



Legislative Assembly of Alberta

The 27th Legislature  
Fourth Session

Standing Committee  
on  
Legislative Offices

Monday, January 23, 2012  
4:02 p.m.

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**Legislative Assembly of Alberta**  
**The 27th Legislature**  
**Fourth Session**

**Standing Committee on Legislative Offices**

Blakett, Lindsay, Calgary-North West (PC), Chair  
Lund, Ty, Rocky Mountain House (PC), Deputy Chair

Blakeman, Laurie, Edmonton-Centre (AL)  
Brown, Dr. Neil, QC, Calgary-Nose Hill (PC)  
Evans, Iris, Sherwood Park (PC)  
Hinman, Paul, Calgary-Glenmore (W)  
Lindsay, Fred, Stony Plain (PC)  
MacDonald, Hugh, Edmonton-Gold Bar (AL)  
Marz, Richard, Olds-Didsbury-Three Hills (PC)  
Notley, Rachel, Edmonton-Strathcona (ND)  
Ouellette, Luke, Innisfail-Sylvan Lake (PC)  
Quest, Dave, Strathcona (PC)

**Legislative Officers**

Brian Fjeldheim	Chief Electoral Officer
Peter Hourihan	Ombudsman
Marilyn Mun	Acting Information and Privacy Commissioner
Merwan Saher	Auditor General
Neil R. Wilkinson	Ethics Commissioner

**Office of the Chief Electoral Officer Participant**

C.J. Rhomey	Director, Election Finances
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**Office of the Child and Youth Advocate Participants**

Del Graff	Child and Youth Advocate
Shehnaz Hutchinson	Acting Senior Manager, Corporate Services
Jackie Stewart	Senior Manager, Advocacy Services

**Support Staff**

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Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
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Corinne Dacyshyn	Committee Clerk
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Stephanie LeBlanc	Legal Research Officer
Rachel Stein	Research Officer
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

4:02 p.m.

Monday, January 23, 2012

[Mr. Blackett in the chair]

**The Chair:** Ladies and gentlemen, I'd like to welcome members, support staff, and guests to the meeting and ask that everyone introduce themselves for the record, including those committee members joining the meeting via teleconference. I'd invite the people that are on the teleconference to introduce themselves first, and then we'll go around the room.

**Dr. Brown:** Neil Brown.

**Mr. Lindsay:** Good afternoon. Fred Lindsay, MLA, Stony Plain.

**Mr. Hinman:** Paul Hinman, MLA for Calgary-Glenmore.

**Mr. Lund:** Ty Lund, MLA for Rocky Mountain House.

**Ms Notley:** Rachel Notley, MLA, Edmonton-Strathcona.

**Ms Blakeman:** Laurie Blakeman. I'd like to welcome our guests to my fabulous constituency of Edmonton-Centre.

**Ms Stewart:** Hi. I'm Jackie Stewart, and I'm with the office of the Child and Youth Advocate.

**Mr. Graff:** I'm Del Graff, the provincial Child and Youth Advocate.

**Ms Hutchinson:** Shehnaz Hutchinson, Finance.

**Mr. MacDonald:** Hugh MacDonald, Edmonton-Gold Bar. Good afternoon, everyone.

**Mr. Reynolds:** I'm Rob Reynolds. I'm the Law Clerk at the Legislative Assembly.

**Mr. Quest:** Good afternoon. Dave Quest, MLA, Strathcona.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Lindsay Blackett, MLA, Calgary-North West, and chair.

The various meeting materials were provided to members last week. A few reminders. The microphone consoles are operated by *Hansard*, and please keep your BlackBerrys off the tables as they can interfere with the audiofeed. With these few housekeeping items out of the way, we'll move on to the business at hand.

First, I'd like to have a motion to accept the agenda. Dave Quest moved that the agenda for the January 23, 2012, meeting of the Standing Committee on Legislative Offices be approved as distributed. All in favour? Any opposed? Agreed.

The second item is the adoption of the meeting minutes. We have two sets of meeting minutes, requiring separate motions to adopt. The first one is in reference to the minutes from the November 16 meeting. Can I have somebody move to approve those?

**Dr. Brown:** I'll move acceptance of the minutes as read.

**The Chair:** All those in favour? Anybody opposed? Thank you.

Secondly, I'd like to have a motion for the approval of the minutes from the December 9, 2011, meeting. Dave Quest. All those in favour? Any opposed? Seeing none, it's passed.

Next I'd like to welcome Mr. Del Graff, Child and Youth Advocate, and his staff to our meeting. Welcome. As members are aware, Bill 25, the Child and Youth Advocate Act, was introduced

during our fall sitting, received Royal Assent on December 8, 2011, and will come into force on proclamation, which is expected to be in April of 2012. The act designates the Child and Youth Advocate as an officer of the Legislature, and the committee is reviewing the office's 2012-13 budget estimate today in anticipation of proclamation.

The Child and Youth Advocate's 2010-11 annual report and business plan as well as the 2012-13 budget estimates were provided to members early last week. If any members require a copy, our committee clerk can provide that for you. Does everybody have their copy? Okay. We'll move forward.

Mr. Graff has been asked to provide an overview of the mandate and operations of the office of the Child and Youth Advocate in support of the office's 2012-13 budget submission. It's expected that he will adjust his office's prior budget estimates and expenditures as part of a government department and the difference in costs as a stand-alone office. Once Mr. Graff has completed his presentation, I will open the floor to questions from the committee.

With that, I'll ask Mr. Graff to go ahead and proceed. Thank you.

### Office of the Child and Youth Advocate

**Mr. Graff:** Thank you, Mr. Chairman. I'm pleased to be here to discuss the office of the Child and Youth Advocate's proposed 2012-2013 budget. This is the first time this office has presented to this committee, so I'll begin by introducing members of my staff who've joined me this afternoon although they've already had a brief introduction. Shehnaz Hutchinson is acting as our senior manager for corporate services and is to my right. Jackie Stewart is our senior manager for advocacy services, and she's to my left.

Mr. Chairman, this presentation reflects a budget request for an independent office of the Child and Youth Advocate, reporting to the Legislature under the new Child and Youth Advocate Act. As this will be a new office of Legislative Offices, our submission does not include a historical budget or actual costs. I'll provide this information where it supports our request.

The overwhelming feedback our office has received about this new legislation is that it is a very positive step for the province of Alberta, and people want us to succeed as we move forward. In my view, the key ingredients to the success of an independent Child and Youth Advocate are the support of the full Legislative Assembly, the resources to do the work we are mandated to do, and access to the expertise and information from internal and external sources when needed.

We anticipate the Child and Youth Advocate Act will be proclaimed in time for the new fiscal year, and our presentation has been prepared to reflect the transition in reporting structures. Our proposed budget of \$11 million is developed with careful consideration to accomplish two key requirements: first, to ensure that we have the resources to maintain our existing services while disentangling from the Ministry of Human Services and, second, to provide the additional investment necessary to meet the substantive expectations that have been laid out in our new mandate. Additional expectations in our mandate include advocacy for young people in the youth criminal justice system, reviews of serious injuries or deaths of children in care, a bolstered public education and communications capacity, and a greater focus on systemic advocacy.

I would like to come back to our new mandate shortly, but first I'd like to comment on our current budget and the services currently provided by my office. We've been operating on a

budget that has not increased in the past three years. Overbudget expenses of past years have repeatedly been authorized and covered under our previous structure. This is not a new issue for us. In 2010, for example, in the legal representation for children and youth program our actual costs exceeded our budget by more than \$800,000. We reduced the overexpenditure by about \$250,000 from advocacy services, and the Ministry of Human Services absorbed the remaining resource shortage.

This year our forecast suggests we may have a shortfall of up to a million dollars because of ongoing program cost pressures and multiple years without a budget increase. What that means is that without additional resources we are not able to maintain the current level of service within our existing mandate. With the change in our reporting relationship there will also be cost pressures in the areas of human resources, information technology, and legal services as these were supplied through the Ministry of Human Services. This budget accurately reflects what I believe are the real costs of our work.

#### 4:10

Mr. Chairman, I'd like to take a moment to describe some of our current work, and I hope you agree that it is very important to continue and expand under our new mandate. Although you may have increased your understanding of the role of the Child and Youth Advocate during discussion of the new legislation, further explanation of some of the specific supports and services might be helpful to you.

Alberta has shown significant leadership in child advocacy in Canada. Ours was the first province to have a children's advocate, starting in 1989. Alberta is recognized by other provinces for the high standard of individual advocacy that we provide to young people in care. Our approach to advocacy with individual young people and our service quality are viewed very positively by other provinces. We are also recognized for our leadership in legal representation for children in child welfare systems, so much so that some other provinces are looking at our approach for their legal services to their children.

In 2010 the advocate's office provided more than 3,200 children and youth with advocacy services, and that's a 4 per cent increase from the previous year. Most of these children and youth were receiving child intervention services and may or may not have been in provincial government care. Advocacy services includes assisting young people to understand what rights they have and how to exercise their rights, but it's also about helping young people to use the rights they have to remedy problems they identify that are related to child intervention services. We help ensure young people have the opportunity to participate and to be heard when decisions are made that affect them. For young people who cannot understand what is happening or are unable to express their opinions because of their age or their ability, we ensure their interests are brought to the attention of decision-makers.

