

## Standing Committee on Legislative Offices

### Report on the Review of the Office of the Child and Youth Advocate 2018-2019 Annual Report

February 2020



**COMMITTEES**  
OF THE LEGISLATIVE ASSEMBLY

Standing Committee on Legislative Offices  
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## **STANDING COMMITTEE ON LEGISLATIVE OFFICES**

February 2020

To the Honourable Nathan M. Cooper  
Speaker of the Legislative Assembly  
of the Province of Alberta

The Standing Committee on Legislative Offices has the honour to submit its report relating to the review of the Office of the Child and Youth Advocate 2018-2018 Annual Report for consideration by the Legislative Assembly.

Sincerely,

*[original signed by]*

Mike Ellis, MLA  
Chair, Standing Committee  
on Legislative Offices

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**MEMBERS OF THE STANDING COMMITTEE ON LEGISLATIVE OFFICES**  
**30<sup>th</sup> Legislature, First Session**

Mike Ellis, MLA  
Chair  
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Edmonton-Gold Bar (NDP)

Christina Gray, MLA  
Edmonton-Mill Woods (NDP)

David Shepherd, MLA  
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**Substitutions Pursuant to Standing Order 56(2.1-2.4):**

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Garth Rowsell, MLA<sup>§</sup>  
Vermilion-Lloydminster-Wainwright  
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<sup>\*</sup> Substitution for David Shepherd on February 5, 2020

<sup>†</sup> Substitution for Christina Gray on January 20, 2020

<sup>‡</sup> Substitution for Marlin Schmidt on January 20, 2020, and February 5, 2020

<sup>§</sup> Substitution for R.J. Sigurdson on February 5, 2020

## 1.0 INTRODUCTION

The Child and Youth Advocate (the “Advocate”) is appointed under the *Child and Youth Advocate Act*, S.A. 2011, c. C-11.5, (the “Act”) as an Officer of the Legislature. Pursuant to section 9(1) of the Act the Child and Youth Advocate’s role is “to represent the rights, interests and viewpoints of children.”

Section 21 of the Act provides that the Advocate must report annually to the Speaker of the Legislative Assembly with respect to the work of the Office of the Child and Youth Advocate. The reporting requirement includes the Office’s annual report and reports on any mandatory death reviews and systemic reviews following a serious injury or death of a child who was receiving a designated service under section 1(e) of the Act. Pursuant to section 21(1.1) the annual report must include information on the progress of the implementation of recommendations made by the Advocate.

The Speaker of the Legislative Assembly must table each annual report in the Assembly as soon as possible. In accordance with section 21(3) of the Act, once tabled, an annual report stands referred to the committee of the Legislative Assembly charged with review of the report. Pursuant to section 21(4) of the Act the committee undertaking the review “must report back to the Assembly within 90 days of the report being referred to it if it is then sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.” On November 27, 2019, the Assembly agreed to Government Motion 40, which referred the Office of the Child and Youth Advocate’s *2018-2019 Annual Report* to the Standing Committee on Legislative Offices.

This report contains the recommendations of the Standing Committee on Legislative Offices respecting the Office of the Child and Youth Advocate’s *2018-2019 Annual Report*.

## 2.0 SUMMARY OF COMMITTEE RECOMMENDATIONS

The Standing Committee on Legislative Offices made no recommendations with respect to the Office of the Child and Youth Advocate’s *2018-2019 Annual Report*.

## 3.0 COMMITTEE ACTIVITIES

During its review the Committee met on December 4, 2019, and January 20 and February 5, 2020. During its December 4, 2019, meeting the Committee appointed the Subcommittee on Committee Business, which undertook to consider and recommend to the Committee specific areas of focus for the Committee’s review.

On January 20, 2020, Del Graff, the Child and Youth Advocate, and Terri Pelton, Executive Director of Child and Youth Advocacy, Office of the Child and Youth Advocate, made a presentation to the Committee on the *2018-2019 Annual Report* of the Office of the Child and Youth Advocate. In addition, Ministry of Children’s Services officials Rae-Ann Lajeunesse, Assistant Deputy Minister of Child Intervention, and Joni Brodziak, Executive Director, Policy, Practice and Program Development, made a presentation to the Committee on the work of the Ministry as it relates to the *2018-2019 Annual Report* of the Office of the Child and Youth Advocate. During the meeting the Committee asked follow-up questions about the Advocate’s annual report and the recommendations made therein. The Committee also asked questions regarding Indigenous children in care, LGBTQ2S-plus youth, and the relationship between the Advocate’s office and the Ministry of Children’s Services.

