

## Standing Committee on Families and Communities

### *Review of the Office of the Advocate for Persons with Disabilities Evaluation Summary Report, October 2020*

Thirtieth Legislature  
Second Session

January 2021



Standing Committee on Families and Communities  
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**STANDING COMMITTEE ON FAMILIES AND COMMUNITIES**

January 2021

**To the Honourable Nathan Cooper  
Speaker of the Legislative Assembly  
of the Province of Alberta**

I have the honour of submitting, on behalf of the Standing Committee on Families and Communities, the Committee's final report on the ***Review of the Office of the Advocate for Persons with Disabilities Evaluation Summary Report, October 2020.***

Sincerely,

Laila Goodridge, MLA  
Chair, Standing Committee  
on Families and Communities

## Table of Contents

<b>Members of The Standing Committee on Families and Communities .....</b>	<b>2</b>
<b>1.0 Introduction .....</b>	<b>3</b>
<b>2.0 Summary of Committee Recommendations .....</b>	<b>3</b>
<b>3.0 Committee Activities.....</b>	<b>3</b>
<b>4.0 Recommendations of The Standing Committeeon Families and Communities.....</b>	<b>3</b>
<b>5.0 Minority Report.....</b>	<b>4</b>

**MEMBERS OF THE STANDING COMMITTEE ON FAMILIES AND COMMUNITIES**  
**30<sup>th</sup> Legislature, Second Session**

Laila Goodridge, MLA  
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Fort McMurray-Lac La Biche (UCP)

Lori Sigurdson, MLA  
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Calgary-Cross (UCP)

Jeremy P. Nixon, MLA  
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Irfan Sabir, MLA  
Calgary-McCall (NDP)

Nathan T. Neudorf, MLA  
Lethbridge-East (UCP)

Tany Yao, MLA  
Fort McMurray-Wood Buffalo (UCP)

**Substitutions Pursuant to Standing Order 56(2.1-2.4):**

Jacqueline Lovely, MLA<sup>\*</sup>  
Camrose (UCP)

Angela D. Pitt, MLA<sup>†</sup>  
Airdrie-East (UCP)

Marie F. Renaud, MLA<sup>‡</sup>  
St. Albert (NDP)

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<sup>\*</sup> Substitution for Tany Yao on January 15, 2021

<sup>†</sup> Substitution for Jeremy Nixon on January 15, 2021

<sup>‡</sup> Substitution for Jonathon Carson on December 7, 2020, and January 15, 2021

## 1.0 INTRODUCTION

The Advocate for Persons with Disabilities (the “Advocate”) is appointed under the *Advocate for Persons with Disabilities Act*, S.A. 2017, c. A-5.5 (the “Act”). Pursuant to section 3(1) of the Act the Advocate’s role is “to represent the rights, interests and viewpoints of persons with disabilities.”

Section 6(1) of the Act provides that within two years of the Advocate’s appointment, the Advocate must prepare a report evaluating the effectiveness of the *Advocate for Persons with Disabilities Act* that includes any amendments and recommendations relating to persons with disabilities that the Advocate considers appropriate. The Speaker of the Legislative Assembly must table each evaluation summary report in the Assembly as soon as possible. In accordance with section 6(4) of the Act, once tabled, the report must be referred to the committee of the Legislative Assembly. Pursuant to section 6(5) of the Act, the committee undertaking the review “must report back to the Legislative Assembly within 90 days of the report being referred to it if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.” On November 25, 2020, the Assembly agreed to Government Motion 46, which referred the *Office of the Advocate for Persons with Disabilities Evaluation Summary Report, October 2020* (Sessional Paper 431/2020) to the Standing Committee on Families and Communities.

## 2.0 SUMMARY OF COMMITTEE RECOMMENDATIONS

The Standing Committee on Families and Communities made no recommendations with respect to the *Office of the Advocate for Persons with Disabilities Evaluation Summary Report, October 2020*.

## 3.0 COMMITTEE ACTIVITIES

During its review the Committee met on December 7, 2020, and January 15, 2021.

On January 15, 2021, Tony Flores, the Advocate for Persons with Disabilities, and Clay Buchanan, Assistant Deputy Minister, Disability Services, Ministry of Community and Social Services, made a presentation to the Committee on the *Office of the Advocate for Persons with Disabilities Evaluation Summary Report, October 2020*.