Another key service area is legal representation for children and youth, or what we call LRCY. Last year in LRCY more than 1,100 legal appointments were made for more than 1,800 youth. Our roster of lawyers have received training and are available for appointments to represent children and youth who require legal representation during court proceedings related to their involvement with child intervention services. The LRCY program will continue under the new legislation to serve children who fall under the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act.

A big achievement over the past couple of years was establishing service standards for lawyers. Those standards include contract requirements with children they represent,

representing the child's view in court, and advising children and youth of their procedural rights. We've also established practice standards for advocates, and similar to lawyers these standards are assessed through annual quality assurance reviews. These quality assurance processes for our existing services will be applied to our services under our new mandate.

Mr. Chairman, the existing services in our child and youth advocacy and our legal representation for children and youth account for almost \$8 million of our request for \$11 million.

Having described our existing services, I'll now turn our attention to the expectations in services outlined in the Child and Youth Advocate Act. It's important to recognize the legislation brings with it a new set of requirements for services to young people. These include advocacy for young people involved with the youth criminal justice system; investigations of serious injury or death of children in the child intervention system; public education about the rights, interests, and well-being of young people; and increased systemic advocacy in stakeholder relationships. We anticipate 15 new FTE positions will be needed to meet these new requirements, and I'll describe them to you.

Mr. Chairman, my office strives to keep young persons' interests at the centre of the decision-making process when decisions are made that directly affect their lives. With the expanded mandate of the advocate's office to include young people involved with the youth criminal justice system, we know that the demand for advocacy services will increase. Our current information suggests this population of young people includes just under 600 young people who are in some level of youth custody and more than 1,800 who are involved with community-based youth justice. This number of young people represents about a 20 per cent increase in our potential referral population as a result of the new legislation though we do recognize some of these people will have involvement with both the child intervention system and youth justice. We anticipate five FTEs in advocacy services will be required to meet this increased demand.

A reality that must be accounted for are resources needed when an investigation of a death or serious injury of a child will be required. As an independent Child and Youth Advocate I'll have responsibility to investigate serious injuries or deaths of children in the child intervention system. In carrying out these functions, I will have the powers of a commissioner under the Public Inquiries Act. These powers will include the ability to summon witnesses and to require them to give evidence. We anticipate three additional FTEs for investigations and organizational learning with an additional \$160,000 for contracted expertise in child serious injury and death review.

A new requirement of this legislation for the Child and Youth Advocate will be public education and communication. At the forefront of this mandate is to increase the understanding of children's rights as set out in the United Nations convention on the rights of the child. This convention was ratified in Alberta in 1999, and we continue to work with our federal and provincial partners to help ensure that those who work with children are aware of the convention. When adults model and respect children's rights, children become more respected and empowered.

The public education and communications strategies within the mandate of the Child and Youth Advocate will include raising awareness of our office and engaging stakeholders in understanding a young person's rights, interests, and viewpoints. Some of the work we have done in this area in the past has been focused on ensuring that children and youth in care were informed of their rights. For example, in collaboration with Human Services we updated our Procedural Rights of Children and Youth booklets last

spring, and they were made available to all caseworkers responsible for children and youth in care. These booklets are an excellent tool for having conversations about rights with children, with their family members, teachers, and other important people in their lives.

In addition, we've hosted some very well-received workshops on the basics of advocacy and how advocacy can be applied in day-to-day practice. One part of the workshop features a panel of youth who provide compelling stories of their experiences with the child intervention system and with advocacy. They also respond, based on their experience with government systems, to questions from workshop participants. This is a very powerful experience for all involved because both the stories and the learning are from the actual experience of youth. We hope to build on this type of work as we develop our strategies for promoting public education about advocacy in our province and expand opportunities for all stakeholders to have a part in promoting children's rights.

Two other important areas of focus will be systemic advocacy and developing new relationships with our stakeholders. Systemic advocacy means addressing issues that may affect many young people receiving services in government systems, issues that are likely to reoccur. A systemic issue will often require advocacy at the policy level or at the legislative level and may result in changes to the system for the betterment of all children receiving services. For example, young people who are receiving services in a supportive independent living situation may find their funding is not adequate to provide appropriate housing. Influencing change in areas that directly affect the safety and well-being of large numbers of children and youth is one of the ways that systemic advocacy can make a real difference.

Mr. Chairman, the office of the Child and Youth Advocate will continue to promote and encourage the development of natural advocates and community advocate organizations through outreach information, education, and support. We engage youth directly on an ongoing basis to listen to their concerns and to obtain their input on how the services they receive can be more responsive to their needs. One of the things I believe is that if I'm the only advocate in a young person's corner, then something is wrong.

In accordance with our new mandate we'll further promote the community's collective responsibility for providing resources and services, including advocacy to vulnerable children and youth. This will include establishing and maintaining relationships with appropriate community groups that service or represent specialized interests or populations.

For example, we know that one of the highest priorities is to develop and maintain relationships with aboriginal people to improve outcomes for aboriginal children. Aboriginal children and youth represent about 67 per cent of the children in care, yet they only make up about 9 per cent of the youth population in Alberta. Sadly, this overrepresentation has continued to increase over the last several years. We have determined that as an office we'll find ways to meaningfully report on the issue of overrepresentation and advance our own level of engagement with aboriginal stakeholders so that we can better align with the interests of aboriginal young people receiving government services.

Building relationships takes an investment of time, commitment to the process, and we have built in support for these efforts for the coming year. We anticipate developing a unit that includes seven FTE positions for public education and communications, systemic advocacy, and stakeholder relations.

Mr. Chairman, investing approximately \$11 million will ensure that existing services will continue to be provided and that the

expanded mandate of the Child and Youth Advocate will be met. I'm excited about establishing an independent office to further help young people in our province who need their voices to be heard when they're in difficult situations. We need to ensure that we are in a position to succeed and meet the expectations and needs of the children and youth who are counting on us to be strong advocates in their time of need.

As an independent Child and Youth Advocate I will actively promote accountability and transparency in government systems that serve children, which will help Albertans to become more confident in these systems. In my view, the very best strategic investment this province can make is to ensure that our most vulnerable young people are empowered to understand and exercise their rights. The benefits of this can be life changing.

Thank you once again, Mr. Chairman, for the opportunity to meet with you today. I am now pleased to respond to your questions.

4:20

**Dr. Brown:** Mr. Chairman, I do have a question. If you could put me on the speaking list, please.

**The Chair:** I will do that.

Before we go ahead with the questions, I'd just like to recognize that MLA Iris Evans has joined the meeting. I've got a speaking list. Iris Evans, you're the first one up.

**Ms Evans:** Thank you very much, Mr. Chairman.

Thank you for the presentation. Having been minister of children and youth services, I have a great appreciation not only for the work you do but for the importance of having the appropriate amount of dollars available for the support of that work.

I think this year it's going to be really important to carefully track how the dollars need to be spent in a slightly different environment of interfacing as a legislative officer. I'm not sure what that will mean in terms of additional responses that might have to be given additional resources, so I would say they need very careful tracking.

The offices have been modest, to say the least, for the Child and Youth Advocate. I think they've been focusing for many years on the important thing, which is the children under their care, but could have certainly done with more dollars and more supports on a variety of fronts. I'm sure this budget is excessively modest, but as a legislative officer it will require additional dollars. I just don't know how to anticipate them, so I'm not sure whether, moving to that office, we should naturally appreciate your budget by a given amount. I think the responsible way would be to track what additional costs would be for this year and then submit that at the end of next year.

My question is not touched on in your background, and I probably have just caught the end of your presentation relative to aboriginal people. But I notice that Prime Minister Harper is getting overtures from the First Nations to in fact place aboriginal people in a position of having their own school boards throughout Canada, I presume. You know, Alberta has made a lot of overtures to having their own child and family services authorities boards in the work of the Blood tribe and other people in various isolated parts of Alberta.

I also know that the children's advocate has had people of aboriginal descent as part of the cadre of support teams that have been working in a variety of circumstances for many years. It's not easy to find the right youth advocate, in a junior sense, among people of various dispositions who can't go out and deliberately

hire and say: well, now, we really just want somebody of First Nations or Métis extraction here. But because of the elevation that I believe is going to happen with the profile of this office, has there been any thought to evolving to look at a designated aboriginal advocate to be a member of the team, a point person on that team, when aboriginal people have particularly excruciating circumstances? Not the ones that are day to day but the very nature of seeing how aboriginal people on the government side are asking for more responsibility in the delivery of health and the delivery of schooling and so on. That may well be something that will come in the future.

I was one of the children's services ministers that invited a chief in one day and ended up with about 60 aboriginal people from Hobbema in my office. If you were there, you know what we encountered that day. So I don't think we're far removed from a time when that might well become a possibility, especially with the profiling here.

Two questions, then. If you would please track, if you agree that you probably will end up spending more, what would be responsible for us to start contemplating; and secondly, whether or not there's been any thought to putting a point person in a position of responsibility, designated to be the aboriginal youth advocate within the context of the overall office.

**The Chair:** All right. How would you like to respond to that?

**Mr. Graff:** Thank you for the questions. My first response is that I have had occasion to meet a number of times with aboriginal leaders in Alberta from when I began my role in June, and I have heard from them about the need for a different kind of relationship with the advocate's office. That different kind of relationship is really about presence and participation and gaining an understanding of the circumstances as seen by aboriginal people in terms of their realities.

