. Certainly, his colleagues could choose to do so as well and demonstrate to the people of Alberta that they are actually here to do the work that we were elected here to do and to give this the consideration that I think at bare minimum is due for something of this significance.

Thank you, Mr. Chair.

The Acting Chair: Thank you, Mr. Shepherd.

I see Mr. Smith would like to add some comments to this debate.

Mr. Smith: Thank you, Mr. Chair. I would speak in favour of the motion. I believe this is just, really, simply an extension of the expiry date. It's pretty straightforward. You know, there is, in my understanding, a review of the Child, Youth and Family Enhancement Act that will be happening soon. Many of the points that the member opposite brought forward will and can and should be addressed at that point in time. They'll be considered. They'll be reviewed by a panel with more expertise than this committee. I think that this is pretty much a housekeeping issue that's a simple extension of an expiry date, and we can move forward.

Thank you.

The Acting Chair: Thank you.

I do see that Mrs. Allard would like to ask a question, but I'd like to give the opportunity first to the members of the opposition.

Mrs. Allard, would you like to add your comments?

Mrs. Allard: Sure. Thank you, Mr. Chair, and good morning again, everyone. I would agree with MLA Smith. While I sincerely appreciate the comments from Member Shepherd and I understand where he's coming from, I do believe that in this case that review of the Child, Youth and Family Enhancement Act, that will be happening soon, is probably where that work will be done and, I would argue, maybe where that work should be done. It'll be considered during that review by a panel with much more expertise than this committee has. Just delaying the process could possibly

jeopardize the safeguards that are currently in place moving forward, and I wouldn't want to do that either.

I'll keep my comments brief, but this regulation gives parents a way to apply for a publication ban when a child is deceased, protecting information of vulnerable individuals and their families in difficult times and only if it is wanted and proven to be warranted. It's intended to protect the privacy of deceased children, and they deserve that, and I don't see any rationale to not extend this. I do think that this is a simple request, and I think there will be a substantive review by members that have more expertise than this committee, and that's why I would support this motion.

Thank you, Mr. Chair.

The Acting Chair: Thank you, Mrs. Allard.

I'll go to Mr. Shepherd again.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the comments from Mr. Smith and Mrs. Allard. I don't necessarily share their faith that this is work that simply should be trusted to the minister and the panel that they choose to strike. I recognize, of course, that there's the opportunity to involve people in that process who have expertise. There's also the opportunity for us as duly elected members to do the work we have been elected to do, which is to consult expertise, consult people with lived experience, speak to those, and make decisions based on that information. I don't feel that as a member of the opposition it's my role – indeed, I think it would be an abrogation of my duty – to simply say that I will trust that to the minister and their panel.

To suggest in any way that taking a brief moment to actually hear from some folks and give some consideration to this matter before we simply rubber-stamp and push this through would delay the process, well, let's be clear, Mr. Chair. The government was the one that chose to wait until this moment – well, the minister chose to send that letter, I guess, when she did, certainly getting awfully close to when that deadline was. Then, of course, it was at the will of the chair when that meeting would be called, and then, of course, it was decisions of the government which, in its cabinet shuffle, decided to delay that meeting even further.

So to suggest that we are delaying the process by wanting to take a brief moment to hear from a few stakeholders and a technical briefing from the department, which, again, is something that could be accomplished within a matter of a couple of weeks at most – it in no way jeopardizes the deadline, which this government has chosen to skate so closely up against.

Again, I speak against this motion, and I am disappointed that members of the government are unwilling to take even the slightest bit of due diligence in considering this matter.

The Acting Chair: Thank you.

I'm not seeing any others who wish to add to this debate. In that case, I'm prepared to call the question on this motion, the motion moved by Mr. Smith that the Standing Committee on Legislative Offices confirm that it has considered and supports, in accordance with section 131.1 of the Child, Youth and Family Enhancement Act, the draft publication ban (court applications and orders) (expiry date extension) amendment regulation as set out in the letter of the Minister of Children's Services to the chair of the committee dated June 6 of this year.

