



Legislative Assembly of Alberta

The 28th Legislature
First Session

Standing Committee
on
Legislative Offices

Friday, November 29, 2013
8:31 a.m.

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First Session**

Standing Committee on Legislative Offices

Cao, Wayne C.N., Calgary-Fort (PC), Chair
McDonald, Everett, Grande Prairie-Smoky (PC), Deputy Chair

Bikman, Gary, Cardston-Taber-Warner (W)
Blakeman, Laurie, Edmonton-Centre (AL)
Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)
DeLong, Alana, Calgary-Bow (PC)
Eggen, David, Edmonton-Calder (ND)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Notley, Rachel, Edmonton-Strathcona (ND)*
Pedersen, Blake, Medicine Hat (W)**
Quadri, Sohail, Edmonton-Mill Woods (PC)
Quest, Dave, Strathcona-Sherwood Park (PC)***
Rogers, George, Leduc-Beaumont (PC)
Wilson, Jeff, Calgary-Shaw (W)

* substitution for David Eggen for the Child and Youth Advocate agenda item

** substitution for Gary Bikman

*** substitution for George Rogers

Legislative Officers

Jill Clayton	Information and Privacy Commissioner
Del Graff	Child and Youth Advocate
Peter Hourihan	Ombudsman, Public Interest Commissioner
Lori McKee-Jeske	Acting Chief Electoral Officer
Merwan Saher	Auditor General
Neil R. Wilkinson	Ethics Commissioner

Office of the Chief Electoral Officer Participants

Benedicta Pui	Senior Management Assistant
Bill Sage	Acting Director, Election Finances
Drew Westwater	Director, Election Operations and Communications
Glen Resler	Observer

Office of the Child and Youth Advocate Participants

Bonnie Russell	Director, Strategic Support
Jackie Stewart	Executive Director, Advocacy

Office of the Ethics Commissioner Participants

Brad Odsen, QC	General Counsel and Registrar, Lobbyists Act
Glen Resler	Chief Administrative Officer

Office of the Information and Privacy Commissioner Participant

Marilyn Mun	Assistant Commissioner
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Office of the Ombudsman and Public Interest Commissioner Participants

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Ted Miles	Director, Office of the Public Interest Commissioner

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[Mr. Cao in the chair]

The Chair: Hon. members, I would like to welcome all of the members and staff and also our guests to the meeting. I'd ask everyone joining the committee at the table to introduce themselves for the record. If you are attending as a substitute for a committee member, please address this in your introduction. We also have one member joining us via teleconference today, Ms Alana DeLong.

The meeting materials were posted on the internal website of the committee within the past week.

A few housekeeping notes before we get started. First of all, the microphone console is operated by our great *Hansard* staff at the back. Please keep your cellular phone away from the console because it may interfere.

I know that we have a full, long schedule today, so I would like to first of all ask if any one of our members will move that we approve the agenda for the November 29, 2013, meeting of the standing committee as distributed.

Mr. Quadri: I move it.

The Chair: Sohail Quadri has moved that. All in favour?

Mr. Eggen: No. Hang on. This is the agenda for today? Is that what you're trying to say, Chairman?

The Chair: Yes.

Mr. Eggen: Okay. I have an amendment to the agenda, please, that I'd like to pass out right now.

The Chair: Sure. Please have it passed out.

I have to ask the two hon. members a question here. Who is going to sit at the table and move this?

Mr. Eggen: You're looking at him right here.

The Chair: Okay. Mr. Eggen has an amendment to the agenda. Could you read it for us, then?

Mr. Eggen: Sure. I'm moving that the time period for discussion between members of the all-party Standing Committee on Legislative Offices and the office of the Child and Youth Advocate be extended until such time that members have completed their questions.

The Chair: Any discussion on this? Yes. Hon. member Laurie Blakeman.

Ms Blakeman: Thank you. I'm wondering if the members had considered any kind of a time ender on this. Not that I would want to abuse the patience of my colleagues, but this is very open ended. Is there any way we could put some kind of a reasonable end on it, where we thought – you know, because we're going to be pushing everybody else back if we do this. Could we agree that we wouldn't go more than half an hour past the scheduled ending or one hour past the scheduled ending?

Mr. Eggen: Yeah. I would take that as friendly, you know, an hour. I think we just wanted to make sure, considering the gravity of the situation with what has come forward in the media about deaths in care – we just thought that this was our only opportunity to speak to the Child and Youth Advocate within this time frame. So I would take an hour as a good friendly amendment.

Ms Blakeman: Okay. You know, I understand that this is the only time we actually get a dialogue, a conversation, an opportunity to have a give-and-take between the Child and Youth Advocate and staff and this particular committee. So I understand this is precious because it's the only opportunity. Given what has been a topic of discussion this entire week, I think it's critical we take the opportunity because it's not likely there's going to be another one. I just think we need to be conscious of the other people. It's possible for us to contact the Ombudsman and maybe shift them around or something, but I just don't want to put everyone into chaos. So if you'll accept that as a friendly amendment, then we will alter the motion for that, which would be that it be extended until such time that members have completed their questions but not later than 10:30 a.m.

Mrs. Leskiw: Just a quick question. Is not this morning's meeting just to deal with budget and business plan? If that is the case, if we have other questions for the office of the Child and Youth Advocate, it is not stopping this committee from asking these people to come back to discuss specific questions that you want to address. I'm just asking.

The Chair: Hon. member Rachel Notley.

Ms Notley: Thank you. I speak in my role not as a member of the committee but as a member of the Assembly who has a voice today. The fact of the matter is that it's the business plan, it's the budget, and we're also reviewing the annual report. Within that, we are at the very heart of the discussions that we have had over the last week. I think it would be, quite frankly, ridiculously irresponsible and kind of strangely clueless of us to sit in this room with this officer and not take the opportunity to ask some of the questions that have been asked repeatedly. Trust me. I think you'll find my questions are quite appropriate. They're very limited to his report of his business plan.

Frankly, this is about his budget for the future, so I have questions about the scope of the work that he's going to be doing in the next year, and I have some opinions that I'd like to bring to this committee about the scope of the work he's going to be doing in the next year. So this is absolutely the place to discuss it. If we tried to have those discussions subsequently, after we'd already approved the budget, we would then be ruled out of order because we'd already approved the budget. Quite frankly, this is the only place we can do it.

Mrs. Leskiw: Are you substituting for David, then, until 10:30?

Ms Notley: Not right now, but once the discussion of the agenda is complete and we move into the report of the Child and Youth Advocate, I'll be substituting for that period unless Parliamentary Counsel tells us we have to throw Mr. Eggen out, in which case we'll revoke that. Then I will be here with a voice but no vote.

Mrs. Leskiw: Okay. I'm just checking. Thank you for the explanation.

The Chair: Hon. member Jeff Wilson.

Mr. Wilson: Well, thank you, Mr. Chairman, and thank you to the hon. colleagues across for bringing this motion forward. I would be supportive of the motion. I do believe that this is a timely issue and that if we were to ask the officers to come back at a later time, it may not be for a couple of months or it may not be until the new year, at which point I think that it's just not timely enough. Seeing

as we're here right now, I would ask for my colleagues' support on that.

Thank you.

The Chair: Hon. member Laurie Blakeman, do you wish to speak?

8:40

Ms Blakeman: Well, thanks, Mr. Chair, and thank you to Mrs. Leskiw for the question. Yeah. I've been through this once before, where I was trying to get some answers and was told that another opportunity wasn't appropriate and the next opportunity wasn't appropriate, so in fact this is it. Because we are looking at the past, because we have a budget that we're looking at and performance measurements past, present, and future for the budget past, present, and future; the plan past, present, and future; and the measurements past, present, and future, this is exactly where we want to be talking about performance and measurements and metrics and budget planning and all the rest of that. This is exactly where we should be doing it.

The Chair: Anybody else? Hon. member Everett McDonald.

Mr. McDonald: Thanks, Chair. You know, we've got a full day here. We are in estimates. Although I appreciate the issue, I really think that this probably should have a separate meeting with full dialogue. We're trying to get derailed here in the middle of a budget discussion.

Ms Blakeman: Well, but then how could a budget be adjusted if that's what we decided at that point? It would have been submitted. You're saying that you want to have this discussion without talking about the budget?

Mr. McDonald: You're trying to have a discussion here when we're trying to deal with estimates. I think that . . .

Ms Notley: It's not about estimates. This is the budget. This is the budget going forward.

Mr. McDonald: The budget, the estimates that we have coming forward here today.

Ms Blakeman: Right. That's what the questions are focused on.

Mr. McDonald: We have to be fair to the rest of the people that are lined up behind the youth advocate. We have a full line until 3 o'clock. I think we just stay the course.

Thank you.

Ms Blakeman: That doesn't make sense.

The Chair: All right. Anyone else to speak on the amendment? Hon. member Neil Brown.

Dr. Brown: Yes. I'm sorry, Mr. Chairman. I may not have caught all of the conversation before I came in. How much time have we allocated for the office of the Child and Youth Advocate so far?

The Chair: One hour.

Dr. Brown: Would it be possible to extend that for an additional hour?

Mrs. Leskiw: That's her motion.

Ms Blakeman: Sorry, Neil. I did a friendly amendment to extend it for an hour.

The Chair: Hon. member Alana DeLong, I don't know if you heard the motion for the amendment to the agenda.

Ms DeLong: Yes. The motion is to extend the time, and I don't believe that we really need to. I believe that we need to move forward on this issue, but I think that an extra meeting would be advisable on it. That's the only comment that I wanted to make.