## 4.0 RECOMMENDATIONS OF THE STANDING COMMITTEE ON FAMILIES AND COMMUNITIES

At its meeting on January 15, 2021, the Committee expressed appreciation for the work of the Advocate, as summarized in the *Office of the Advocate for Persons with Disabilities Evaluation Summary Report, October 2020*. The Committee recognized that the Office of the Advocate for Persons with Disabilities is new and still being developed. The Office of the Advocate for Persons with Disabilities requires more time to engage with and build relationships with ministries and stakeholders in order to evaluate the effectiveness of the *Advocate for Persons with Disabilities Act*, suggest amendments to the Act, and make recommendations relating to persons with disabilities. As a result, the Committee made no recommendations with respect to the *Office of the Advocate for Persons with Disabilities Evaluation Summary Report, October 2020*.

## 5.0 MINORITY REPORT

To the Chair of the Standing Committee on Families and Communities,

Please find below a Minority Report from the NDP Caucus on the Advocate for Persons with Disabilities Evaluation Summary Report Review. This Minority Report objects to the decision of the Committee to complete the review without hearing from groups or individuals who interact with the Advocate for Persons with Disabilities and are impacted by the *Advocate for Persons with Disabilities Act*. In a time when the Government has already made devastating changes including deindexing AISH, changing the payment dates for AISH and income supports, and reducing supports for PDD and FSCD, - resulting in ballooning waiting lists for the very people being advocated for - their input needs to be heard and considered.

The Alberta NDP caucus is very concerned that UCP members - for the second time in less than a week - completed a review of an advocate's report without any meaningful discussion or public consultation. UCP committee members are using identically-worded motions to shut-down discussions of reports and issues that affect vulnerable people. This appears to be a concerted strategy to minimize the access to the legislative process through committees. It is evident that UCP members are setting a precedent for the Standing Committees of the Legislature to fulfill minimum requirements only. The Standing Committee on Families and Communities has a mandate to consider all items referred to the committee in a manner that is thorough, thoughtful and fulfills the expectations that Albertans have of their elected representatives.

This review of the Advocate for Persons with Disabilities Evaluation Summary Report was the first opportunity for a review of the legislation passed in 2017 that established the Office of the Advocate for Persons with Disabilities, a private members bill that became a Government Bill, and passed unanimously by all members of the house – including members of the current Government.

In the brief time that the UCP members of the committee allowed for interaction with the Advocate for persons with disabilities, a number of points became clear, including:

- The community would benefit from increased independence of the Advocate's Office
- There is no framework in place for:
  - Making recommendations to the Government or,
  - Ensuring recommendations made by the Advocate are implemented or evaluated
- The Government has been in contravention of the legislation by failing to consult with the advocate on changes to AISH and other programs that impact the community.

Rather than take the opportunity to understand these issues thoroughly and work to address them, the UCP members shut-down the committee hearing and moved and passed a motion that “the Standing Committee on Families and Communities conclude its review of the OAPD evaluation summary report October 2020 without making any recommendations.” The motion uses verbatim text from the motion by the UCP members to shut-down the Child and Youth Advocate just days before.

These actions by the UCP members in the committee – and all of their actions in relation to this file since forming Government – are in stark contrast to their advocacy when the *Advocate for Persons with Disabilities Act* was passed. On May 24, 2017, the now Minister for Environment and Parks advocated for opportunities for the “public and stakeholders give input during the review of” the Act, and for a Government commitment to ensuring that the rights, interests, and viewpoints of persons with disabilities are considered in matters affecting them.

The NDP members of the committee – and their caucus members – do not agree that no recommendations need to be made. We believe that without hearing from the members of the disability

community, including groups and self-advocates, the committee should not have ended the review, as recommendations – or lack thereof – should flow from the community and the individuals who are impacted by the legislation and the work of the Advocate.

In the absence of a full review being undertaken by the committee, the NDP recommends to the Assembly that:

- a Committee of the Assembly be tasked with a review of *Advocate for Persons with Disabilities Act* that includes engagement with and feedback from individuals and stakeholder groups that interact or could interact with the Advocates office
- the Committee has a mandate of reporting back in 6 months, and
- the Committee make recommendations for improving the legislation and the work of the Advocate and his office in their report.

In summary, we do not agree with the content of the report of the Standing Committee on Families and Communities that no further consideration is required on possible improvements or recommendations in response to the October 2020 Evaluation Summary Report of the Office of the Advocate for Persons with Disabilities.

As the official opposition and elected officials, we take our duties to Albertans seriously, and will continue to push for meaningful actions and changes in all of our work - Albertans deserve and expect nothing less.

Thank you,

Lori Sigurdson, MLA Edmonton-Riverview

Rakhi Pancholi, MLA Edmonton-Whitemud

Jon Carson, MLA Edmonton-West Henday

Irfan Sabir, MLA Calgary-McCall