Part of that also includes our ability to shift how we think about advocacy services. We've primarily thought about advocacy as being an individual endeavour, so individual children's rights and being able to elevate those rights through, you know, trying to elevate the voice of a child. But those rights happen within a context, and for aboriginal people often that context is a collective one. Sometimes there can be some tension or some discord between those two different kinds of world views. They've talked to us about our need to learn a bit more about what their world views are and about engaging in a way that reflects that.

With respect to our level of aboriginal engagement we have within our planning to date identified a couple of individuals that would be what we're referring to as aboriginal engagement people. We're putting them, those positions, into that unit that I spoke to of stakeholder engagement. It's primarily because of what we have been told in terms of the aboriginal people's reality and what they've described to me in terms of their needs.

We do have aboriginal advocates on our staff, and I myself come from Métis ancestry. It's part of who I am and part of how I live. I've been involved in a number of capacities since I've come back to Alberta to be able to engage with other aboriginal groups because of my ancestry. I attended not long ago the swearing-in of Métis officials in this province, and I met quite a number of people who spoke to the issues of advocacy for Métis children and some of the challenges that are faced there.

Those engagements are things that I believe we need to increase, and what we've submitted in terms of our request, I think, is an effort to start to do that.

**The Chair:** Thank you.

**Ms Blakeman:** I actually have two sets. One is four questions on the budget, and the other is four questions on the report. Just so that we're systematic in this, which set do you want to hear at this time? Do you care?

**The Chair:** No.

**Ms Blakeman:** No. All right. If I may, let's start with the report questions. On page 4 of the 2010-11 annual report you talk about increased costs for legal representation provided to young people. I'm wondering whether you're able to tell me whether this is a volume increase. Do you have more cases, or is it a higher cost per case?

**Mr. Graff:** I'd suggest maybe I'd defer to Jackie to respond to that question.

**Ms Stewart:** It's actually a combination of both. Clearly, we've seen cases become more complex over time, so the cost per case has increased since the beginning in which LRCY became operational. There has been, I think, a slight increase in the number of cases. By and large, most of the increase has to do with the cost per case and not the volume, but there is a slight increase in volume.

**Ms Blakeman:** Okay. Thank you.

May I go on? Okay. The second question. All of your systems: I'm wondering how they mesh through to the adult system. In particular, I was looking at your information services. Generally speaking, in the other areas involving children there is a service gap and a lack of information being transferred across between the last day of being 17 and the first day of being 18. It's like an information moat. The information doesn't seem to get across from when they were a child, and everybody has to reapply on behalf of any benefit program. Nothing really changed for the individual except that they're a day older and have hit 18, but they're now off the children system and onto the adult system. And I'm putting quotes around those two words. So what are you doing in that area?

4:30

**Ms Stewart:** Clearly, one of the advocacy issues that is a priority in our office, actually, is to assist young people that are in government care who age out and then are attempting to receive services in the adult system, to help them with that. It's a very common advocacy issue that we deal with.

In terms of looking at who the advocate is for adults, it depends on what system they end up belonging to. For example, if they end up in the mental health system and they're subject to being in a mental health facility, we have a mental health advocate that would assist them.

**Ms Blakeman:** Let me drill down here. That's exactly what I mean. So as they pass, what is being done from your side or from your concerns about bridging that gap and knitting that gap closed between advocacy when they're 17 years and 364 days old and when they move into the adult system? You've just identified the same gap. Anything?

**Mr. Graff:** That gap exists with those specific populations, and we have not built the bridges to ensure that either our information or our processes would continue. In the normal course we may say that there is continued advocacy that may be needed, and we would talk with the young person about what that might look like on a go-forward basis, but we wouldn't have built it in the system to ensure that that is consistently applied.

**Ms Blakeman:** Okay. Thank you.

What specific services or understanding are you able to offer for LGBT, for queer kids and transgendered children?

**Ms Stewart:** Our office actually is quite invested in what we call sexual health initiatives. We have one particular advocate that links with a number of community-based organizations in terms of trying to increase the understanding for caregivers and for people that provide services to children to try and gain a greater awareness. A good example of that is that we're taking a lead right now on developing a conference that's going to be available for people in the Edmonton and surrounding areas on sexual health issues. We see it as being an issue for the community, for the kids in care that we provide services to. It definitely is an advocacy issue that is on our radar.

**Ms Blakeman:** Can I just confirm that we're actually talking about gay and lesbian kids and not children that are infected with STDs?

**Ms Stewart:** Sexual health initiatives, in terms of the work that we do, is for a whole continuum of young people, and gay and lesbian children would be a part of that.

**Ms Blakeman:** And transgendered?

**Ms Stewart:** Yes.

**Ms Blakeman:** Okay. Thank you. Sexual health does sound like that's all we're dealing with.

**Ms Stewart:** No.

**Ms Blakeman:** A final question in this series, and then I'll let someone else get up. On page 3 of the 2010-11 annual report it talks about how the office has been collecting feedback on legal resources for children and youth for some time, but it didn't seem to know what to do with it. They were looking for ways to increase their understanding. Has any further work happened on that?

**Ms Stewart:** Is that under the section on youth feedback?

**Ms Blakeman:** Outcomes for children and youth on page 3, the Child and Youth Advocate's comments, and then it goes on. Would you like a copy?

**Ms Stewart:** That would be helpful. Thank you.

**Mr. Graff:** One of the things that we had looked at in the last year and we're looking at again this year is the kind of data that we collect and what it tells us. A large part of our data set that we've collected in previous years has provided a significant amount of information about the processes that young people have gone through but not a great deal of information about the result of those processes from the perspective of those young people. What's being referred to here is some suggestion that we need to consider not just the process but also the kinds of results that are achieved, and that's what this section speaks to.

**Ms Blakeman:** And the answer is?

**Mr. Graff:** Well, we're working on that. In fact, this was a go-forward task that we had set for ourselves, and we're identifying: how do we get to the results for young people? We have the systems in place to do the surveys, et cetera, but we've not been

asking questions historically about the results, and we're going to be doing that.

**Ms Blakeman:** Okay. Sorry; I'm just pointing out that this report ends at the end of March 2011, which was almost a year ago. So if you had anything to add to what's written here – it sounds like it's under the still-being-worked-on category.

**Mr. Graff:** It is.

**Ms Blakeman:** Okay.

Can you put me back on the end of the list, please?

**The Chair:** I will.

Next on the list is Dr. Neil Brown.

**Dr. Brown:** Thank you, Mr. Chairman. Mr. Graff, you've given us some details of the expanded role of the Child and Youth Advocate as opposed to the previous mandate, and as I understand your opening remarks, you said that about \$8 million of your proposed budget is dedicated to fulfilling the previous mandate. What I would like to know is: what increase, if any, are you asking for year over year to fulfill the existing mandate?

**Mr. Graff:** In general terms, my response is more related to what services we provide, so the increase that we're seeking is really related to continuing to provide our existing set of services. For example, currently our human resources capacity is provided by the Ministry of Human Services, and in our new budget and with our request we will have to absorb those costs in another way. We'll have to find another way to pay for them because we're disengaging.

We're not asking in that \$8 million for additional services beyond those kind of infrastructure demands that are there. We've got a funding shortage to maintain our current . . .

**Dr. Brown:** Well, that's exactly what I'm asking. You mentioned that you're underfunded in some respect, so what I'd like to know is: given those specific mandates that you had before and the personnel that you had before, out of this \$11 million – you see, it's very difficult for us, when we're coming to a budget that's being presented for the first time, to realize what's happening here. I'm asking you: how many dollars are being increased in allocating money towards your previous mandate? You said earlier that you're going to run a million dollar deficit this year, I thought.

**Mr. Graff:** Yes.

**Ms Hutchinson:** Maybe I can help identify that. The basic increases that this budget is taking care of is mainly the 15 FTEs that are being requested.

**Dr. Brown:** Well, that's the additional \$3 million that you're asking for, from \$8 million to the \$11 million, is it not?

What I'm asking about is the existing mandate. As I understood the opening remarks of Mr. Graff, he's saying that about \$3 million was needed to mandate the 15 additional FTEs. I'm not asking about that at the moment, but I will come back to that. I'd like to know: what is the year-over-year increase in resources asked to fulfill the existing mandate? If you can't answer it now, I'll accept a subsequent . . .

**Mr. Hinman:** Mr. Chair, may I make a comment?

**The Chair:** Certainly. Go ahead.

4:40

**Mr. Hinman:** I thought that in his presentation he mentioned that last year they had an \$800,000 shortfall, which they covered, and this year he had a million dollar shortfall under the current mandate. Is that correct, or did I mishear him?

**Mr. Graff:** No. That would be accurate.

**Ms Hutchinson:** Okay. Maybe what I can do is tell you that from budget 2010-11 our budget remained at \$7.1 million. However, our actual in 2010-11 was \$7.3 million, which was approximately a \$200,000 deficit in that year. Then in '11-12 our budget remained at \$7.1 million, and our projected forecast to the end of the fiscal year is \$7.951 million. That is a difference of \$800,000, or around a million dollars, just to round up the numbers. It's a million dollar difference between what our budget was and our year-to-date forecast of what it will be at the end of the year. So that's where there is a million dollar difference.