Thank you.

The Chair: All right. Because of the timing as well I would like to call the question on the amendment.

Ms Blakeman: Could we have a recorded vote, please, by name or whatever you want to call it?

The Chair: The clerk will read the amendment first.

Mrs. Sawchuk: The amendment is to add at the end of the motion that

the time period for discussion between members of the all-party Standing Committee on Legislative Offices and the office of the Child and Youth Advocate be extended until such time that members have completed their questions, not to extend beyond 10:30.

The Chair: You've all heard the motion for the amendment there. Those in favour?

Ms DeLong: No.

The Chair: We will start here with hon. member Everett.

Mr. McDonald: I'm opposed.

Mr. Quadri: I'm opposed.

Mrs. Leskiw: I'm in favour.

Mr. Wilson: In favour. Thank you.

Mr. Pedersen: In favour. Thanks.

Ms Blakeman: In favour.

Mr. Eggen: I am in favour.

Dr. Brown: I'm in favour.

Mr. Quest: I'm going to abstain from this one because I don't know what the vote is.

Ms DeLong: Did you get my vote?

The Chair: Yes, it's recorded already.

Ms DeLong: Thank you.

The Chair: So by the numbers the motion has passed.

All right. Now that we have amended the agenda, can I have a motion to move the agenda as amended? Hon. Dave Quest has moved. Opposed? In favour? The agenda is approved.

Mrs. Leskiw: Mr. Chair, is somebody going to let the Ombudsman know that he is not on till 10:30?

The Chair: Yes, hon. member, we have.

Mrs. Leskiw: Okay. Thank you.

The Chair: I would just like to call the meeting right now to the estimates. We will review the annual report 2012-13, the business plan, and then the 2014-15 budget estimates of the officers of the Legislature during our meeting today. We will start with the office of the Child and Youth Advocate.

Before we begin, I would like to point out that decisions on the budget estimates for all offices will be made after all officers have been heard, as incorporated in our meeting agenda in item 3(f).

To ensure that our meeting today runs on schedule and provides opportunity for questions from all members, I will be following the general format used by the committee, recognizing a government member and then an opposition member, continuing in this rotation fashion. Members will be provided with the opportunity for one question followed by one supplemental in each round. I seek the committee's co-operation in this respect.

Members attending the meeting but not as official substitutes are welcome to participate in the discussion subject to the participation of the sitting committee members and official substitutes but cannot vote on motions.

I would like to call on the Child and Youth Advocate, Mr. Del Graff.

Office of the Child and Youth Advocate

Mr. Graff: Thank you, Mr. Chairman, and good morning to all of you. I'm pleased to be here to discuss the office of the Child and Youth Advocate's 2012-13 annual report and our 2014-17 business plan as well as our proposed 2014-15 budget estimates.

Before I begin, I'd like to introduce members of my staff who are joining us this morning. With me on my right is Jackie Stewart, who is the executive director for child and youth advocacy, and on my left is Bonnie Russell, who is our director of strategic support.

Mr. Chairman, this presentation will focus on our past and current accomplishments as well as our path forward as an independent office of the Legislature. Our annual report was tabled in the Legislature just a few short weeks ago.

Our 2012-13 annual report addressed the progress that has been made on four systemic issues from previous annual reports that remain open. The first is reducing the disproportionate number of aboriginal children in care. The second issue was ensuring that mandatory notifications are collected, analyzed, and learned from in terms of then forming policy and practice within the Ministry of Human Services; third, addressing neglect by implementing a plan to respond specifically to issues of neglect for children and families. The fourth one was related to connection to family and community. Connection to family and community is important for young people as it allows them to develop and maintain the traditional and cultural ties to their families and communities of origin.

Our annual report also identified two new issues that require, in our view, the attention of government. The first is young children under the age of 11 years who live in staffed residential facilities. We are witnessing an ongoing pattern of Alberta's young children being cared for in staffed facilities. Children in staffed facilities experience multiple caregivers due to staff shift changes, turn-overs, et cetera. All of these factors contribute to the disruption of a young person's attachment to caregivers, and both in the short and long terms this affects placement stability, which directly impacts their healthy development.

8:50

The second issue identified in our annual report that is new is mental health services related to vulnerable children and youth.

Children and youth are coming into care and remaining in care with heightened mental health challenges, yet we hear that they're not receiving the services that they require. Despite attempts to bring attention to this issue, it appears that access to mental health services for vulnerable young people in care continues to be a challenge. We believe that the Ministry of Human Services needs to take action in co-operation with other Alberta ministries to ensure that young people in care who have mental health issues receive the specialized services they require to address those issues.

Whether the issues that we identify come from previous reports or are new issues, my focus is to influence government to make changes to improve services to vulnerable young people. I do this by using tools such as our annual report, special reports, investigative reviews, and engagement with stakeholders, all of which keep these issues in the forefront.

I'll now turn over the presentation to Jackie Stewart, who will speak about child and youth advocacy and legal representation for children and youth.

Ms Stewart: Alberta continues to show leadership in child advocacy in Canada. Stats from our 2012-2013 annual report indicate that our office served 3,398 young people. This represents a 13 per cent increase in the number of young people we served compared to last year. Most of this increase was with services provided to children 11 years of age and younger. There was a 26 per cent increase in the number of children we served that were six years of age and under and a 22 per cent increase in the number of children we served between the ages of six and 11. The majority of young people we serve in advocacy services continues to be aboriginal children and youth. Advocates assist young people to understand their rights, including the right to be heard, and ensure that young people's interests are considered by decision-makers. Advocacy services represents 27 per cent of our 2014-2015 voted operating expenses.

Another one of our core services is legal representation for children and youth, or LRCY. As reported in our 2012-13 annual report, we made 1,264 legal appointments, which involved 2,101 children. This is an increase of 48 legal appointments, or a 3.9 per cent increase compared to last year. This past year we initiated a roster review that focused on three areas, the first area being qualification of roster lawyers, the second area being roster lawyer training, and then quality assurance. As a part of this review we conducted 13 consultation sessions.

As well, last month we hosted our second LRCY conference. Over 130 people attended the conference, many of whom were lawyers, including nonroster lawyers. The conference was an excellent learning event which provided for sharing of best practices and networking in the area of child legal representation. One of the highlights of our conference was a question-and-answer session with our Youth Advisory Panel, where lawyers were able to ask young people about their experiences in having legal representation. Overall, the event was an excellent learning opportunity. The LRCY program represents over 33 per cent of our 2014-2015 budget estimates.

I'll now turn the presentation back to Del.

Mr. Graff: Thank you, Jackie.

I'd like to turn your attention to our business plan. Our 2014-17 business plan continues to focus on developing and delivering our new mandate. This produces several areas of focus. One is ensuring that young people's rights and well-being are focused on by the Ministry of Human Services as it moves forward initiatives

like the Children First Act and the creation of family and community engagement councils.

The second is providing advocacy services in the youth criminal justice system and refining our advocacy services model, which requires us to review and develop new policy.

The third is that we will enhance our research capacity and our approach to identifying systemic issues to improve recommendations we make to government. Through investigations in the serious injury and death of children and youth and working with stakeholders, we'll identify potential improvements to enhance the overall safety and well-being of children who are receiving designated services.

We'll also enhance training and screening of appointed lawyers under LRCY to ensure that children and youth receive the highest quality legal representation possible.

We'll implement strategies to raise awareness of our office and engage the public and stakeholders in understanding the importance of respecting a young person's rights and interests and hearing their viewpoints.

We'll continue to promote and encourage the development of natural advocates and support community advocacy organizations through outreach and education.

We'll continue to develop and sustain positive relationships with aboriginal organizations and communities. As well, we'll implement innovative and thoughtful ways of reaching out to and connecting with youth to engage them in the work that our office does.

Finally, as an officer of the Legislature I have a legislated requirement to submit an annual report on the activities and the outcomes achieved by the office that I represent. From time to time my office also issues special reports as well as reports related to investigative reviews of serious injuries or deaths of children or youth receiving designated services. These reports provide an opportunity to enhance public awareness of the issues faced by children and youth involved with the child intervention system or the youth criminal justice system.

My office now issues service reports twice yearly that provide a comprehensive picture of activities that my office has had with individual jurisdictions which provide intervention services to children and youth. The service reports also include updates on recommendations that we've made regarding systemic issues and are posted on our website.

The recent amendments to the Child and Youth Advocate Act now allow my office to investigate issues arising out of the death or serious injury of a young person under the age of 22 receiving support and financial assistance from the Ministry of Human Services. The amendments also allow my office to participate fully in appeal panel hearings. If you'll recall, this committee had supported those amendments some time ago.

In April 2012 with our new legislation there was an added responsibility for public education and community engagement. Public education is one of our strategic priorities, and as such we plan on engaging youth in supporting the development of policy and best practices.

We're also extremely proud of how we are engaging youth in the work that we do. We have now established a Youth Advisory Panel with young people aged 14 to 21 from across Alberta. The advisory panel provides advice and feedback to our office on the work that we undertake. We also engage youth through individual advocacy, through the appointment of lawyers, through focus groups, public education, and through participation in conferences and symposiums similar to what Jackie described with the LRCY conference.

Through public education we create awareness about the role of our office and educate stakeholders about the rights, interests, and viewpoints of young people. Recently to celebrate National Child Day our office partnered with several organizations in Edmonton and Calgary to raise awareness about children's rights, and we focused on the UN convention on the rights of the child. This year we commissioned a music video called *We Have a Voice*, which teaches young people that their voice matters and encourages them to speak up and be heard.