All those in favour of this motion, please say aye. Any opposed, please say no. In my opinion,
the ayes have it.

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

The Acting Chair: Yes. Mr. Shepherd has requested a recorded vote. We will first go around the table and ask those to raise their

hands for or against the motion, and then we'll go to the members online. In the room, all those in favour of this motion, please raise your hand: Mr. Smith and, of course, Mr. Long.

What we'll do, then, is that if you are in favour of this motion online, please just state your name and say aye.

Mr. Rowswell: Garth Rowswell. Aye.

Mrs. Allard: Tracy Allard. Aye.

Mr. Hunter: Grant Hunter. Aye.

Mr. van Dijken: Glenn van Dijken. In favour.

The Acting Chair: All right. Thank you.

In the room, all those opposed, please raise your hand: Mr. Shepherd, Mr. Loyola.

Online, those opposed, please state your vote.

Member Ceci: Joe Ceci. Opposed.

Ms Renaud: Marie Renaud. Opposed.

Ms Rempel: Thank you, Mr. Chair. It would appear that the motion is carried, six to four.

The Acting Chair: Thank you very much.

That motion is carried.

Moving on to other business, reports on the audit results for the office of the Auditor General.

Before we adjourn, I do have one brief information item, and I'd like to call on – oh, Mr. Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I just wanted to ask a point of clarification about how we will proceed on this. The vote has been taken on this matter to go forward. Is there a report of any kind that would be generated from this meeting or this process?

The Acting Chair: I'll defer to Ms Rempel.

Ms Rempel: Thank you, Mr. Chair. Yes, there would normally be a report reflecting this decision of the committee. If you're considering a minority report, you can certainly have one that will be appended to the main report.

9:20

The Acting Chair: We would need to set a timeline for that, I suspect, then.

Mr. Shepherd: Yes, Mr. Chair. If we could have a date, then, by which we would need to submit a minority report.

The Acting Chair: I'll turn to Ms Rempel. What timeline is suitable for you for them to submit their minority report?

Ms Rempel: Usually if we have about a week or so to get everything prepared, that works. If that's reasonable, we can work with that.

The Acting Chair: Today's date is the 5th, so you'd put it at the 12th.

Is the 12th a reasonable timeline for you, Mr. Shepherd? I'd like to accommodate you.

Mr. Shepherd: Certainly. I believe we and our staff can work within that timeline. Does that require a motion on the record?

The Acting Chair: No.

Mr. Shepherd: Understood. We will have a minority report submitted by the 12th.

The Acting Chair: Thank you. We'll just say "end of day" for ease of purpose instead of throwing an arbitrary time at you.

Okay. Any other business before I move on to agenda item 5?

Seeing none, I will now turn the time over to Mrs. Allard to provide a brief report on the exit audit for the office of the Auditor General. Hon. member.

Mrs. Allard: Thank you, Mr. Chair. I'm pleased to report to the committee that on June 24, 2022, the committee clerk and I met with the Auditor General and senior staff from his office as well as the audit team from St. Arnaud Pinsent Steman. I'm pleased to advise that, as in previous years, the 2021-22 audit was completed without any issues identified. I would also remind my colleagues that, like the other legislative officers, the Auditor General will include a copy of the final audit documents for his office in his annual report. After

reviewing the final documents, should members have any questions, they can be raised with the Auditor General when his office appears before this committee later in the year as part of the annual budget process.

That concludes my report. Thank you, Mr. Chair.

The Acting Chair: Thank you, Mrs. Allard. Riveting stuff, as usual, when it comes to accounting.

Are there any other items for discussion under other business?

If not, the next meeting will be called at the will of the chair.

Can I get someone to move to adjourn this meeting? Mr. Long has moved that the July 5, 2022, meeting of the Standing Committee on Legislative Offices be adjourned. All those in favour, please say aye. Any opposed, please say no. That motion is carried, and this meeting is adjourned. Travel safe, everyone.

[The committee adjourned at 9:23 a.m.]