**The Chair:** Does that answer your question?

**Dr. Brown:** Well, it kind of answers it. I guess it's that you were running a deficit that had to be covered by this additional fund.

**Ms Hutchinson:** That's right. Like, this year it'll be covered by the department. We've been authorized by the department for this projected forecast, and as we move forward into being an independent office, we won't have the department to cover our deficit. That's why part of this million dollars is required in this budget, so that we have that money to operate, just to keep our services at the same level.

**Dr. Brown:** Could I ask a second question, Mr. Chair?

**The Chair:** Yeah. Go ahead.

**Dr. Brown:** As I understand the presentation, about \$3 million is allocated to fulfill the new mandate, and that consists of about 15 FTEs. Is that correct?

**Ms Hutchinson:** Correct.

**Dr. Brown:** So can you tell us what portion of that \$3 million would be allocated to salaries?

**Ms Hutchinson:** I would expect that the salary portion is about \$1.5 million with benefits included.

**Dr. Brown:** So roughly \$100,000 per FTE then?

**Ms Hutchinson:** It's an average, yes.

**Dr. Brown:** And the balance? Do you have additional space requirements that you need to accommodate those personnel?

**Ms Hutchinson:** Absolutely. We're working on trying to get more space. Space seems to be of prime concern for everybody in the downtown core, but we're working on it. Approximately \$500,000 has been included in what we call infrastructure costs. The IT, HR, finance: all of these resources will now have to be paid by the independent advocate's office. They were previously under the administration of Human Services.

**Dr. Brown:** Just a follow-up on that part of it. Do you have the personnel resources in place at the outset of the coming fiscal year to fill those 15 FTEs, or do you plan on phasing them in over the coming fiscal year?

**Mr. Graff:** We would need to phase them in over the coming fiscal year.

**Dr. Brown:** Okay. Thank you.  
Those are my questions, Mr. Chair.

**The Chair:** Thank you.  
Next on the list is Mr. MacDonald.

**Mr. MacDonald:** Thank you, Mr. Chair. Of the 60 full-time equivalent employees that you are anticipating, how many would be lawyers by profession?

**Mr. Graff:** One who is by profession but, in fact, who is not employed as a lawyer.

**Ms Hutchinson:** So he's not paying his bar fees to keep . . .

**Ms Blakeman:** Are you asking if there are lawyers on staff?

**Mr. MacDonald:** Yeah.  
Thank you.

**The Chair:** Next is Ms Blakeman.

**Ms Blakeman:** Thank you. One final question that rose from the report. I'll direct your attention to page 8, which is the performance measures. You have remarkably high achievement towards your target and in many cases are actually exceeding it. I have to say that I don't find it a useful management tool when, you know, your target is 80 per cent of something and you're hitting 90 per cent. It's probably past its best-before date as a useful management tool. Can we expect that we will see new performance measurements to replace the ones that currently appear on page 8 of your 2010-11 annual report?

**Mr. Graff:** What I understand is that these standards were put in place and are reviewed annually to in fact have those adjustments that you're speaking of. In this year, the 2010 year, I think there were two standards that were removed because of this very issue that you were describing. Yes. In fact, the standards are reviewed annually to look at their applicability.

**Ms Blakeman:** Good. I'll encourage you to continue that with vigour because, again, for one of your targets, 80 per cent, you've achieved 95 per cent; 90 per cent, you achieved 99 per cent. Yeah. I don't know how useful they are to you.

**Mr. Hinman:** Mr. Chair, I'd like to ask a question.

**The Chair:** Okay. We'll put you at the end of the list.

**Ms Blakeman:** Well, no. He can butt in, and I'll go back to the end of the list for the rest of my questions.

**Mr. Hinman:** Thank you.

On that specific page it shows the 99 per cent results within two working days. I want to go back to the case of Baby Elizabeth. How do you decide that you've responded? Does response have anything to do with actually coming out with a satisfactory, I guess, end? More important, perhaps, is that in the report there's nothing to show how many failures, you know, that 1 per cent. I think you said in your report that you had 600 cases and 1,800 cases. Perhaps there were some papers passed around, that I don't have access to, when you were sharing that, but how many times have we failed children over a one-month or a six-month period? Just because we've processed them – I guess I'm very concerned

on how that is going to be recorded and how we can follow up that reporting to the Legislature.

**The Chair:** Do you want to answer that now, or do you want to answer that later?

**Mr. Graff:** I'm not sure of the nature of the specific question that I'm supposed to respond to, if you could repeat it in a different way.

**Mr. Hinman:** Yeah. Sorry about that. We have these percentages and targets on page 8, the summary of the standards, compliance targets, and results achieved. I guess, you know, because you're reporting back to a committee now, one of the things that I would like to see is the number of actual cases, not a percentage, where we're having problems. Is it three children that we're failing and not able to respond to? Is it 60?

You go to the third line from the bottom. "When a case proceeds to active advocacy, an advocacy plan is developed within 15 days for instructed cases and 30 days for uninstructed cases." This is all so vague. It's very difficult for myself looking at these and looking at how we should be asking questions on improvements, how things are going on. I guess my question is: how are you going to change your reporting so that it helps us to monitor and look at your results as opposed to this very broad PR paper, which is what it looks like to me?

**Mr. Graff:** I certainly understand more of the nature of your concern. One of the things that I can commit to doing is that when we're reviewing the standards as we've discussed earlier, we'll also review: when we say 82 per cent, what does it mean to the other 18 per cent? If that gets to the heart of your question, then we can look at that in terms of the standards and our review of them.

4:50

**Mr. Hinman:** And actual numbers.

**Mr. Graff:** Certainly. We'll do that.

**Mr. Hinman:** Thanks, Laurie.

**The Chair:** We'll move along. We'll get back to our list here. I'll go to Ty Lund.

**Mr. Lund:** Well, thanks, and thank you for the presentation. Looking at the full-time equivalents in the information we have, it's showing 60 in 2011-12 and also 60 in '12-13, but I hear you commenting about 15 additional FTEs.

**Ms Hutchinson:** Our current count for '11-12 is that we've got 45 FTEs. Our request is for an additional 15, making it 60 for the fiscal year '12-13.

**Mr. Lund:** Okay. I made the correction on my paper.

**The Chair:** Thank you.  
Next question, Rachel Notley.

**Ms Notley:** Thank you. I have a few, but when you want to interrupt me, go ahead, and I'll go back to the bottom of the list.

**The Chair:** Okay.

**Ms Notley:** It's a pleasure to meet you. I don't think we've actually met. As you know, the role that you are undertaking in this position is one that's very important to me and that has been a

focus of a good deal of my tenure as an MLA thus far. So, of course, I'm looking very carefully at the budget that you're putting forward because I want to make sure that the best job gets done as possible. You have the potential, you know, to make some very serious improvements.

I guess the first thing is not so much a budget question. Well, it is a bit because it's an expectation that I would hope you would budget for. It's this. As an independent officer of the Legislature now, given that you're operating under a brand new piece of legislation, I would anticipate that when we get your first annual report before this committee next year that there would be a section in it which comments on the effectiveness of your legislation and whether or not there is room for change or improvement.

For instance, as you probably know, the scope of review in Alberta is a great deal – great deal – more restrictive than it is, say, in B.C. because the whole question of how you define someone who is in care versus someone who has come into contact with the ministry is so different that you have 10-fold the number of children who are reviewed by the advocate's office than would be here in Alberta or would be reported on. For me that's a huge issue, particularly if you're going to do preventative work and work with families and children before they are in care.

Just in terms of the budget itself I have a few questions. I was looking at both your budget as well as the budget for the previous office and then even looking at ones from a couple of other jurisdictions as well. I note they follow the same pattern. I'm wondering if you can break down for me your proposed resource allocation as it exists now versus how it will exist under the new legislation in the categories of advocacy; providing legal assistance; the investigatory role, which is so much more bumped up now than what it was before, the investigating and reporting piece; the systemic stuff, which you've already talked about; and then anything else like the comms and the PR and stuff that you've talked about.

It's hard to get a real sense of what the resources are between these different categories in the way the budget is currently presented. Before I ask you more questions about what you're presenting, I'm wondering if you can do that.

**Ms Hutchinson:** We have broken down the budget in about six different groups, the first being the child and youth advocacy, and the budget request for that is at \$4.1 million. Our forecast in this area to the end of fiscal year '11-12 is \$3.2 million. What is new in here is approximately five new FTEs that we have built in for the '12-13 out of the total of 15 that we've requested.

The second program we have is legal representation for children and youth. That budget is made up of approximately \$5.1 million, and the forecast to year-end is \$4.2 million. What is new in here are about three new FTEs and the associated costs relating to those.

The new part of the legislation, that is part of the new mandate, includes public education and communication. We don't have any past expenditures on that. Our budget request is made up of approximately \$500,000. That requires four new FTEs. Most of the costs here are FTE-associated costs in public education and communication.

The next program that we have is system advocacy and stakeholder relations. Again, this is a new mandate. Our estimated budget request for this is about \$377,000, with three new FTEs. Again, there are some costs for travel and HR-related costs that are included in the budget request.

There is the strategic support. Again we have been very pragmatic in our budget request. Our forecast to year-end in 2011-

12 is approximately \$470,000, and our 2012-13 request is \$548,000.