Following the release of our special report on youth aging out of care, a supporting symposium was held with over 125 people in attendance and over 500 different locations participating through webcast. A variety of stakeholders, service providers, and young people gathered to discuss the recommendations and how to implement them.

Last spring, because of reports that we received, we had a growing concern about young people taking their own lives. This is unacceptable. We asked for and received support from the Ministry of Human Services to collaborate in a suicide learning event. Approximately 300 individuals participated directly in that event, and we had over a thousand people participating by webcast. These discussions centred on identifying issues that young people may face that lead to suicide and ways to address these issues in communities in which young people live. The event increased awareness and understanding of the issues related to youth suicide and allowed for greater understanding of these issues and how they impact marginalized and at-risk youth.

In the coming months we have a number of events and activities also planned. For example, we'll be hosting in partnership with the mental health advocate a children's mental health symposium in February of 2014. It's these youth-focused initiatives that help create awareness about our office while promoting the rights, interests, and viewpoints of young people. We plan on doing more of this work.

9:00

I'd now like to turn your attention to child death reviews. Before my office conducts an investigative review of the death or serious injury of a child, we look at a number of factors. One, is this investigative review in the public interest? Is there the potential for an investigative review to result in recommendations at the systemic level? What can we learn to improve the system? If an investigative review is conducted, is there potential for positive change for children and youth?

When a child or youth's serious injury or death is the result of intentional self-harm, we will look into the circumstances unless there is a compelling reason not to. When it's believed that a child or youth's serious injury or death is at the hands of a caregiver or significant other, the advocate will look into those circumstances unless there's a compelling reason not to. An expected death or a serious injury related to medical diagnosis at this point is unlikely to be reviewed unless there is additional information to indicate otherwise.

During the 2012-13 year my office received 20 reports of serious injury or death of young people in the Ministry of Human Services. All 20 incidents were thoroughly screened by my office. There were three serious injuries that did not move beyond screening. Of the remaining 17 files, one was on hold pending a regional review. Out of the 16 remaining, eight moved to an initial assessment, in which all files are requested and an in-depth file review is completed. Of the eight initial assessments completed, four moved to a full investigative review, that involved development of terms of reference, interviews, et cetera.

In July we released our first investigative review into the suicide of a young person in kinship care placement. All of you have received a copy of the report entitled Remembering Brian. I've just received a response from the ministry concerning the recommendations made in that report. Our most recent report, Kamil: An Immigrant Youth's Struggle, was released almost two weeks ago. You have also received copies of this report. We will be releasing our third investigative review report early in the new year, and our fourth report should be released before the end of March.

I would like to now turn the presentation over to Bonnie Russell, our director of strategic support, who will be talking about the highlights of our 2012-13 financial statements.

Ms Russell: For 2012-13 our office was provided a budget of \$11,038,000, and we expended a total of \$10,235,462.

Dr. Brown: Mr. Chairman, I wonder if I could just ask the presenter if she could show us where she's referring to so we could follow along.

Ms Blakeman: We have three documents. Help us. Which one are we looking at?

Ms Russell: The financial statements included in our annual report.

Ms Blakeman: Okay. So the past one.

Ms Russell: The past, 2012-13. You can see the highlights on page 53.

Dr. Brown: Thank you.

The Chair: Has everybody got the document referred to?
Thank you. Please proceed.

Ms Russell: We reported a surplus of \$661,000. This surplus was primarily attributed to salaries and benefits, which was \$640,000 of the \$661,000. As a result of delays in hiring new staff to carry out our expanded mandate, many of our new staff did not start until the summer of 2012.

Salary and benefits represent 56 per cent of our budget. The other primary expenditure, which represents 27 per cent of the budget, is the provision of legal services for children and youth receiving services under the Child, Youth and Family Enhancement Act and the Protection of Sexually Exploited Children Act.

In 2012-13 the office invested \$142,000 in capital information technology hardware for a new data centre, which we will be sharing with the office of the Ombudsman, the office of the Public Interest Commissioner, and the office of the Ethics Commissioner.

As well, in 2012-13 the Ministry of Human Services transferred computer software, being the legal appointment and payment system and the advocacy services information system, to our office, which was over a million dollars.

I will now turn the presentation back to Mr. Graff, who will discuss the 2014-15 budget request.

Mr. Graff: Thank you, Bonnie.

For the 2014-15 fiscal year we are requesting an increase of \$278,000. The increase is for in-range salary adjustments of 3.4 per cent and related employer benefit contributions. These are a result of the increase to salaries and the increase to the employer contribution rate for the management employee pension plan. This increase represents a 4.1 per cent increase to manpower. Other than the increase to manpower and keeping in mind the

current fiscal reality, we have held our budget in all other areas. We are confident that to deliver our current mandate as outlined in our business plan, we will have adequate funding in 2014-15 with the request of the \$278,000 increase for manpower. However, we also know that we need to address other pressures in the future.

Mr. Chairman, having described what we do and who we serve, I'll now outline some of our challenges and opportunities. This includes providing increases to the tariffs and fees paid to lawyers on the roster that provide services under the legal representation for children and youth program. There have been no increases for lawyers' fees since 2008. That's quite a time period. To ensure that we continue to provide quality legal representation that meets standards of excellence and supports a specialty area of practice in child and youth legal representation, we need to increase the tariffs and fees paid. Over the next year we will be reviewing this matter further and expect that we will be requesting increased funding in our next year's budget submission.

We are also embarking on the implementation of a health and safety/wellness plan, which covers our own organizational health, personal health and well-being, and occupational health and safety for our office. By implementing this plan, we will strengthen our capacity to safely and effectively deliver advocacy services to vulnerable young people throughout the province.

Mr. Chairman, investing \$12.5 million in the business of the office of the Child and Youth Advocate will ensure that quality services are available to Alberta's most vulnerable child and youth population. As the independent Child and Youth Advocate I actively promote accountability within government systems that serve children. I will do the same for my office. You'll also see transparency and accountability within my office as we report on our own performance as well as our use of public funds. Over the next year we will be focusing on the area of quality assurance, providing systemic monitoring of the office of the Child and Youth Advocate's activities. I'm committed to the young people my office serves. We will continue to advocate on their behalf so they can receive the support they need to make positive progress in their lives.

Thank you once again, Mr. Chairman, for the opportunity to meet with you today, and I'll be happy to respond to your questions.

The Chair: Well, thank you very much.

Now we have a rotation of people who can ask you questions, and you can provide answers. Firstly, to the government side. Mr. Everett McDonald.

Mr. McDonald: Thank you, Chair. In your business plan you talk about building capacity in the communities on the advocacy side. With the disproportionate number of aboriginals, could you expand a little bit on what that looks like?

Mr. Graff: Certainly I can. One of the things that our office has done as part of our systemic advocacy and public education and community engagement division: we've added two positions to our staff that focus on aboriginal community engagement specifically. They engage with aboriginal communities and help our staff to work with aboriginal communities to advocate for children. They also bring people from aboriginal communities into our staff complement to enable us to learn about aboriginal culture and about the challenges that aboriginal people face.

Mr. McDonald: Just a little bit more. Speaking of the culture, how much time is spent with the elders? Is that where your focus is?

Mr. Graff: Certainly, there is some time spent with elders as a matter of course in terms of how we approach the aboriginal communities in the province. We spend a significant period of time with service providers, we spend a significant period of time with young people, and we spend a significant period of time, particularly in recent months, with aboriginal leadership.

Mr. McDonald: Thank you.

The Chair: A supplemental question?

Mr. McDonald: That's good. Thanks.

The Chair: Okay. Thank you, hon. member.

Our next one is hon. member Jeff Wilson.

9:10

Mr. Wilson: Great. Thank you. Thank you for being here and for your presentation. I think all Albertans this week recognize that the world you guys operate in is not an easy one, so thank you for what you do.

I wanted to direct your attention to page 7 of your annual report and maybe ask you to clarify or add some remarks around the third paragraph from the bottom on page 7, where it says that you have some challenges.

For example, while we have a Memorandum of Understanding with the Ministry of Human Services that identifies how we will work together, our access to information is less timely than we hoped.

That's one thing I would like you to cover.

Secondly,

while we are working on this, progress has been slow. In addition, we have made a number of significant recommendations through our reports that would improve services and outcomes for children and youth involved with the child intervention system. However, the response to these recommendations has been limited.

Could you expand on those two things and perhaps help us understand the situation that you're referring to?

Mr. Graff: Certainly. I'll start by describing the development of the memorandum of understanding between my office and the Ministry of Human Services for how we work together. It took some time to develop that memorandum, and one of the challenges in it was that we couldn't find the language and the agreement to deal with the issue of information access and information sharing between our organization as an independent office and the ministry. So rather than hold up the entire memorandum of understanding because of that issue – and there were a couple of others as well – we moved those issues off to a committee to do the work so that we could at least have agreement on the principles that we were going to work together under.

The committee that has taken that work on: we've been challenged by the process. In my opinion, it has been quite slow. For the longest time we were struggling with whether we could have confirmation from the Ministry of Human Services that we could have access to the file system in which files are kept for young people who are in care, access to something called InfoMart, which really looks at the aggregate data for children who are involved with the ministry. At around Christmastime – no, it would have been in September; I'm sorry – I sent a letter to the ministry to formally request that we confirm this and recently received a response that, in fact, we have confirmed our continued access to those systems, which is critical to our ability to do our work.

