



Bill #419  
Financial Measures (2024) Act

DEFEATED  
Susan Leblanc  
April 4, 2024  
CWHB, Bill 419

CHANGES RECOMMENDED TO THE  
COMMITTEE OF THE WHOLE HOUSE ON BILLS

**PAGE 34, Schedule, Clause 4** - add immediately after subclause (2) the following subclause:

(3) The Commissioner is an independent officer of the House of Assembly, based on the principles established in the *United Nations Convention on the Rights of the Child*.

**PAGE 35, Schedule, subclause 5(1)** - delete and substitute the following subclause:

(1) The Governor in Council shall appoint the Commissioner, on the recommendation of the House of Assembly, within four weeks of the coming into force of this Section.

**PAGE 35, Schedule** - add after Clause 8 the following Clauses:

9 The Commissioner shall establish a Child and Youth Advisory Committee.

10 (1) In this Section, "designated service" means any of the following services or programs provided or funded by the government:

(a) services and programs for children and their families provided under the *Children and Family Services Act*;

(b) disability services for children, as described in the regulations;

(c) educational programming for children who have, or are eligible to have, an individual education plan under the *Education Act*;

(d) mental health services for children provided by or on behalf of a public body or a health care facility;

(e) addiction services for children provided by or on behalf of a public body or a health care facility;

(f) victim support services provided for children or their families by or on behalf of the government;

(g) youth justice services;

(h) the following services for youth:

(i) services provided for former permanent wards to assist them in their transition to independence,

(ii) disability services for youth with a mental disability who were receiving any services immediately before their 19th birthday,

(iii) educational programming for youth who were in the care of an agency under the *Children and Family Services Act* immediately before their 19th birthday and who have, or are eligible to have, an individual education plan under the *Education Act*;

(i) any additional services or programs prescribed by the regulations.

(2) The Commissioner shall

(a) support, assist, inform and advise children, youth and their families respecting designated services, including

(i) by providing information and advice to children, youth and their families about how to effectively access designated services and how to become effective self-advocates with respect to those services,

(ii) by representing the rights, interests and viewpoints of children and youth receiving or eligible to receive designated services, including by advocating on their behalf, and

(iii) by supporting, promoting in communities and commenting publicly on advocacy services for children, youth and their families with respect to designated services;

(b) become involved in public education respecting the interests and well-being of children and youth;

(c) investigate any matter that comes to the Commissioner's attention from any source concerning

(i) a child or youth who receives services from any department, agency of the Government or publicly funded health entity, or

(ii) services to children or youth provided by any department, agency of the Government and publicly funded health entity;

(d) where appropriate, attempt to resolve a matter referred to in clause (c) by negotiation, conciliation, mediation or other non-adversarial approaches;

(e) where appropriate, make particular or systemic recommendations on any matter referred to in clause (c);

(f) conduct research on the provision of a designated service for the purpose of making recommendations to improve the effectiveness and responsiveness of that service;

(g) review, investigate and report on the serious injuries and deaths of children and youth;

(h) monitor the implementation of recommendations included in reports made under this Act; and

(i) carry out other responsibilities as set out in this Act.

(3) In carrying out responsibilities respecting advocacy under this Act, the Commissioner may give priority to children and youth who do not have others who can assist them to advocate for their rights, interests and viewpoints.

(4) In carrying out the role of the Commissioner under this Section, the Commissioner may

(a) communicate and visit with a child, or with a guardian or other person who represents a child;

(b) on the Commissioner's own initiative, or at the request of a child, assist in appealing or reviewing a decision relating to a designated service;

(c) appoint, or cause to be appointed, lawyers to represent children with respect to any matter or proceeding under the *Children and Family Services Act* or any matter or proceeding prescribed by the regulations;

(d) where, in the opinion of the Commissioner, the investigation is warranted or in the public interest, investigate systemic issues arising from

(i) a serious injury to a child who at the time of the injury was receiving a designated service,

(ii) a serious injury to or the death of a child who at the time of the injury or death was receiving a designated service, or

(iii) the death of a child who at any time during the two-year period immediately preceding the death received a designated service;

(e) participate in processes in which decisions are made about children;

(f) promote the rights, interests and well-being of children through public education;

(g) undertake or collaborate in research related to improving designated services or addressing the needs of children receiving those services;

(h) provide information and advice to the Government with respect to any matter relating to the rights, interests and well-being of children; and

(i) perform any other function prescribed in the regulations.

11 The Commissioner shall

(a) provide advocacy to children and youth who are seeking or receiving services that are provided or funded under the *Children and Family Services Act*;

(b) promote the rights of children in care;

(c) provide advocacy to children who are pupils of schools established or continued under the *Education Act*;

(d) provide advocacy to children and youth with respect to matters that arise while held in court holding cells and being transported to and from court holding cells; and

(e) provide any other advocacy that is permitted under the regulations or any other Act.

12 In performing the Commissioner's functions under this Act, the Commissioner has all the rights, powers and privileges of a commissioner appointed under the *Public Inquiries Act*.

13 (1) The Commissioner shall report annually to the House of Assembly on the exercise of the Commissioner's functions and duties under this Act.

(2) The annual report must include

(a) information on the work of the Commissioner during the year;

(b) information on the work of the Commissioner during the year with First Nations children, youth and their families;

(c) aggregate non-identifying information relating to the reviews and investigations conducted by the Commissioner during the year;

(d) a summary of recommendations included in any special report made during the year;

(e) information as to whether the goals and the specific objectives and performance measures of the Commissioner set out in the service plan prepared for the year have been met; and

(f) any other information required by the regulations.

(3) In addition to the information referred to in clause (2)(e), the report must compare actual results for the fiscal year with the expected results identified in the service plan for the Commissioner for that fiscal year.

(4) The annual report may include information as to the level of compliance with previous recommendations the Commissioner has made under this Act.

(5) The Commissioner shall submit the annual report to the Speaker of the House of Assembly by November 30th of each year.

(6) The Speaker shall within 10 days of receiving the annual report, table it in the House of Assembly if the Assembly is then sitting or, where it is not then sitting, file it with the Clerk of the Assembly.

(7) In the interest of children and youth, the public, an authority or any other person, the Commissioner may publish a special report relating generally to the exercise and performance of the Commissioner's functions and duties under this Act or to a particular case investigated by the Commissioner, regardless of whether the matter to be dealt with in the report has been the subject of an annual report made to the House of Assembly under subsection (1).

(8) In a report made by the Commissioner under this Act, the Commissioner shall not make any finding or comment that is adverse to any person unless the person has been given an opportunity to be heard.

**PAGE 35, Schedule** - renumber Clauses 9 to 11 as 14 to 16.

**PAGE 35, Schedule, Clause 15, as renumbered** - add after paragraph (d) the following paragraphs:

- (e) prescribing matters for which lawyers to represent children may be appointed;
- (f) prescribing additional functions of the Commissioner;
- (g) permitting additional areas of advocacy by the Commissioner;
- (h) prescribing additional services as designated services;

**RENUMBER, RELETTER AND ADJUST CROSS-REFERENCES ACCORDINGLY.**

---