Lastly, we have also separated the Child and Youth Advocate's office, which includes the advocate and one assistant, including all the health- and HR-related expenditures and travel. We're estimating our budget request to be around \$355,000.

**Ms Notley:** If I could clarify, basically, line items 1.4 and 1.5 are new. Is line item 1.6 new as well?

**Ms Hutchinson:** Line 1.6? That is the advocate's office?

**Ms Notley:** I thought that was 1.1. Strategic support is 1.6.

**Ms Hutchinson:** Yes. It's not new. It is just an additional requirement which is very nominal. It's mostly to do with HR increases, pay and benefits.

**Ms Notley:** You said that the advocacy piece had gone up because of about five new FTEs?

**Ms Hutchinson:** Yes.

**Ms Notley:** And then the legal representation had gone up because of about three new FTEs?

**Ms Hutchinson:** Yes.

**Ms Notley:** Where do you see housing this investigative role that is so critical to this office?

**Mr. Graff:** Those roles are embedded in those two units in two ways. One is that the three FTEs that are additional to the legal representation for children and youth include investigators, and in the advocacy section there is an increase in the allocation for legal services to enable us to have the legal support required for those investigations.

**Ms Notley:** Well, I have to say that I'm a little concerned that you're not thinking big enough here in terms of what people anticipate the difference is going to be coming from this office. I think it's fair to say that the general public consensus was that the previous advocate's office because of the way it was structured and its reporting structures was not fulfilling the role that people anticipated from an independent advocate's office. So it would seem to me that there would need to be some pretty significant changes.

Particularly, you mentioned earlier on that by increasing your jurisdiction to cover children engaged with the criminal justice system – you're looking right there at probably a 20 per cent bump in the population that you're drawing from – without even changing your function from the way it was before you became an independent officer, you're looking at a fairly significant bump just by maintaining the same function. Then if you can consider that what we're really going to be doing is asking you to substantially change your function – you know, the quarterly reports, for example. I presume we won't be getting quarterly reports in the same format that we used to get them. I presume they'll be probably more thorough and more researched, shall we say.

5:00

**Ms Hutchinson:** And more often.

**Ms Notley:** And more often.

They're not internal documents just shifting from your office to the minister's office, back and forth, where mostly people don't

see them, for example. The systemic reviews as well. We would anticipate that to really do your job well, you'd need to include some significant increases in resources for systemic reviews.

That's my concern, that you're really shortchanging this office, maybe out of a sense of, you know, being loyal to the dollar or whatever. But because you're a new office and because you come from a background where the hope is that this is different, using the previous model as your starting point and then tweaking it here and there is not going to get us to what I think people anticipated they were getting when the Premier announced that she was going to create an independent children's advocate. So, by all means, ask for more money.

**Ms Evans:** I'd like to just clarify something because the important points that the hon. member is making – I'm seeing you, Ms Hutchinson, nod as if you're in agreement with the points that are being made by the hon. member, which may or may not be that you're understanding or that you're actually agreeing that there will be more investigative work.

When I had children's services, if the advocate's office felt that there was more investigation required – I mean, it wasn't just a static thing where they sat there in their cubicle and investigated forever. There was a lot of interface where the advocate spoke to the deputy and said, "We need this or that or the other thing" and added to, not necessarily from the advocate's budget, some of the robustness of the investigative procedures that were to have happened. Even though you're going to have your budget carved out slightly differently because you won't be able to lean on somebody else in there to make it up, I'd be very surprised, if you came to the minister or to the deputy and asked for more money for an investigation, legal or otherwise, that you wouldn't be able to get it from somebody else's bloody budget.

I'd also be really disappointed – and I'm going to freak out here if I hear from you that we're suddenly going to be doing things that are better, because, damn it, I think that the advocate's office was doing the fullest of their capacity under any advocacy role that I interfaced with. If suddenly you're going to be better because you're in front of the Legislature, that's going to drive me nuts because it's going to say that we've been letting children down forever simply because we haven't been reporting to the Legislature. I can assure you that . . .

**Ms Notley:** I think there's also a change in the terms of reference, so that's kind of an important thing, if I could.

Also, they started by saying that their budget has been frozen for two or three years. So there may be some sneaky money going here and there that's not in the budget, but they started by saying that they have actually had their budget frozen for the last couple of years.

You know, I think that maybe that wasn't the way it worked in the past, but I think that's what we're dealing with, certainly, in relation to the last two or three years. Plus, their mandate is to change from what they were doing before, and that was very clear when the act was introduced.

**The Chair:** Can we get back to the questions directed at the advocate and trying to answer those?

**Mr. Graff:** If I may, a couple of comments. One is that there are some areas of work that I believe the advocate's office does well now. I spoke to them in my opening comments, about individual advocacy, about the way that we represent children in terms of child welfare matters. We do those things well now, and we're recognized for that. Virtually everywhere I go, I hear something, some positive comment about that.

At the same time the advocate's office has always had the ability to provide special reports on a topic of urgent interest to Albertans, but that's not been part of our history. We've always had the capacity to do it within the responsibilities that we've held, but it's not been something that we've historically done.

One of the things that I believe is true about the expectations is that that kind of activity needs to be undertaken in a more substantive way in the advocate's office. I think that is the expectation that I take on myself and that I certainly want to promote in my office. So while there are those things that we've done well, there are areas where we need to do more work, too.

**The Chair:** Okay. Did you have one other question?

**Ms Notley:** I did have more questions, but if you want to bump me to the bottom, that's fine.

**The Chair:** Well, we'll go back to Ms Blakeman, and then I'll come back to you. Hopefully, we'll be able to wrap this up fairly soon.

**Ms Blakeman:** Thanks very much. I'm now looking at the budget documents that came for the 2012-13 budget under your name, Mr. Graff. If I may make a comment, I think it would have been very helpful for us if you could have put comparison budgets in here because part of what you've heard over the last while is us struggling to figure out: what did you have versus what are you going to have and what do you want?

Let me move on to actual questions for you. Sorry. There are no page numbers, but under the section budget by object of expenditure you list contract services. Can you expand, please, and let us know what is included under contract services? If you don't have the information at your fingertips, you could supply it to the committee through the clerk.

**Mr. Graff:** I'm sorry. We're just trying to sort out which line we need to look at to provide the explanation.

When I was referring earlier to the need for us to have expertise related to the child death review and child critical injury, a significant portion of that money is reflected there. We've also got other contracted services that we engage with now in terms of consultants who may provide us with reports or with project work that we need to do, you know, for getting our annual report completed, those kinds of activities. They're all embedded in that item.

**Ms Blakeman:** Okay. It's \$410,000, which isn't a humongous amount of money if you're trying to purchase expert advice from somewhere. So all of your additional payment of living, breathing human beings is coming through that line item if they're not already part of your 60 FTEs?

**Mr. Graff:** Yes.

**Ms Blakeman:** Next question: what is your increase in per cent? You're going up every year, 2012-13 to 2013-14 and 2014-15. What is the percentage difference here?

**Mr. Graff:** Three per cent.

**Ms Blakeman:** Okay. And based on what?

**Ms Hutchinson:** We've just based it on inflation and population growth. The percentage for population growth is 1.7 per cent, and inflationary is 2 per cent, but we kept it down to make sure that we

were building in a conservative approach to budgeting. So it was at about 3 per cent.

**Ms Blakeman:** Well, I think I'm going to agree here with my ND colleague. I don't really want to see you build a conservative budget. I want to see you build a budget that is going to pay for the services you're now mandated to do. So my final question here is: does that \$11,038,000 cover the amount of money you need to provide these services? Specifically, does it include the money that you said you were behind? If you get that amount of money, are you going to be happy, and are we going to be happy?

**Mr. Graff:** I think so. I mean, we've built this based on what we anticipate and what we think will be our actual costs. If you're advising us that, no, we need to go and relook at that, that's a different story. From our point of view it deals with both things. The shortfall that we have, which is about a million dollars, is included, and the additional \$3 million that we feel we need to be able to deliver on this mandate is part of that. So my response is yes.

**The Chair:** Can I ask a question?

**Mr. Graff:** Certainly.

**The Chair:** Is it possible that you can give through the clerk to our committee a copy of the budget and forecast for 2011-12?

5:10

**Mr. Graff:** Certainly.

**The Chair:** That would help us all because I think we're all in the same boat, trying to figure out what it was and what it is today and trying to justify those increases. We all want to do as good a job as possible. That certainly will help us all.

Go ahead.

**Ms Blakeman:** The amount that you gave us earlier was \$7,951,000. That's your current forecast for the year that we're in, which closes off in two months. You're asking for \$3 million more, but you're telling me that you need a million to catch up and \$3 million more to satisfy the new mandate. That's \$4 million. So you're short by a million bucks, are you not?

**Mr. Graff:** When we describe our forecast as being \$7.9 million, we're only budgeted for \$7.1 million. The million resides in there.

**Ms Blakeman:** Okay. So you've got your deficit in there.

**Mr. Graff:** Mr. Chair, do you want the information now?

**The Chair:** Pardon?

**Mr. Graff:** We have the information now about our current budget and our current forecast. I don't know if that would be of value to you.

**The Chair:** Well, if you have it, certainly. We can make copies available to the members. We just won't be able to make it available to the three members that are on the teleconference. We'll send it to them after.