In addition, the Committee considered the recommendations of the Subcommittee on Committee Business at its meeting on January 20, 2020, and agreed to focus the Committee’s review on the following four issues:

1. The direct advocacy work of the Office of the Child and Youth Advocate with respect to Indigenous youth, individuals who have aged out of care, and LGBTQ2S-plus children and youth.
2. The advisory role of the Office of the Child and Youth Advocate with respect to youth opioid use and the effectiveness of its outreach and education work.
3. The investigative capacity of the Office of the Child and Youth Advocate and, in particular, the impact of recent legislative changes to the Advocate's mandate. Does the Advocate have adequate resources to fulfill his mandate?
4. The ways in which Government ministries and the Office of the Child and Youth Advocate collaborate and co-ordinate to address and implement the Advocate's recommendations.

#### **4.0 RECOMMENDATIONS OF THE STANDING COMMITTEE ON LEGISLATIVE OFFICES**

At its meeting on February 5, 2020, the Committee expressed its appreciation for the work of the Advocate, as summarized in the Office of the Child and Youth Advocate's *2018-2019 Annual Report*. In addition, the Committee acknowledged the Advocate's assertions in the annual report that progress has been made on the implementation of a number of recommendations he has made over the past number of years. As a result, the Committee made no recommendations with respect to the Office of the Child and Youth Advocate's *2018-2019 Annual Report*.

To the Chair of the Standing Committee on Legislative Offices,

The members of Alberta's New Democratic Caucus are very concerned with the direction that the United Conservative Caucus members of the Standing Committee on Legislative Offices took during the review of the 2018-19 Annual report of the Child and Youth over recent months. We view the role of the committee in this initial review of one of setting a precedent of how these annual reviews should be undertaken in the future. As such, we attempted to ensure the review was thoughtful and thorough.

The United Conservative Caucus members on the other hand, limited engagement to the Office of the Child and Youth Advocate and the Ministry of Children's Services, and opportunities to ask questions to less than 45 minutes. Motions to speak with all the Ministries that interact with the OCYA, as well as members of the community, were rejected at the January 20, 2020 meeting. Not only did they reject the motion by the MLA for Edmonton-City Centre without any justification, but the member for Cardston-Siksika attempted to put a motion on the floor to not invite any stakeholders at all.

At the February 5, 2020 meeting the Standing Committee on Legislative Offices, New Democratic Caucus members noted that there is no accountability on the recommendations made by the Office of the Child and Youth Advocate beyond bi-annual reporting online. There is no mechanism to ask Ministries why recommendations are outstanding. Therefore, our members put forward a number of motions to address this. All were voted down by United Conservative Caucus members – despite them relating to the focus issues approved by the committee.

The first – which was related to issue 4 about how the Ministries and the OYCA work together to implement recommendations – was that all outstanding recommendations be listed in the annual report, and where no progress has been made for at least 6 months on a recommendation– this be noted. After stating that if we had been concerned, members could have asked the Ministries when they were here – the same Ministries that were prevented from being invited by United Conservative Caucus members at the January 20 meeting – the United Conservative Caucus members voted this down.

The New Democratic Caucus members then attempted to endorse the outstanding recommendations that were noted in the annual report, to provide direction to the assembly that committee members agree with the advocate and that the Government should therefore take this work seriously. Motions put forward were dealing with death reviews, protecting



youth from the opioid crisis, improving staff training, and supporting Indigenous and LGBTQ2S+ children and youth in the province.

All were tied to the focus issues agreed upon by the committee.

United Conservative Caucus members voted all motions down, and stated they were out of scope – despite the relation to the scope decided on by the committee itself. Even more frustrating, despite the previous instances where committees endorse recommendations, committee members were told by a United Conservative Caucus member that “while it has been done in the past, it does not...need to be done here.”

From the onset of this review, New Democratic Caucus members have been blocked in every attempt to undertake a thorough review of the work identified by the Advocate in his report. Given that there are currently 24 outstanding recommendations - setting the precedent to firmly place those recommendations outside of the scope of the review, is careless and dangerous.

There is no one to hold the Government to account if there is no further progress made on any of these recommendations – and one has to ask why any Government that represents the children of this Province would reject the opportunity to highlight future good work and cooperation.

Further – New Democratic Caucus members of the committee do not support the committee report stating that since progress has been made on a number of recommendations, no recommendations from the committee are needed. We believe that appreciation of the Advocate is best done by supporting the work and recommendations of the Office – not with platitudes and a rubber stamping of a report.

As the official opposition, it is our job to ensure we are accountable to Albertans. When committees are blocked from doing important work, Albertans suffer when the only focus is pushing forward the agenda of the Government.

Thank you,

Heather Sweet, MLA Edmonton-Manning

David Shepherd, MLA Edmonton-City Centre

Christina Gray, MLA Edmonton-Millwoods

Marlin Schmidt, MLA Edmonton-Gold Bar