We are also challenged by the time that it takes to receive file information when a child does tragically pass away. One of the challenges that we face is a vetting system that the ministry has in place to vet files for client-solicitor privilege, and that has to take place before we receive the file information. That results in some delays, and we're concerned about the level of delay. We're not talking about many months – we're talking about a time frame where it takes between eight and 12 weeks for us to get those files – but it still causes us to delay what we're able to do with that work. That's the file information.

With respect to the recommendations, I have, since I arrived in Alberta some time ago, raised issues related to the disproportionate number of aboriginal children in care and the need for a plan to be put into place that includes the participation of aboriginal people and that really addresses this issue and makes a concrete commitment towards action. I have not seen a plan. So when I speak about recommendations not moving forward as quickly as we would have liked, that's an example of that. There are others that are outlined in my annual report, where I say: you know, progress is really quite limited in these recommendations. That's what my comment refers to.

Mr. Wilson: Great.

If I could follow up, please?

The Chair: Yeah. A supplemental, hon. member.

Mr. Wilson: Two very quick follow-ups on that. How many years, Mr. Graff, would you suggest that you've been asking for that strategic plan for aboriginal youth?

Secondly, the minister insists that you have access to everything that you could possibly want within his ministry in terms of information. Would you consider that to be a statement that is stretching somewhat, or do you feel that you do have full access to everything?

Mr. Graff: Can I answer the second one first?

Mr. Wilson: Sure. Please.

Mr. Graff: I don't think that there is any disagreement about my authority to receive that information. I think that where I face a challenge is in the timeliness of it. Whether it be the ministry bureaucracy or the minister himself, there's no question that there's recognition that I have the authority to receive it. The issue is: how long does it take to vet a file for client-solicitor privilege? That's the one that I've raised directly with the minister, and he's certainly made a commitment to look into that.

Mr. Wilson: How many years have you been . . .

Mr. Graff: I came in June 2011. It was within three months of my arrival that I released my first annual report, and it included that recommendation.

Mr. Wilson: All right. Thank you.

The Chair: Hon. members on the government side?

All right. Then I will call on hon. member Rachel Notley.

Ms Notley: Oh, thank you. I'm pleased to be able to get a question so soon. I thought I was going to be waiting another half an hour.

I have a number of questions, but I want to just give a teeny bit of context as I go forward with them. You probably have been following the discussion in the media for the last five days. You're

probably not unfamiliar with my view that we would like to see you doing more investigations, and we're going to be pursuing that, in other avenues of this meeting, later on. I have a few questions around that, but I want to put that in the context for you that, having seen the two reports that you've released thus far, we're quite pleased with the level of information that you are providing, and we've got quite a bit of confidence in the work that's been done in those reports. I want you to understand that for the most part this is not a criticism, because I think you've been around when I've been here before, always asking for you to ask for more resources or trying to get more resources to you – I think I've done that – in the last couple of years that we've met. So it's that context, thinking that the work that you provide is valuable and wanting to expand that to the group of child fatalities that are not currently receiving that attention.

As we've heard this week, there really is quite a labyrinth of processes for review in this province. As things stand now, your office is the only one that actually receives all the reports of all the deaths of all the kids, you know, in care or receiving designated services: natural deaths, not natural deaths, all that kind of stuff. So you're the best place. Plus, of course, your office is independent. That's another thing which gives us some confidence.

That being the case, there are a few concerns that I have around the level of investigations that are going on right now. I have a couple of questions on that. Going to page 24 of your annual report – you've already talked about child death reviews and the criteria that you've established – I note that on page 24 there is one indication of one that received an initial assessment but is not proceeding to a full review. That one was where the limited circumstances that are reported simply say, "Medical complications due to neglect." I have to say that I was quite surprised that given the focus that your office has put in the past on neglect, that one would not have gone to review. I'm asking why that one would not have gone to review.

I'm going to pair that question with an additional question. My understanding is that all the files that go through the screening phase – your office at this point is not pursuing additional information from the ministry until they get past the screening phase. Then I question how in the screening phase you deliberate on the question of: is it in the public interest? Is there potential for systemic recommendations to be forthcoming? Is there potential for improvement? How do you deliberate on those criteria if you haven't even received all the information from the ministry? It's not a criticism, but you know where I'm going with this. I think that for the sake of public confidence, at least in the short term, until we come up with some other solution in conjunction with the minister, there needs to be a more thorough investigation of every fatality.

I'm wondering if you could answer my questions with respect to those two issues.

Mr. Graff: Sure. I will do my best. With respect to the individual child that you're referencing, this was a circumstance where the neglect had taken place prior to the child coming into care. The child came into care for a brief period of time and then passed away, tragically. So the designated service that was provided: I mean, their time in government or connected to government was brief. They hadn't had any involvement with government support services prior to that circumstance, being brought into care after the neglect took place.

9:20

Ms Notley: I look back to, say, sort of an analogous situation but not one with a child, the Betty Anne Gagnon case. Did you have

enough information to know whether or not that child had had a more distant but perhaps less effective relationship with the ministry during the period in time that that neglect occurred in terms of mandatory notifications or that kind of thing? Would you have had enough information to determine that?

Mr. Graff: We were confident that, in fact, that wasn't the case, that there was other involvement.

Now, certainly, there's room for us to be making errors in terms of not getting all the information that we need. Where we do make some distinction is based on the information that we do acquire. For example, some of these circumstances that we're screening were related to deaths that would have historically been called sudden infant death syndrome, and now they're undetermined. We would look at that circumstance. What we get is a snapshot that says: "Here's the information. Here's the circumstance. There are no complexities that we can see." In those circumstances we've not pursued a full review. We've made that decision based primarily on the snapshot that we've seen.

With others we receive a snapshot, and certainly there is cause for concern. A young person who, you know, arrives in Alberta and four years later takes his own life: that information is known in the screening. So we do make distinctions; we have been making distinctions on that basis. We may stand corrected in not acquiring all of the information. Where we do have questions, though, we ask for the files, and we receive them.

Ms Notley: I guess the . . .

The Chair: Hon. member, you have used your two questions.

Ms Notley: I have a supplementary follow-up to that. I don't think I've had a supplementary.

The Chair: Okay. Then a supplementary now, right?

Ms Notley: Thank you. Yes.

Following up on that, then, it goes back to my first question, which was partially answered: how can you know that you've got enough information if you only have a snapshot? You are the only independent review that these kids or their families get. I realize your primary objective is the kids; I do understand that. Do you really feel that those snapshots give you enough information to decide whether or not there isn't more digging that should be done?

I'm just looking as well for the answer to my other question, which is: how do you consider those criteria that you laid out for us – is there potential for systemic issues? Is there potential for improvement? Is it in the public interest? – based on the snapshot information that you get, that typically doesn't involve all of the information from the ministry itself?

Mr. Graff: I don't know how to answer it another way than as I have. Our model, if you will, of how we move the review process forward is one of differential response, where we differentiate between those circumstances that we see, that have those qualities that we're looking at, and those that we can't see even at the snapshot level. If they move beyond that screening level, then they may stop at the assessment level, the initial assessment, because we can sometimes in the file find the information that we need. Sometimes when we do the individual file review, it leads us to more questions. Those are the ones that we've differentiated from the screening ones to go to full investigative review. So our model has been one of making differential decisions based on the information that we have.

Ms Notley: I have more questions, but I suspect I'm going to be shut down, so I'll have to wait until my next turn.

The Chair: Well, we will put you on the second round.
Hon. member Laurie Blakeman now.

Ms Blakeman: Thank you very much. During your opening remarks you made a series of statements about going forward with activities – and I put quote marks around this – unless there were compelling reasons not to. Two questions here. Have there ever been compelling reasons not to – and the corollary to that is: what were they? – and if there haven't been, what were you anticipating would be a compelling reason not to? I'm looking for: what were you thinking when you developed this? You must have had something in mind. What was it?

Mr. Graff: Yes. Two comments related to your question. The first is that I don't think that in the circumstances I'm describing, there has been compelling reason not to so far. What I thought and believe is important is that if we're going to have a differential model of child death review, we can't say: every circumstance of this will automatically receive that. There would need to be a compelling reason to stop me from doing a full investigative review of a young person who's in care and dies by suicide, for example. I don't know what that would be at the moment, but what I didn't want is for there to be either a sense within my organization or a message communicated that every time there's a suicide, we're doing this regardless of whatever else happens. I don't know what those circumstances would be. That's my perspective on that question that you raised.

Ms Blakeman: I understand what you did. Okay.

Mr. Graff: It created for me the potential to differentiate whereas an automatic "we review in every circumstance" does not create that, and if that model is concerning, then we have to address those concerns. Sure.

Ms Blakeman: Okay. It's essentially discretion, then.
Am I okay for a follow-up?

The Chair: A supplemental.

Ms Blakeman: Thank you. Totally different topic. You'd also commented in your remarks about mental health. A couple of times you comment on it as a past and, going forward, an increasing problem with children and mental health. Now, by my count there have been three government strategies for children's mental health. How did those strategies relate to your office, or are you able to identify deficiencies in that strategy, that you need to be putting forward a different version, from your office? Is that clear?

Mr. Graff: I think so. I can describe our experience with respect to moving into the area of children's mental health as a systemic issue. It came to us in a number of ways. One was through our individual advocates, who are involved with young people in care every day. They were hearing more and more about children who had mental health needs but either weren't able to access the system or were at a risk and had a lifestyle that would not be conducive to them walking into an office once a week or once every two weeks through a community kind of office setting. That was one of the ways that we would hear about the issue. A second way was through our youth leaving care report.