**Mr. Lindsay:** Mr. Chairman, I have a question if we'll be able to get it in.

**The Chair:** Go ahead. Then we'll go to Ms Notley after that.

**Mr. Lindsay:** Thank you. Your budget reflects 15 new FTEs, and you talked about bringing them in steps. The question I have is: does the budget reflect that, or is the budget based on having 15 members as of April 1?

**Mr. Graff:** The budget is reflected on having 15 members on April 1.

**Mr. Lindsay:** Even though they're going to be phased in over the year?

**Mr. Graff:** Well, we're hopeful to phase them in quite quickly, in fact, so I wouldn't see that as being a big savings by there being a surplus FTE budget.

**Mr. Lindsay:** Okay. Thank you very much for that.

**The Chair:** Ms Notley.

**Ms Notley:** Yeah. Another area that the act talks about is your interaction with the – whatever it's called – service quality council or the fabulous new version of the Health Quality Council in this sector. I'm wondering what thoughts or planning you have put into support. I mean, I assume that the council, with the exception of your participation in it, is funded by the Human Services ministry.

Otherwise, it's just your participation in the council that is funded. It's not clear because the act talks about the council having the ability to get expert advice and do all this kind of research. I'm a little worried about your sort of linkage to it and whether it's then asking the ministry for funding to do its job. So I'm wondering if you could talk a little bit about the relationship between you, the council, its legislated roles, your legislated roles, and your thoughts around the financial independence that would exist as a result of those relationships or not.

**Mr. Graff:** Sure. It is a challenging question because there are multiple parts to it. One is that my role is broader than the role of the council for quality assurance. That means that, you know, in addition to dealing with, for example, youth in the criminal justice system, I'm also dealing with children across the spectrum of the child intervention system, not just the children in care.

I'm a member of the quality council, and their funding is provided through their ministry. Both the understanding of my role with the new legislation and the role of the quality council are in their initial stages. With the council we've only had one meeting to in fact have a general orientation, so we've not really had the time to articulate kind of what is the council's role and what is my role, particularly in the areas of review. That's where, in fact, there is some uncertainty about who's responsible for what and how we move forward in a way that makes sense.

I've met with the chairperson of the council separately to suggest that we need to sort that out quickly, and we both agree that that's, in fact, the case and both really also reaffirm that our commitment is to make sure that we have the best process possible for when circumstances are such that a review needs to take place and that we have a shared interest in terms of wanting the best situation we can find. That being said, there are still some areas to work out with respect to our respective roles and responsibilities.

**Ms Notley:** Do you see coming back here at some point with a budgetary ask to accommodate that? It would seem to me that with an overlap in jurisdiction and that one of them is funded by the minister, where herself or himself might be reviewed or investigated, you're running into a lot of problems here.

**Mr. Graff:** I wouldn't anticipate that I would be coming back to this committee to address the funding needs of the quality council. That to me is an issue that's quite separate from my role as the advocate in terms of what kinds of funding the council might need to fulfill its duties within the ministry.

**Ms Notley:** Okay. I could see where you would potentially need resources to support your role at the council in order to function. If I think through the process, I can see opportunities where you need to have resources at your disposal that are not subject to a sign-off by the minister, and I would see that coming from this budget. So I'm urging you to think that through a little bit more because there's too much opportunity for there to be confusion in terms of the competing roles. If the function of one is allowed to supersede your function and that one is funded solely at the discretion of the minister, then there's a problem.

I guess my final question. I'm just trying to think if there was one other one. Well, we've sort of gone over it now. For the future I wouldn't mind seeing you break down in a little bit more detail what are investigations, break out your investigatory work from the advocacy because absolutely you have a good reputation in terms of the one-on-one advocacy – no one is questioning that – but the investigation piece is an entirely different piece. It should not be rolled into that stuff, and we should be able to track it because that's your new role.

I still remain concerned because I think that you've talked about your caseload probably having to increase quite substantially because of the expansion of your jurisdiction, so I really don't think that you've left yourself anywhere near enough money to do a proper job of potentially having to run, effectively, a public inquiry. That's the authority you've been given under the act. I'm concerned that you're shortchanging yourself here.

Those are my comments.

**Mr. Graff:** Thank you.

**The Chair:** Thank you.

On behalf of the committee thank you to the Child and Youth Advocate and his staff for attending today.

What I would like to do in the next part would be to have the motion that's been proposed by Ms Evans that

the Standing Committee on Legislative Offices approve the 2012-13 budget estimates of the office of the Child and Youth Advocate as submitted in the amount of \$11,038,000.

All those in favour?

**Ms Notley:** Discussion?

**The Chair:** Sorry. Any discussion on the motion?

**Ms Notley:** Well, I guess I'll sort of in the course of what I've already said put it on the record that I'm concerned that we've got a budget here that's built off the previous child advocate, an office that had itself been subject to a freeze for at least two years, that we have not really thought through or given enough resources to the much-expanded role that I think is expected by the public with the creation of this new office. I'm concerned that we're running the risk of not giving the office the resources it needs to do the job that the public expects.

With nothing but respect for the role and the importance of the office I'm going to be voting against this budget because I don't think we're going to have an office able to do the job that people expect it to with this budget.

5:20

**Ms Blakeman:** I agree with my colleague. I am afraid that at some point I'm going to be hearing that the office was unable to do something because they lacked the resources. I will support the budget, but I am concerned that we're missing a piece here. The problem generally is that once these budgets are in the cycle, they come forward with minimal increases approved by this committee, so you guys are kind of stuck. If this is what you wanted, this is what you're going to get, but it's not going to get any better, and that's my bigger concern. If you come back to us in a year and go: "This really didn't work. We need a whole whack of other money," I hope that you can be persuasive so that the committee will allocate it to you because that's not been the history of the committee. But I will support the budget at this point.

**Ms Evans:** Well, I said in my very first question that I thought this group would have to track the dollars this year, and I still believe that. I think it supports somewhat what the hon. Member for Edmonton-Strathcona has said here because, frankly, I think we are going to have to track it. We don't know what's happening, and I can see in years where we've had – let's go back to years ago when we had the two babies die in Thunder Bay that had taken a trip with their grandfather. There are years when you're going to have to have exceptional capacity to access resources in order to undertake something. I would hope that the history that's been cited by the hon. Member for Edmonton-Centre wouldn't repeat itself, that if we actually did have a requirement or a need for more dollars that we wouldn't find it from somewhere.

I think that it should be noted, if it could be, in the minutes that the group has encouraged or that I as mover am encouraging the office of the advocate to track the dollars this year very carefully so that this legislative committee will have a detailed understanding, with a better submission next year, that it will be possible because of that knowledge to change again.

The one thing speaking in favour of this motion and in favour of that tracking is that if it's proven that there hasn't been enough, the children's advocate for the very first time has access to an all-party group to come in and plead for more dollars. Then if we didn't provide those dollars, you would to your advantage be able to tell us to get stuffed and let's get the money because that would certainly – well, I'm sure it'll work in the future. There will be a much brighter cadre of people to do this. Frankly, I really believe that if that's the case, that because you're new, there's a lot of pressure on you to do this right, then we'll be in better shape next year. If you deserve and need more for children, absolutely. I'm urging that we vote for it, but you're going to be really responsible to track it. And if you needed more money and didn't come and tell the committee, you should be flogged.

**The Chair:** Are there any others who would like to comment on this motion?

**Ms Blakeman:** No. Can't top that.

**The Chair:** I will call the question. All those in favour of the motion? All those opposed? The motion is carried.

Thank you, Mr. Graff and your staff, for coming. Good luck.

**Mr. Graff:** Thank you.

**The Chair:** All right. We've got everybody here. The committee is considering a request from the office of the Chief Electoral Officer for supplementary funding for 2011-12 as well as additional funding in respect of that office's 2012-13 budget estimates

considered by the committee at its November 16, 2011, meeting. Members should have a copy of Mr. Fjeldheim's correspondence dated January 13, 2012, and attachment.

Mr. Fjeldheim, please go ahead with your presentation.

#### Office of the Chief Electoral Officer

**Mr. Fjeldheim:** Thank you very much. Mr. Chairman, committee members of the Standing Committee on Legislative Offices, thank you for this opportunity to make a formal request for supplementary funding today for the recently announced Senate nominee election, which Premier Alison Redford has indicated will be held in conjunction with the next provincial general election. Our current budgets for this year and next exclude any funding to administer a Senate nominee election; therefore, I am asking the committee to approve additional funding of \$3.1 million for years 2011-12 and 2012-13, covering two fiscal years as we do not know exactly when the election will be held, but adequate funding must be approved in advance in order for us to proceed.

The breakdown for this \$3.1 million funding request is as follows: regulated fees and expenses, \$2.1 million; advertising and printing, \$1 million. The Senate nominee election fees and expenses are legislated under section 9.1 of the fees and expenses regulation and are to be paid to approximately 17,000 election workers to administer the Senate nominee election. The requested funding includes a planned increase of the current rates, which have not changed since the 2004 Senate nominee election. Since 2004 Alberta government employees received several increases, with a compounded 26.4 per cent increase impact to date. Upon approval of this funding I will request a recommendation for an order in council to increase the rates noted in section 9.1 of the regulation.

5:30

The advertising funding relates to additional costs to be incurred for newsprint and radio advertising to inform Albertans of the Senate nominee election and their opportunity to participate in the democratic voting process and also follow the requirements of the Senate nominee election. The printing services funding relates to additional costs to be incurred primarily for specialized voting materials, including ballot paper, special voting ballots and envelopes, and information packages.

