



## Standing Committee on Legislative Offices

### Report on the Review of the Office of the Child and Youth Advocate 2019-2020 Annual Report

January 2021



**COMMITTEES**  
OF THE LEGISLATIVE ASSEMBLY

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

January 2021

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 2019-2020 Annual Report for consideration by the Legislative Assembly.

Sincerely,

(signed by)

Joseph Schow, MLA  
Chair, Standing Committee on Legislative Offices

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

Joseph R. Schow, MLA  
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David Shepherd, MLA  
Edmonton-City Centre (NDP)

Heather Sweet, MLA  
Edmonton-Manning (NDP)

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(UCP)

Jordan Walker, MLA  
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**Substitutions Pursuant to Standing Order 56(2.1-2.4):**

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Muhammad Yaseen, MLA<sup>†</sup>  
Calgary-North (UCP)

Rakhi Pancholi, MLA<sup>‡</sup>  
Edmonton-Whitemud (NDP)

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<sup>\*</sup> Substitution for Joseph Schow on January 12, 2021

<sup>†</sup> Substitution for Heather Sweet on January 12, 2021

<sup>‡</sup> Substitution for Jeremy Nixon on January 12, 2021

## 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 December 2, 2020, the Assembly agreed to Government Motion 51, which referred the *2019-2020 Annual Report* of the Office of the Child and Youth Advocate to the Standing Committee on Legislative Offices for review.

## 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 *2019-2020 Annual Report*.

## 3.0 COMMITTEE ACTIVITIES

During its review the Committee met on January 12, 2021. At that meeting Del Graff, the Child and Youth Advocate, Terri Pelton, Executive Director of Child and Youth Advocacy, and Bonnie Russell, Director of Strategic Support, made a presentation to the Committee on the *2019-2020 Annual Report* of the Office of the Child and Youth Advocate.

## 4.0 RECOMMENDATIONS OF THE STANDING COMMITTEE ON LEGISLATIVE OFFICES

At its meeting on January 12, 2021, the Committee expressed its appreciation for the work of the Advocate, as summarized in the Office of the Child and Youth Advocate’s *2019-2020 Annual Report*. The Committee made no recommendations with respect to the Office of the Child and Youth Advocate’s *2019-2020 Annual Report*.

## 5.0 MINORITY REPORT

To the Chair of the Standing Committee on Legislative Offices,

Please find below a Minority Report from the NDP Caucus on the Annual Report of the Office of the Child and Youth Advocate. This Minority Report objects to the decision of the Committee to complete the review without hearing from groups affected by issues raised by the Child and Youth Advocate and without any consideration for possible changes or recommendations to address significant issues.

The Alberta NDP caucus is very concerned that UCP members of the committee would once again complete a review without any meaningful discussion or consideration of the Advocate's report and establish a precedent whereby legislative committees attempt to receive and rubber-stamp reports. The Standing Committee on Legislative Offices has a mandate to consider these subjects carefully, to represent our constituents, and consider meaningful actions.

When the committee last submitted a report in February of 2020 on the Annual Report of the Office of the Child and Youth Advocate, the members of Alberta's New Democratic Caucus also wrote a minority report outlining their concerns that the direction taken by the United Conservative Caucus members of the committee during the review of the 2018-19 Annual Report would set a precedent of merely rubber-stamping reports, and shying away from the duty of the committee to consider meaningful actions.

Unfortunately, at the January 12, 2021 meeting, these concerns were validated when the review began and ended on the same day, as the UCP members of the committee used their majority to end discussions.

At the January meeting, the Child and Youth Advocate, Del Graff, suggested that committee reviews are opportunities "where Children's Services or Justice and Solicitor General's young offender branch and others who have been provided with recommendations provide you with an update as to what progress has been made and that there is a measure of accountability for those groups to the recommendations that we've made to them."<sup>§</sup> The Advocate went on to say that "as a measure of accountability in terms of having ... questions that go to government ministries about how have they implemented the recommendations that have been brought forward, this committee or the subcommittee from the standing committee could be an opportune place for that to take place."

One of the Advocate's greatest areas of concern was the use of OC spray, or pepper spray, and segregation in youth correctional institutions, and he informed the committee members that the responses they have received from the department are insufficient, and his office is looking for "more significant activity related to these recommendations." When the MLA for Calgary-Buffalo asked how this could be improved, the Advocate once again highlighted the ability of the committee in "having the young offender branch come and talk with you about what they've done related to the recommendations."

However, immediately following the presentation by the Advocate - and less than 2 hours after the review first began - the UCP member for Leduc-Beaumont put forward a motion to complete the review with no recommendations.

The NDP members of the committee attempted to amend the motion to delay the completion of the review and the decision on recommendations until after the committee had heard from the Ministries of

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[https://docs.assembly.ab.ca/LADDAR\\_files/docs/committees/lo/legislature\\_30/session\\_2/20210112\\_0900\\_01\\_lo.pdf](https://docs.assembly.ab.ca/LADDAR_files/docs/committees/lo/legislature_30/session_2/20210112_0900_01_lo.pdf)

Children's Services and Justice and Solicitor General, and both amendments were voted down by every UCP member of the committee.

To be clear - the actions of the UCP members directly contradicted the advice from the Child and Youth Advocate mere minutes after hearing that advice.

It is apparent that the members of the UCP Government caucus have no desire to seek out or implement meaningful changes. This is a pattern of behavior in the UCP. Dodge, avoid and ignore calls for accountability, and wield their majority in committees and the house to avoid the scrutiny that Albertans deserve and expect from their elected officials - even if doing so may put vulnerable youth at risk.

Again this year, the NDP members of the committee do not support the committee report stating that no recommendations are needed. The Advocate clearly stated multiple times in the January 12, 2021 committee meeting that the committee had options available to them to consider improvements to the processes in place, and ignoring the advice of the Advocate is not an action we support.

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,

ANDP Committee members-

David Shepherd, MLA Edmonton-City Centre

Joe Ceci, MLA Calgary-Buffalo

Rod Loyola, MLA Edmonton-Ellerslie

Heather Sweet, MLA Edmonton-Manning