When we took a look at what has gone on in children's mental health, we found quite a stack of reports. Many of the ones that

you're referring to were part of that stack, and a lot of that information wasn't dated information; it's fairly recent information about children's mental health in this province. So the question for me became: if all of this information exists, how come we still have this group of young people in care and they're describing not receiving service?

The recommendation that we brought forward wasn't one of another report. It was one requesting an action plan. I create that distinction because I recognize that, much as you're saying, there's a lot of information that is outlined about children's mental health currently, and at the same time we hear about many children who are in care. We know that children in care have a heightened level of trauma in their lives and, you know, have greater mental health needs than the general population, and they're not being served.

Ms Blakeman: Thank you.

Put me back on the list, please.

The Chair: All right. The next one on the list is the hon. David Eggen. Your first question.

9:30

Mr. Eggen: Well, thank you, Chairman Cao, and thank you very much for being here this morning. It's very timely, and there are so many issues that I think the public needs to get clarification on. My first question is in regard to your investigative review that came out a couple of weeks ago, Kamil: An Immigrant Youth's Struggle. It's a very good report, and it certainly has some very pointed recommendations. However, the fifth recommendation, on page 29. If you could maybe just take a peek at that. Do you have that available?

Ms Blakeman: Is this from Kamil's report?

Mr. Eggen: That's correct. Yeah. It says, "Human Services should increase opportunities for Child Intervention staff to work in a more innovative, inclusive and collaborative environment to improve the quality of decision making for vulnerable children and youth." I mean, this is very loaded language, but I think it deserves some elaboration. Perhaps you could just give us a sense of what specific changes we could make that would satisfy this recommendation. It has direct budget implications.

Mr. Graff: One of the challenges that I face when I make recommendations is to try to make them so that they are clear enough for government to act without being so prescriptive that they have to do it the way I think it needs to be done. So with the how-tos I try to give enough space so that those can be implemented in a way that works for the system that exists.

When I made that recommendation, it was based on the information that came before it, that spoke to, you know, issues with respect to that particular case where we thought that there were opportunities to be more reflective, to think innovatively about how to access specific cultural groups, how to recognize and build on community supports that were, in fact, present for this young person, to provide a broader kind of context for the case planning. That wasn't specific to an individual worker. That was a system that, in my view, needs to be supported to consider those possibilities, to practise social work in a more broad-based kind of context as opposed to kind of focusing specifically on policy.

I'm trying to be clear in terms of my response. I recognize that with respect to that recommendation in particular I acknowledge that I lack some clarity in it.

Mr. Eggen: No. That's fine. I mean, we just want to try to extract some measurable outcome that we can advocate for in social services, specifically. These yardsticks are ever more important now considering these deaths in care that we are trying to pursue. You know, we want to empower you and ask you how we can empower you to do so with this budget. I mean, that's my general question to you.

Mr. Graff: Sure. The one additional comment I would make with respect to your question is that at the end of our investigative review we're able to meet with a group of people who have expertise in the areas that we're looking at. We have quite a robust discussion about kind of the findings that we've looked into and the expertise applied to those findings that helps us to kind of shape our thinking related to recommendations. I guess part of it when I talk about an opportunity for the system is that it would have been nice for the people who were directly involved with this young person to have had access to expertise like we did.

Mr. Eggen: Absolutely. Yeah, that's very insightful. Thank you.

The Chair: You're finished your second question?

Mr. Eggen: Yes.

The Chair: All right.

Mrs. Leskiw: I want to discuss pages 12 and 13, the advocacy services. Being a former teacher, especially teaching in a middle school, what youth have to say is always something that has interested me. The various age groups: how do you communicate with them to find out if there's a concern? Do they contact you, or do you contact them? How do the six- to 11-year-olds – or how do you find out if the 861 children under five are in trouble and need you to step in? Discuss your methods for these different age groups.

Mr. Graff: It's a very good question. I would like Jackie to provide a response to it if she could.

Ms Stewart: We hear from young people in a variety of ways. Typically, for the younger children, that are under 11 years of age, we often hear through teachers. For example, a child will come forward to a teacher and express a concern, and the teacher may call our office. Often children will talk to a caregiver, and there are certain circumstances as well where the system is required to contact us. In other words, for example, if a child has been harmed while in care, the system is required to contact the Child and Youth Advocate office so that an advocate can be appointed for the young person, can meet with the young person to hear what their views are on the issue and provide assistance. So there are a variety of ways.

Older kids often contact our office directly. In group homes and care facilities, for example, we have posters. We visit regularly so that children and youth become accustomed to the advocate and the advocate office so that when they do have an issue and they feel, for example, that they're not being heard, they'll contact our office and ask for an advocate to assist them.

Mrs. Leskiw: How do they know how to contact your office?

Ms Stewart: We provide information. It's part of our public education that we do. We go out to care facilities, for example. We talk to foster homes and so forth so they are aware that the advocate exists.

Mrs. Leskiw: My second supplemental has to do with page 13. I see you divided the children into aboriginal and nonaboriginal. Within the nonaboriginal population are a lot of those children immigrant children, newcomers to Canada?

Mr. Graff: I don't know that we keep that information in terms of whether they are new immigrants to Canada.

Mrs. Leskiw: The reason I'm asking that is because we have a lot of newcomers, foreign workers that come here with their children.

Mr. Graff: Yeah. I appreciate it; it's a good question. I can certainly look into it, but I don't know that we do capture that information, whether they are new to Canada or not.

Mrs. Leskiw: They may have a lot of the same problems that aboriginal children do.

Mr. Graff: Yes.

Mrs. Leskiw: They would need to be . . .

Ms Blakeman: Can you ask the question as racial background rather than whether they're a new immigrant or not?

Mrs. Leskiw: Well, yes, whether it's a visible minority or whether it's a nonvisible minority or what makes up the non-aboriginal child population. That would be interesting to know when dealing with children from different ethnic backgrounds or visible minority backgrounds.

Mr. Graff: Yes. Again, I'd have to look into that.

Mrs. Leskiw: Thank you.

The Chair: All right. Hon. member Blake Pedersen.

Mr. Pedersen: Thank you, Mr. Chair. Just for clarification I am sitting in for Mr. Gary Bikman today.

Thank you, as well, for coming today. I do appreciate the fact that the job you do is, obviously, probably pretty tough, I would think. The recent instances that have been brought up in the media, obviously, have highlighted the need for your office and the ability for you to do your work to the best that you can and to make sure that you have been provided with the tools and the resources to do that job. That's part of our job.

My question is in reference to your annual report, page 11. I'll just read the paragraph.

Since becoming an independent office, the OCYA has noted a greater degree of caution from Alberta government ministries when interacting with the office. Consequently, this past year has involved work to reshape our relationships with Alberta government ministries, stakeholders, and maintaining relationships with the youth we serve.

My question is: which ministries seem to be causing you concerns, and are you making headway with them? What are your plans moving forward with these ministries of concern?

9:40

Mr. Graff: Thank you for the question. It's a good question, and it reflects a point in time when for a year we were, first, an independent office. Prior to that, we had been embedded in a ministry where we were seen as being part of a ministry.

When I speak about the challenges and the cautions, there are kind of two areas. One is that there was a ministry that we had had significant familiarity with and then there was a change to create an independent office and what that would mean and some

cautions around what that could mean or could not mean. In the early days there were questions about: well, can we even let you in our offices as an independent officer? The Ministry of Human Services hasn't had that kind of exposure to an independent advocate before. So those kinds of cautions were ones that we needed to work through.

The other area of caution was with the Ministry of Justice and Solicitor General, who hadn't had involvement with the Child and Youth Advocate's office before. So they didn't know – they knew who we were because of the dually involved kids, where young people would have had involvement with the Ministry of Human Services and with the Ministry of Justice. We would have been involved with those young people but not exclusively with Justice, so that ministry was challenged to understand our work and how we do that.

There has been incredible progress made on both fronts in terms of that caution that I referred to in our first year of operations. We have worked hard to make that take place. We have met with every probation office in the province, walked through information about who we are, about what we need to be able to provide to young people in youth justice, et cetera.

We have done the same thing with the Ministry of Human Services on a large scale in terms of reacquainting our relationships with them and outlining what they can and can't expect from our new role as an independent office. That awareness and that information has produced a change. That change isn't just for them. We've had to change our behaviour, too, in our relationship with them. So it's been a twofold learning process, but the learning has taken place.

Mr. Pedersen: Thank you.

Just a follow-up question, please.

The Chair: Yes, hon. member.

Mr. Pedersen: Touching on the disproportionate number of aboriginal youth within the system, can I ask: how is the relationship with the ministry of aboriginal affairs? On the provincial side how is that working based on the connection with the federal side because of the, you know, need to have both parties at the table when you're discussing aboriginal issues?

Mr. Graff: I would suggest that our relationship with aboriginal affairs is quite limited. Most of our effort and energy has been focused on the Ministry of Human Services and on the delegated First Nations agency and, more recently, on the treaty tables that exist through treaties 6, 7, and 8. That has been where the lion's share of our energy has gone in terms of the work with the systems that support aboriginal people and not so much with the aboriginal affairs ministry.

The Chair: Now we're going to the second round of questions. Hon. member Jeff Wilson for your first question.