Again, I thank you for the opportunity to discuss this matter with you today, and if you have any questions, I will certainly attempt to answer them.

I have with me today C.J. Rhamey, who is responsible for the financial operations in our office. Thank you very much.

**The Chair:** Well, thank you.

I'll open it up to questions. I'll just let you know, Mr. Fjeldheim, that we have three members that are connected to us via teleconference: Paul Hinman from Calgary-Glenmore, Neil Brown from Calgary-Nose Hill, and Fred Lindsay from Stony Plain.

Any questions?

**Mr. Hinman:** Mr. Chair, I'd like to ask a question. I'd like to get on the list, please.

**The Chair:** You certainly can.

The first person on here is Ms Evans.

**Ms Evans:** Thank you very much. Just a question. I'm a little confused by your letter and what you've just provided. The amount for fees and expenses that you're asking for relates to a planned increase for current rates, so this \$2.1 million, we're assuming, is added onto yet a different base amount. If that's the

case, I don't have any difficulty with increasing the amounts paid to election workers, but it would have been perhaps more illuminating to say that an election worker was previously paid \$20 an hour and that with this projected fee increase we'll be able to pay them \$30.

I have no idea, with the number of staff that would be affected by \$2.1 million, if this is too much or too little. Is this to be assumed to be a 4 per cent increase overall for what they're paid this time over the last election? It's just a little confusing because this relates to increasing workers' monies provided to the government. So is this parallel, or is this more or less?

**Mr. Fjeldheim:** Yes, this is in addition to. There are extra monies paid to conduct a Senate nominee election. There's a base fee, and that was agreed upon about three months ago by this committee. That was increased from 2008, and that has been adjusted. This is supplemental to that fee; it is added on. The fees and expenses regulation for the Senatorial Selection Act is, once again, in addition to what these people are already paid because, of course, there's more work to do.

**Ms Evans:** You're missing my point, Brian. What are they already paid, and what will it mean if I'm out there as a worker?

**Mr. Fjeldheim:** Just give us a half a minute, please. We have the fee schedule for the Senate nominee, and I'll just go down it here. The fee for a returning officer to train the election staff and to do the extra counting involved with the Senate nominee has increased from \$1,505 to \$1,905. It's gone from 5 cents a name to 6 cents a name. That's for the returning officer.

The election clerk increase. In '04 it was \$995, and now it's \$1,260. It's gone from 4 cents to 5 cents.

**Ms Evans:** Okay. Thank you.

**Mr. Fjeldheim:** Oh, sorry. I do have the election numbers now. For the election a returning officer roughly will get \$5,750 for conducting a poll; they'll get 20 cents a name. There are some other numbers in there, but that gives you an idea of how much it is. Then the addition is for the Senate nominee.

I apologize for our slowness in finding these other numbers.

**The Chair:** Could we also get a copy of that through our clerk?

**Mr. Fjeldheim:** Yeah.

**The Chair:** Then we can get it distributed to the members of the committee.

First on the list is Mr. Hinman.

**Mr. Hinman:** Yes. Thank you very much for your presentation. It's great to see that we're actually going to have an election now. Going back to some numbers that I have, Brian, for the 2004 Senate nominee election expenses the election officer was only \$1.2 million, and you're asking an extra million dollars there. Advertising was only \$282,000, and printing \$104,000. It seems like the numbers have really escalated. Do we need to do that much more advertising? Why such a drastic difference? In your letter from way back then, if I'm correct, cost efficiencies were achieved by holding the 2004 Senate nominee election in conjunction with the provincial general election compared to the municipal one, which was substantially more. Yet now it just seems like we're spending a lot more. I question that we can't do it more efficiently.

**Mr. Fjeldheim:** Thank you. The last Senate nominee election – you're quite correct – was held on November 22, 2004, and that cost about \$1.6 million. The increased cost of \$1.5 million, that \$3.1 million that I'm requesting, is a combination of an additional \$800,000 needed to address the proposed fee rate increase and the associated increased number of polls throughout the province because of our population increase since '04. That's to meet the voting needs of this increased population. The other \$700,000 is needed to address significant increases in advertising and printing costs. Again, this is from '04, so eight years, and of course the increase in printing costs since '01.

In '04 we had 5,357 polling stations, and in '12 we're going to have in the area of 6,351 polling stations. So that's an increase of 994, almost 1,000, polling stations. Of course, with that goes the deputy returning officers, the poll clerks, and so on.

**Mr. Hinman:** That's about a 20 per cent increase in polling stations. But for advertising, like I say, we had \$282,000, and you mentioned that you're going to spend \$1 million on advertising and printing. Altogether, though, we were at \$382,000 for advertising and printing in the last one. I realize there's been an increase, but this is almost triple the money.

**Mr. Fjeldheim:** Well, it's about double the money.

**Mr. Hinman:** I got \$382,000. Double that would be \$760,000, and another one is getting close to \$1.1 million or whatever. It just seems like the pay increases or something are awfully expensive for an eight-year period.

**Mr. Fjeldheim:** Well, I agree with you. It is awfully expensive.

**Mr. Hinman:** I guess I have to question that you would need to pay the returning officer that much more and all of these – it's a ripple effect. Often we look at a small thing, you know: well, we're just going from 5 cents for one name to 6 cents. Is this all set in stone? There's nothing that we can do because it's been negotiated, or can we look at trying to trim back the expenses a little bit here on what we're paying out for the officers?

**Mr. Fjeldheim:** No. This . . .

**Ms Blakeman:** I have a rebuttal.

**Mr. Fjeldheim:** I'm sorry. Did I interrupt?

**Ms Blakeman:** No. I interrupted you. My apologies.

**Mr. Fjeldheim:** I'm asking for this increase for payment for these people who have not had an increase to run a Senate election since '04. If it is not passed, then obviously there will be no increase.

**Mr. Hinman:** I'd have to say at this point that I think that that's an awfully steep increase for adding the Senate to it. It just seems a little bit expensive.

**The Chair:** You had a question on this particular point?

**Ms Blakeman:** Yes. Thank you, Mr. Chair. I think that the Chief Electoral Officer has been quite clear with us in this and previous presentations, and what I've taken away from it is that you get what you pay for. So where we're having trouble and have had complaints about enumeration, about lineups at polling stations, that all reflects back, indeed, on how much people are being paid because in this society your value, or worth, is tied to how much you're being paid.

5:40

Just imagine if we actually had 80 per cent of the population come out and vote. We would not be able to handle that at this point in time. So I do not begrudge the money to pay people adequately or at least in relation to inflation. I think we should pay them more if we want them to really be there for us, the bloody long days they work.

My whole problem with this is the idea of a Senate election, and I find the additional money is giving me some acid indigestion here. I would have rather seen the money spent on enumeration, but I am certainly understanding of the request to be able to pay people reasonably. I think, Member for Calgary-Glenmore, that if you don't, you're going to have a lot of problems on the day, and we just don't want to see that. If we do manage to get additional people out to the polls, which you're very supportive of, we need to have enough people there to get their ballot processed.

**Mr. Hinman:** I guess my comment would be that I agree with all of that, hon. Member for Edmonton-Centre. I see an increase in the expenses, but I hope that we see a wonderful increase, then, in the way things are working at the polls, in the people coming out.

**The Chair:** Duly noted.

**Ms Blakeman:** Do you agree with the Senate election, too?

**The Chair:** Why don't we move on to the next question?

Mr. MacDonald.

**Mr. MacDonald:** Yes. Thank you very much, Mr. Chair. I, too, have questions similar to Mr. Hinman's. In the letter that you provided to the chair dated January 13, Mr. Fjeldheim, you give a breakdown of \$2.1 million for Senate election fees and expenses. Certainly, when we look at 2004, there was \$1.2 million spent on elections officers. If that's a similar breakdown, I could certainly live with that and accept your reasoning for that request.

The advertising and printing services budget of \$1 million. I can go back to the 2008 provincial election and clearly see where printing services and advertising in both print and media were \$700,000. In 2004, when there was a distinct breakdown for Senate nominee election expenses, printing services plus advertising totalled, my math, \$386,000.

Mr. Hinman is absolutely right. There seems to be a substantial increase in the advertising and printing services budget. At the same time, you would think that there would be significant savings by running everything together. You would be using the same polling stations as the provincial election, the same returning officers. There would be some streamlining of efficiencies here, I would imagine. So I, too, am puzzled why you would need this \$1 million advertising and printing services budget when you compare it to what happened in 2004 with the Senate election and with the 2008 provincial election.

I can understand the \$2 million plus for staff. I think you're absolutely right. We have been underpaying the Elections Alberta personnel that actually conduct the elections in schools and public buildings. We've been underpaying them for years, and their rates of compensation needed to go up. But this advertising and printing services budget: I do have a lot of questions about why it needs to be so much. We were told at other points that we have no resources to deal with things such as constituency campaign expenses and how they're done. We don't have any money for auditing, but we're quick to ask for cash for this.

**Mr. Fjeldheim:** Thank you. The money that's required – under legislation certain advertising is necessary. You are quite right. There are certainly efficiencies in having the same deputy returning officer and poll clerk at the poll and so on. The count, of course, adds quite a bit because counting for the Senate nominee election with three candidates is a big job.

As far as the paper, there's been a large increase, and we do need completely separate ads for the Senate nominee than for the election in certain areas. The polling places are the same, the polling hours are the same, but we must still have separate ads for who the candidates are and so on. There is extra printing there besides the ballot, the special ballots, and so on. So that has to be entirely separate from the general election to elect a member to the Legislative Assembly. That's why the printing costs and the advertising are that amount.

Now, CJ, can we break that down any more? Would you please?

**Mr. Rhamey:** Sure. The primary cost of that million dollars is the advertising. There are two components of the advertising. One is in the newspaper across Alberta and also the radio. Now, in the newspaper we are combining it with the – of course, we're doing the general election, but you cannot cram the same information into a one-size ad, so we're going to be expanding the physical size of the ad so it's legible. With the radio spots, identifying all the election activity, we will have to increase the length of that ad because you can't get the same message information on, say, a 30-second spot that you can get in a 45- or 60-second spot to make it understandable. That's the biggest cost there. Then with the printing services there are the ballot costs and the specialized envelopes and everything like that. Those are the two major areas on it. Since 2004 costs have significantly gone up.

**The Chair:** Are there any other questions?

**Mr. Hinman:** I would like one more.

**The Chair:** Okay.

**Mr. Hinman:** You've mentioned several times now how costs have gone up. Have these things been tendered out as to who is printing them to see if it's competitive? I've run in the three elections, and I haven't found that much of a substantial increase in the cost that we're talking here. I mean, we're talking printing of \$104,000. Again, as Hugh put it, it's \$386,000. I apologize. I was rounding off. But I guess I'd like to know, have you tendered it out? Have they come back? Or has this just gone to the regular printer, and this is the number that they've come back with, and we just accept it?

**Mr. Fjeldheim:** No. We tender these out, of course. Again, on the \$1 million we've got most of the stuff purchased, and I can assure you that if it comes in under this, we're not going to spend everything just to say: well, we've got it; we're going to spend it. No, no. We follow the process that's necessary in order to make sure we do get the best possible prices available. Of course, we have to include in that that we get the quality that's necessary as well.

**Mr. Hinman:** Well, I'm sure you do. I guess my concern, then, is that when you put it out to tender, did you have a good response and have multiple bids? Or were companies not even interested in it, and you only had one bid? I'm just concerned. It just seems like the inflation on these prices far exceeds what I've found. You

know, I put out a brochure, a questionnaire to my constituents here, and like I say, I haven't seen that drastic an increase in costs.

**Mr. Fjeldheim:** Yeah. I can't comment directly on the ballots, if we had two or three tenders. I can't recall.

**Mr. Hinman:** Can we have a breakdown, then, a little bit more on what it was from 2004 to this one, whether it's the ballots and the advertising?

**Mr. Fjeldheim:** Yeah, well, we can certainly show the exact invoices that we receive for this stuff.

**Mr. Hinman:** Even for the radio ads and things I think that, you know, you can add those things in there and make a brief message: remember that the election is March 27, and get out and vote; remember it's Senate as well as provincial elections going on. I don't know how elaborate it needs to be to not be confusing.

**Mr. Fjeldheim:** By legislation we're required to put out certain advertisements. As far as advertising generally to get people out to vote, there is some debate on that as to whose role that is. I believe my role is to follow the legislation and make sure that the people of Alberta understand where and when they can vote and some of the opportunities to vote, including the advance poll, including special ballots, and so on.

5:50

**Mr. Hinman:** I do agree and I appreciate that, but it's just that it's a huge increase. Advertising last time, on the sheet I've got here, was \$282,000. Well, we've gone through it. We're going from \$386,000 to \$1 million, which is a substantial increase.

**The Chair:** I think the point has been made. I think we'll move forward.

Mr. MacDonald.

**Mr. MacDonald:** Yes. Thank you, Mr. Chair. I have the 2004 general election costs summary overview here. Even if I add them together, for the enumeration advertising was \$96,000 and for the general election it was \$33,000, for a total of about \$130,000. That was in 2004 in the provincial election.

It went up. We're looking at the provincial election in 2008, not the Senate election. This went up to \$700,000. With no disrespect I don't know who you were advertising for here and what the purpose of this is. I can understand why you want to create interest and encourage people to get out and vote, but these costs really seem to have escalated significantly, and this \$1 million request is so much more than what we have used to advertise in recent elections, whether it's the Senate election or whether it's a provincial election. I just don't understand it.

Thank you.

**The Chair:** I think one of the things that could help is that Mr. Rhamey had mentioned before that the costs that are incurred are not just the advertising specifically, but there are ballots and all those other things. Maybe if we could just get some more information on that breakdown, that would certainly help some of the members' justification of what we're expending.

**Mr. Fjeldheim:** Yes. Certainly.

**The Chair:** Are there any other questions?

With that, on behalf of the committee thank you to the Chief Electoral Officer and his staff for attending today, and we'll go forward with two motions. The committee will need to consider two motions, one for the 2011-12 supplementary funding and a

second for the additional funding for the 2012-13 budget estimates.

We need a member to make the motion, and the motion should read that

the Standing Committee on Legislative Offices approve supplemental funding for the 2011-12 fiscal year in the amount of \$3.1 million for the office of the Chief Electoral Officer to cover additional costs, including fees, expenses, advertising, and printing in the event of a Senate nominee election in 2012.

**Mr. Hinman:** Mr. Chair, may I ask one question first?

**The Chair:** You absolutely can.

**Mr. Hinman:** Can we have a recorded vote on this, please?

**The Chair:** Certainly. Would somebody like to move that motion? Mr. Quest.

Do we still have three people on the phone? Mr. Lindsay?

**Mr. Lindsay:** Still here.

**The Chair:** Mr. Hinman?

**Mr. Hinman:** Yes.

**The Chair:** Dr. Brown?

**Dr. Brown:** Agreed.

**The Chair:** Okay. We still have three on the phone.

I'll ask for the question. All those in favour of the motion? And we'll go by name.

**Mr. Hinman:** No.

**Dr. Brown:** Agreed. Yes.

**Mr. Lindsay:** Agreed.

**Mr. MacDonald:** No. I'm not for this. Thank you.

**Mr. Quest:** It's my motion. Agreed. Yes.

**Mr. Lund:** Agreed.

**The Chair:** The yeas have it in a vote of 4 to 2. Approved.

We'll move on now to the second motion. With respect to the additional funding for 2012-13 the motion should read that

the Standing Committee on Legislative Offices approve additional funding in the amount of \$3.1 million for the 2012-13 fiscal year for the office of the Chief Electoral Officer to cover additional costs, including fees, expenses, advertising, and printing in the event of a Senate nominee election during this fiscal year to be added to the 2012-13 estimate of \$20,690,000 approved by the committee at its November 16, 2011, meeting, for a revised 2012-13 budget estimate of \$23,790,000.

**Mr. Hinman:** Could this be recorded as well, please?

**The Chair:** Yes, indeed.

Do I have a mover for that motion?

**Mr. Lund:** I move.

**The Chair:** So moved by Mr. Lund.

**Mr. Hinman:** Can we debate that motion at all?

**The Chair:** Yes. Certainly.

**Mr. Hinman:** I guess I'd just like to bring up this speculation and not knowing when it is. It would be very helpful if we passed legislation on a fixed election date. Then we wouldn't have to do these for multiple years because we're still questioning when it's going to be. So I'm not in favour of this motion again.

**The Chair:** Duly noted.

**Mr. Lund:** Well, just to rebut that, the motion specifically states that it's in the fiscal year of '12-13, not '11-12.

**Mr. Hinman:** But we're passing two, one for '11-12 and one for '12-13 I thought. Is that correct?

**Mr. Lund:** That is correct, but if you read the motion carefully, you will see that the first motion only applies if the election is during the fiscal year of '11-12. This motion is very specific to the year '12-13.

**Mr. Hinman:** Yes, but my point is that the Premier promised a fixed election date. She could be calling it on February 9, and that would be in this fiscal year then. We wouldn't need to pass it for next year. The point is that we don't have a fixed election date. It causes a lot of extra problems for our election officers. A fixed election date would, again, add some efficiency and some surety on finding spaces and lots of things where this government has failed to do a reasonable job on setting a fixed election date.

**Mr. Lindsay:** Paul, the only difficulty is that you have to vote no twice instead of once.

**Mr. Hinman:** No. There are lots of people that are out of the province that would like to plan their vacations, and a fixed election date is actually to the benefit of the people, not to the benefit of the Premier to call it when she thinks she can drop the hat because the race is in her favour.

**The Chair:** All right. With that, we'll move forward for the vote. All those that are in favour? We will start with Mr. Hinman.

**Mr. Hinman:** No.

**Dr. Brown:** Yes.

**Mr. Lindsay:** Yes.

**Mr. MacDonald:** No.

**Mr. Quest:** Yes.

**Mr. Lund:** Yes.

**The Chair:** Again for the yeas we have 4, and for noes we have 2. This motion is carried.

Are there any other items for discussion? If not, then the date of our next meeting will be at the call of the chair.

A motion to adjourn.

**Dr. Brown:** I so move.

**The Chair:** Dr. Brown. Thank you. This meeting is adjourned.

[The committee adjourned at 5:58 p.m.]