Mr. Wilson: Thank you, Mr. Chairman. One of the systemic issues that you identified in your annual report and that you spoke of today is the children in staffed facilities. You suggested that in March 2013 there were 235 children across Alberta, all 10 years of age and younger, living in staffed facilities and that the number has remained largely unchanged for the past five years. I asked a question about this in the House and received a letter from the Minister of Human Services, dated November 18, that suggested that the number has gone down since March and to September of this year, to 191.

I'm wondering if you believe that to be an example of: is there something that's changed in the last six months that's working? Or has there been a different policy direction that the government has taken, to your knowledge, that would result in the number dropping to 191 as of September this year? Or would that even be news to you?

Mr. Graff: Well, first off, that would be news to me. I wouldn't be able to explain. You'd have to ask the minister what the basis of that change was. I'm not aware of a specific initiative that resulted in it. Sorry.

Mr. Wilson: No. No need to apologize.

Further, one of your recommendations around children in staffed facilities, your second recommendation about establishing plans for all children aged 10 and younger who are in staffed facilities, I'm wondering if you could comment on, I guess, where you would see the responsibility for that line. Is that something that would be enforcement officers? Is that the social work level, that is coming up with these plans for each individual child? If we have an already strained system or individuals who feel that their caseload is already disproportionately high and they're not able to serve – I guess what I'm ultimately trying to get at here is: are we going to need to ramp up our social sector in order to have these plans put in place so that we're not burdening the workers in the system currently?

Mr. Graff: Children who are in government care are supposed to have plans already, and where we think this recommendation has some merit is that there needs to be, in my view, a strong focus on the planning for these children to be in placements that are other than residential facilities. It's not something where we're suggesting that there needs to be an influx of a whole new workforce or something in that regard. What really makes most sense to me is that the individual planning that's supposed to be taking place for these young children takes place in a way that reflects a movement out of staffed residential facilities as part of the plan. There are other areas of planning that take place for these children, but in my view those plans need to include this.

Mr. Wilson: Right. Are you saying that most of them do not currently?

Mr. Graff: I don't know. What I do know is that there are a number of young people that are there.

Mr. Wilson: Gotcha. Thank you very much.

The Chair: All right. The next hon. member, Rachel Notley.

Ms Notley: Well, thank you. Okay. I'd like to go back a little bit, to the line of questioning or the discussion that we were having before. As you know, of the 20 children last year who either died while receiving protective services or were seriously injured such that they required hospitalization while receiving protective services, four of 20 of those will proceed to investigation. I believe there's a fatality inquiry that's going on as well, and my understanding is that that's additional. That's not one of the ones that you're also investigating. In entirety, last year 20 children were victims of tragic circumstances, shall we say, and five of those situations will be investigated primarily by you and one by the Fatality Review Board, which, unfortunately, will happen five or six years from now, so it'll be somewhat irrelevant when it comes to making more immediate changes, which is another reason why I like the idea of your office taking a greater role,

because you're far more timely in terms of the reviews that you have done thus far. Just to say.

That being said, going back to sort of how we work our way through these criteria for what becomes investigated, would you be comfortable with producing written reports of everything that went through the screening process, with an overview of the information that you had and what you based your decision to not go further on? Again, going back to this concept of you being independent and you being this vehicle of transparency – and, of course, that's certainly how the minister likes to talk about your office as well – could that be done with respect to each one that is screened that goes no further? Could that be done with respect to the second tier, the initial assessment that does not go to a full review? Can we produce written reports? Perhaps they're only half a page or a page long, but can we do that, so that at least the public is able to see what's going on?

9:50

Personally, I think if you've got, for instance, a child that's very medically fragile, say, you know, with brittle bone disease or something and they go into care and the foster system does well by them and supports them in every way they need and the child still passes away, I don't know that there's necessarily anything wrong with reporting on that. The minister himself talks about the good-news stories, and as much as that's a fatality, the fact that the system worked well to maximize the quality of life of that child is also a story that could be told.

My question then is going back to that first issue. Could you write up those other 16 cases that did not get selected to go through to a full public review?

Mr. Graff: I'm thinking through the intention and the legislation that we have to operate under. We can do what needs to be done in terms of the mandate that I have, and if it needs to shift towards publicly reporting, et cetera, on all deaths, then we can do that. The current legislation speaks to a decision point that we may do investigative reviews, but if we do those investigate reviews, we need to publicly report. When you describe the screenings and that information, that's not included in that public reporting requirement under our legislation. I mean, if you say, "Is it possible to write a public comment about screening?" I suppose if the legislation demands it, certainly, it's possible.

Ms Notley: Well, I'm suggesting that the legislation permits it, and I'm asking whether there would be any reasons within your office that you couldn't do it in order to increase the transparency and increase the public reporting.

Going on to talking a little bit about your mandate, I do understand that your mandate talks about systemic issues, but of course you don't know that there are systemic issues unless you track a multiplicity of occasions. The systemic issues as sort of the precursor or the prequalifier to writing a review are in and of themselves limiting because often you might have seven or eight things that you think individually are relatively innocent and explicable, and then you look at them all together and go: oh, wow; we actually have an issue here.

I want to go to one of the other criteria that you referenced, which is the criteria around – you know, essentially, the onus is on doing a review if there's self-harm, the onus is on doing a review if there is injury from the caregiver, but the onus is against it if the child has medical complications. I want to put to you that I am concerned about that particular internal set of criteria, that you've established, because I know that the ministry often takes custody

and care of children who are medically fragile and who are born with a number of challenges.

What that would seem to me is not that we should pat ourselves on the back and say: okay; well, at least someone took care of the kid. What we should be saying is: in that case, just as we would if we were parents, we need to work harder for those kids. We need to make sure that those foster parents have greater resources. We need to make sure that we're giving them the support necessary to go to all the doctors appointments and get all the extra therapy and do all the extra work at home just the way we would as parents if we had a child that was born with a disability or a chronic illness.

I am concerned that by having that almost reverse onus to a review with children that have medical issues or complications, we are inadvertently failing to evaluate how well we deal with that. Again, it's not a criticism. I think there are many foster parents out there who do beautiful work with taking children that they know are going to be a lot of work and that may not be with us for a long time. But I still think that because we've got 16 children that either died or were seriously injured or hospitalized in care or receiving services that we're not hearing about, we need to make sure that we're turning our attention to that. If ultimately the system is working superfine, then that's fine. But until we do, how do we know? I'm wondering if you can comment about my concerns around what appears to be a reverse onus with respect to children being born with disabilities.

Mr. Graff: Well, your point is well made. I don't know that I have concrete information to dispute what you're suggesting. What I needed to be able to do and I still under my current mandate need to be able to do is differentiate how the resources are used that I have access to for this issue of the deaths of children. I've done it the way that I think is best, and I could stand corrected in terms of . . .

Ms Notley: Could your differentiation change if your resources change, then?

Mr. Graff: Well, certainly.

Ms Notley: All righty. Okay. Good.

The Chair: All right.

Dr. Brown: Mr. Graff, I wondered if you could explain the proposed budget. You've allowed for a 3.4 per cent increase in your salary and wages. Would that be an increase according to an established grid that you have for your employees? Would it be for any additional personnel? Exactly where does it come from? What's included in the 3.4 per cent?

Mr. Graff: Could I ask Bonnie, my director of strategic support, to answer that question, please?

Ms Russell: The 3.4 per cent is relative to in-range salary adjustments as individuals move up the grid. It's not for increases to the grid; it's increases within the grid.

Dr. Brown: Right. So no additional personnel?

Ms Russell: No.

Dr. Brown: Okay. Thank you.

The Chair: Hon. member Laurie Blakeman, your first question.

Ms Blakeman: Thank you very much. I want to talk about – no. I'd like you to talk about the issues of – you talked about database sharing, and it strikes me that we're in somewhat unknown territory around sharing personal information about children. It strikes me that the department has a lot of information and is manic about not sharing it. As someone that has done a lot of work on privacy, I wouldn't normally be concerned about a government manically protecting individual citizens' personal information, but in this case I think it might be getting in the way of timely delivery of service and accurate delivery of service. So what is the struggle here?

You talked about, specifically, sharing a database with other departments. So straighten out for me what database is sharing with whom and whether you're getting timely and accurate information in order to be able to help the children under your umbrella.

Mr. Graff: Certainly. We are talking about two different things. First is our access to the Ministry of Human Services' database, where they keep information. They keep file information about children that we are involved with as advocates. For a period of time we were struggling with receiving confirmation that that access for our advocates, who work directly with these children, would continue. We've now received confirmation that that will continue. We're very pleased by that.

The second area, that was, again, with respect to the Ministry of Human Services, was a database that looks at the aggregate data, how many children are in care in a given region, how many children are in permanent care, that kind of information.

Ms Blakeman: Is that anonymous?

Mr. Graff: Yes. It's aggregate, just a total kind of data. We've also received confirmation about our continued access to that information.

When we talk about the shared databases with the other legislative offices, we are talking about having a shared system, a server system, and access to it as a way of developing efficiencies amongst legislative offices. That system also keeps our respective information distinct and not accessible to the other. So those security features that keep us separated from the Ombudsman's office, for example, will be part of that system.

Bonnie can add to that.

10:00

Ms Russell: As well, the applications that will maintain the information for our children, so our advocacy services and our legal representation systems: those are actually going to be individual servers. They're not shared servers with the other offices.

Mr. Graff: The other part to your question – and I think I alluded to it earlier – was with respect to how long it takes us to receive the file information for a child who has tragically passed away, the concern being that it takes a significant amount of time because of the vetting that the Ministry of Human Services does for client-solicitor privilege. I've asked the minister to look into that recently. In fact, he has made a commitment to looking to speeding that up.

Ms Blakeman: Okay. That helps to clarify. Thank you.

The Chair: Your supplemental?

Ms Blakeman: Well, there were multi questions in there. I'll let it go.

The Chair: Hon. member Blake Pedersen, your first question.

Mr. Pedersen: Thank you, Mr. Chair. I'll direct you to page 24 of your annual report. The question is concerning deaths of children under two years old and the term "SIDS." It's been discussed recently that there's a movement away from the term "SIDS." Now the term that's being used is "undetermined." I'm just wondering if that doesn't cause some concern and consternation with not only your office but parents and caregivers and even the ministry itself. When you get the term "undetermined" for a death, how do you look at that as a reason for death or a cause of death, and how do you move forward in any positive fashion for recommendations or proposing change if the term "undetermined" or "undetermined; possibly related to SIDS" is what's being used? It just doesn't give you a whole lot of direction and focus. It doesn't really give a whole lot of answers.

Mr. Graff: I can tell you as the independent advocate who often communicates with groups that the use of the term "undetermined" is not, in my view, specific enough to really say anything. In fact, that is a concern for me. I'm not sure why that change has taken place, but it's part of why in our annual report we've identified: "possibly related to SIDS." The general population knows about sudden infant death syndrome more readily than they would recognize that "undetermined" actually is likely to mean that. There is some medical explanation for it that I've been made aware of, but I couldn't speak to specifically why that change has taken place.

Mr. Pedersen: As a supplemental to that, what is your direction going forward, then? Obviously, unanswered questions leave, you know, an open hole, basically. It's just an empty space. I think that people want to know as much as possible when a child does suffer an early death, that it isn't just classified as "undetermined," that there is actual concern – and I know there is – and that there's going to be some focus put on it. "Undetermined" is not good enough, in my opinion anyway, and from listening to you, the same for yourself. What is your direction going forward so that you give some actual definition to what the cause of that death might have been?

Mr. Graff: Well, so far it's been as outlined in our annual report, where we're saying: "Undetermined; possibly related to SIDS." I can tell you with some confidence that I don't believe you and I are the only ones that struggle with that terminology, so I'm hopeful that the medical community will recognize that there needs to be a more specific definition. But I couldn't respond to it until then.

Mr. Pedersen: Okay. Thank you.

The Chair: All right. Hon. member Jeff Wilson, your turn now. Next question.

Mr. Wilson: Thank you, Mr. Chairman. I would ask you to just look at page 25 of your annual report. It's a very straightforward question. It just says under Looking Ahead, "In the upcoming year it is expected that the OCYA will finalize a new investigations policy which is currently under development." Could you expand on what that new policy is going to look like, how it's differing from what you're currently using?

Mr. Graff: It's actually not different from what we're currently using. This was written for the year past, and at that point we were

in the midst of policy development. We've done some policy development work, and we have identified our steps, et cetera, in terms of that differential response and have put that into policy statements now.

Mr. Wilson: Okay. Now, if you were to have more resources with which to conduct more investigations, is that something that your office would willingly accept? I guess the question is: is there any financial barrier to your conducting the investigations that you deem necessary right now? Would additional resources help you conduct more of them in the interest of getting more information to the public about what's happened?

Mr. Graff: A complex question. Certainly, I wouldn't for one moment suggest that my office couldn't do full investigative reviews of every child death in this province. We could do that. There are some things that I think we would need to be thoughtful of. One of them is that our legislation does not speak to "shall." It doesn't say: the advocate shall review all child deaths.

The difference in terms of discrimination is that unless those deaths are reviewed currently with a full review, I don't generate a public report. So there's a resource question, but there's also a legislative alignment question, which shifts our mandate to a more focused perspective on what we will do. That differentiation that has been raised here would then not be present. Certainly, we would do that if that was the pleasure of the Legislative Assembly.

Mr. Wilson: Thank you.

Mrs. Leskiw: Can I just supplement?

The Chair: Sure.

Mrs. Leskiw: A supplement to what my colleague here has said. If you were in a situation where your budget was used up and a death needed to be investigated, that would not stop you from doing an investigation if it was warranted. I'm asking a realistic . . .

Mr. Graff: It's a straightforward question. With today's legislation I would have to make a distinction between what I must do and what I may do. If there was a change where I was required to do it, then I would take resources from areas that are enabling, and I would apply it to the must. I hope that makes sense.

Mrs. Leskiw: So if it was a must and you know it has to be done for the safety of children, period, then you would find resources either within your budget or come back to the government saying: I need more money in order to do that must.

Mr. Graff: Absolutely. The only additional information I'd provide is that there are consequences to those types of decisions in my office, and I would not want to experience those consequences. Those consequences are about the activities that enable us to help young people in terms of enabling their rights to be respected in this province, enabling them to be educated about the importance of child rights, enabling them to participate in matters that aren't required but are certainly very important to them. Those are the kinds of things that I would have to compromise to deal with those must requirements of the legislation.

Mrs. Leskiw: Thank you.

The Chair: Hon. members, any others? You didn't put your hand up, sir.

Mr. Eggen: No. It's okay. I came up to you – remember? – and said: put me on.

The Chair: Okay. Hon. member David Eggen, your third time.

Mr. Eggen: Thank you. We were just looking at your business plan 2014-17, page 8. It says there, "Based on our knowledge in conducting the investigations the [performance] measure has been changed from six months to twelve months to complete an investigation." The performance target for next year, then, is 85 per cent.

10:10

Is it true, then, that an investigator is only able to complete one investigation per year? It appears to be that way, as far as I can see, because 85 per cent of new investigations will be completed within 12 months. You had three investigators at the beginning of the year, so you only had the resources and capacity to do three or four investigations per year. That's kind of my simple math. Am I heading down the right path?

Mr. Graff: Partially, yes.

Mr. Eggen: Could you help me out?

Mr. Graff: Sure. One of the initial perspectives that we had was that our investigations and all of the tasks embedded in our investigations would be much more timely than they've proven to be. When we were reporting in this year, this was our first year involved in investigative reviews of children's deaths. We had requirements to both build policy and build practice capacity to review it at the same time. When we look at what it is actually taking us in terms of time to do all of the tasks – and an example of a task is to try to find family and speak to family about what we're doing. That takes a significant period of time. To acquire the files, as I mentioned earlier, and to develop the terms of reference that are going to be part of our review and provide the guidance, that takes a significant period of time

What we've done, you know, in the course of a year of development is that we've recognized that our time frames for our expectations were much too aggressive even with the experience that we just had to date. It's not a question of: can we only do them one at a time? We're working on many areas at a time, but we do recognize that from the point of time when a child dies and we receive the notification to the point where our report is complete and we've gone through the legal reviews and all of those things and it's public, it's more like a year than it is six months.

Mr. Eggen: Okay. Yeah. Obviously, your sort of investigative capacity – that's what you called it last year when appearing here – is taking into consideration when you are deciding whether a case should proceed to a full investigative review. That's obviously something you are doing.

Mr. Graff: Well, I mean, we're hopeful that we'll improve as we become more experienced in this work in terms of our timing, but what we really recognize is that the amount of time that it takes to do an investigative review is longer than we initially anticipated.

Mr. Eggen: Sure. Thank you very much.

The Chair: All right. Hon. member Rachel Notley.

Ms Notley: Thank you so much. Part of me wants to say – I don't think I actually told you so, but I think I did infer that whole issue

a couple of years ago when we were talking about the investigative functions of your office. I remember talking about . . .

Mr. Graff: You told me so?

Ms Notley: I might have. I might have mentioned that. I'm not sure. Maybe I'm just remembering it, and if we look at *Hansard*, I never said such a thing, so I won't claim it for sure.

I want to go back to this issue and, in particular, to the several fatalities which occurred last year which stopped in the screening phase which do relate to the "undetermined; possibly related to SIDS," under two years of age group. I'm sure you got a chance to read it. There was certainly a very well-researched and thoughtful piece in the paper on this issue on Tuesday, which looked at the number of babies that had died in care since 1999, or some of them because we know, actually, that we still don't have all those numbers, and looked at the number that appear to have died as a result of – well, they say here that 18 died in their sleep, many of which were associated with what experts define as unsafe sleeping patterns. Then there were other ones that talked about – well, let's just talk about that. Then they talk about the whole issue of the degree to which we have policies and practices and education in that role. That looks to me to be the kind of issue that requires further examination.

We know that there are still a lot of scientific questions around SIDS, and it's not possible, ultimately, to definitively set out how to prevent it fully. We can't. We know that we don't know that much about it. But we do know that statistically speaking, there are certain circumstances in which SIDS is more frequent.

I'm wondering. Based on the amount of information that you get in the screening phase, do you get enough information in order to evaluate whether or not any of those risk factors or any of those – not policies because there are no policies – best practices had been consistently put in place, monitored, or were in fact in place at that time? Do you have enough information? I guess that's my question. Do you go by the medical examiner's report? What is the information you're getting in the screening phase if you're not yet reaching out to the ministry to get the full file?

Mr. Graff: We do, I think, receive the medical examiner's report, and we do receive the snapshot. A snapshot is really a summary of the circumstance and . . .

Ms Notley: Prepared by?

Mr. Graff: By the Ministry of Human Services. Whether that's sufficient or not, I mean, you've raised that already. I certainly don't have information to say, "Well, I'm certain it is sufficient," because there is always some ability to both acquire more information and to look into these matters further. I don't dispute that at all. What I have done is identified a differential response . . .

Ms Notley: And I understand the differential response issue. I do understand that it's discretionary under the legislation right now, and you have finite resources, so it's a rational response to come up with a differential process under these current circumstances. So I'm not questioning that. I'm just sort of looking at whether there's a need to expand it. Maybe I hadn't heard you say before that you were acknowledging that maybe the snapshot wasn't enough. I wasn't quite clear what a snapshot consists of or, frankly, what the medical examiner provides. My understanding is that the medical examiner essentially provides medical information; they provide no circumstantial information. Is that correct?

Mr. Graff: They wouldn't provide information specific to the situation.

Ms Notley: Right. Okay. Because we've used that a few times, can you describe the snapshot to us?

Mr. Graff: It's just a summary of the circumstance: where the child was, what happened, and some supplemental information about the circumstances that surround that child, what kind of placement or what kind of legal status they have, et cetera.

Ms Notley: Is it a page long? Is it 10 pages long?

Mr. Graff: I think it's about a page.

Ms Notley: It's about a page long.

Mr. Graff: Sometimes it's longer. It does depend.

Ms Notley: Okay. Oh, there's another question that I had that was following up on that, but let me go back to the one that I raised at the beginning of the questions. I just want to double-check. I asked the minister a question in question period this week about the full number of children who had been victims of fatalities since 1999, both those who were in care as well as those receiving designated services. Even with all this information that has come out through this FOIP, we're still mostly just looking at kids in care.

I appreciate that you're relatively new to the office but that the advocate was internal before and had been in place for I think that same period of time. Does your office have access to information or do you keep information of the total number of children who died from any cause, either in care or when receiving designated services, since 1999?

Mr. Graff: I don't believe we do, but I'd have to check.

Ms Notley: Okay.

Mr. Graff: We certainly do now. Since 2012 we have, but I'd have to check as to whether we did historically.

Ms Notley: Right. Okay. That's my follow-up for now.

The Chair: All right. Thank you.

Hon. member Everett McDonald.

10:20

Mr. McDonald: Thanks, Chair. Just going back to your report, you talk about reaching out via Twitter and that your site is launched. Can you talk about the responses and how effective you've been with the Twitter account? Social media is a very challenging piece.

Mr. Graff: It is. I had to learn to tweet. It's one of those mediums that we need to learn more about given that our focus is on children and youth and they know social media intimately. We have followers; I think we have upwards of a hundred followers to our Twitter account. We work hard to make sure that we regularly update it. We are connected. We follow others. We're pretty much at the front end of getting involved in the social media area but recognize that we need to grow in our capacity to do that because that is the communication medium that young people use. We have many young people who are following us on Twitter. We're excited about that, and we're also fairly cautious in terms of what the implications of Twitter can be. I hope I've answered your question.

Mr. McDonald: Yeah. I congratulate you on that. I think that's excellent work.

Are you also on Facebook? Do you have a page? Do you follow?

Mr. Graff: We've not moved to Facebook yet, I don't believe, but our intention is to do so.

Mr. McDonald: Okay. You know, I think it's an easier one to follow. Twitter is more of a chat line whereas Facebook gives you that opportunity to keep rolling your information out time and time again. I just want to congratulate you on getting started, anyway. That's great.

Mr. Graff: Thank you.

The Chair: Thank you.

On my list here: the hon. Laurie Blakeman, followed by the hon. Jeff Wilson.

Ms Blakeman: Thanks very much. One of the quite obvious points for this committee as we go over the budgets for any and all of the legislative offices is that the budgets are heavily staff focused. This is a labour-intensive, knowledge-based service provision in each of these offices, and you have also mentioned that as well as part of your presentation. My question is: are your staff professional and specialized staff that would be difficult to replace? The second part of the question is: would, say, a zero or 1 per cent or anything less than what you've requested as an increase affect your staff retention and recruitment to the point where it would be difficult to deliver your service?

Mr. Graff: First off, I want to say that I do have a professional staff. I have staff that are, in my view, at the top of their fields. They work very, very hard and are passionate about youth and children. They have gone through an intense transformational experience as we've moved to independence, and they've done it at the same time that they've continued to serve, you know, the young people that call us and that need our advocacy help.

Ms Blakeman: Just a quick clarification. So they're coming with professional designations? They have degrees? They're recognized by their professional association, et cetera?

Mr. Graff: Well, we have a range of staff. We have staff who, in fact, have those designations. Certainly, our advocacy staff have them. But we have a range of people that come with different skills. My view is that our staff have risen to the challenge of an independent office, have made the transformation that we have needed to make as an organization, have had involvement in both the organizational development and the continued delivery of service, and have done a stellar job of both. The time has been one of incredible movement and change for us, and they've risen to that challenge more than adequately. That's what I would say about my staff. I'm very, very proud of them.

I would also say that if, well, we're going to be at 1 per cent or zero per cent, we would look to see what that meant for us. I wouldn't see that an addition of \$200,000 or not would result in us, you know, reducing our staff significantly. I would try to find ways to address it through other means because at the end of the day our staff is our resource for working with young people.

Ms Blakeman: That's what I was looking for. I've noticed that with the Auditor General's office, with the protection of privacy and FOIP office there are either specialized or highly qualified people working there where the loss of that in-grid movement and

the benefits, since you could be competing with the private sector, where the thought of losing those specialized staff makes it very difficult to accomplish your mandate. So you would not like to lose them; you would like definitely to be able to provide them with the benefits that you have indicated, and not receiving that would affect the way you do your business in one way or another.

Mr. Graff: Absolutely. I hope I made clear when I provided my opening comments that it's critically important that our staff and our organization are supported adequately. You raised that as an important point, and I underscored it in my comments.

Ms Blakeman: Okay. And it'd be staff as compared to manpower?

Mr. Graff: Yes.

Ms Blakeman: Thank you.

The Chair: Thank you.

My list includes government member Genia Leskiw and Jeff Wilson.

Mr. Wilson: I thought I was going next.

The Chair: We have the government rotation. Sorry.

Mrs. Leskiw: Okay. Just a quick question so the hon. member here can ask his. On the Child and Youth Advocate's office line item under Operational Expense I see that the budget estimate for 2013-14 is \$760,000, and then the estimate for the following year is an increase. Why the change? What kind of things are you looking at?

Ms Russell: What pages are you looking at?

Mrs. Leskiw: Well, I guess on this one it would be page 10, and on this one it's the second-last page. It has to do with the statement of operations, so the second-last page on this particular document.

Ms Blakeman: Voted spending by program?

Mrs. Leskiw: Uh-huh. Then on this one, on the business plan handout, it's the last page, page 10, operational expenses. Do you follow me?

Ms Russell: Okay. First of all, in the statement of operations and that, we include the noncash items, which are nonvoted items. That's amortization and valuation adjustments. Valuation adjustments are for the provision of vacation liability.

Mrs. Leskiw: Okay. Good. That's it.

The Chair: The hon. Jeff Wilson.

Mr. Wilson: Great. Thank you. My final set of questions are about your strategic priorities of increasing systemic advocacy work, how that relates to the line item in your budget. Would an increase in that line item in your budget allow you to further that strategic priority? If maybe you could expand on what that may allow you to do in terms of making recommendations, in terms of looking back and trying to find ways to just make the system stronger.

Mr. Graff: One of our challenges as a newly independent office is how to make effective recommendations that will result in positive change for young people in care. Some of our thinking is

about developing our own capacity in terms of the expertise that we were speaking of earlier. Some of it may be about acquiring expertise that is external to us in terms of the help that we might require to make recommendations more effective. So our thinking is really around those areas in terms of: how do we make ourselves more able?

I mean, one of the challenges for us is that our recommendations need to be focused clearly enough that there are a clear set of expectations but also not so clear that we're prescriptive and that it limits the government's ability to achieve them. We're learning.

So when I speak about our capacity growing, it's because I recognize that we need to learn a lot more about this work and what it means in terms of those recommendations moving forward and seeing which ones actually are making a difference for young people in this province and which ones aren't. We don't expect that they're all going to make a difference although I would be hopeful that many of them would.

10:30

Mr. Wilson: Sure. Now, do you feel that additional resources allocated to that would allow you to advance that quicker?

Mr. Graff: Well, certainly, additional resources could help in that regard. We're not asking for them in this submission primarily because we're still learning about our own capacities at this point. We may in fact be coming back to this table to say: we need to have more resources because of our accelerated need for that learning.

Mr. Wilson: Great. Thank you very much.

The Chair: All right. The timing is perfect. It's 10:30.

Thank you very much. I just want to say: a great presentation from your office. To our Child and Youth Advocate, Mr. Del Graff; Ms Jackie Stewart; Ms Bonnie Russell; and Mr. Tim Chander: thank you for your thorough presentation and answering our questions.

I just want to announce that as we have rescheduled because of the motion earlier, I'm pleased to notify that we have the Ombudsman coming in right away, and we finish at 11:35. Then we have lunch, and then we have the office of the Ethics Commissioner at 12:10, then the office of the Privacy Commissioner at 1:15, and the office of the Chief Electoral Officer at 2:20. I have been notified that these officers will be communicated with about the changes.

Again, thank you, and we will continue with our next presentation group.

Hopefully, you ladies and gentlemen there can join us for lunch at 11:35.

[The committee adjourned from 10:32 a.m. to 10:35 a.m.]

The Chair: Hon. members, I would like to call the committee back to order. At this time we shall go around the table to introduce ourselves, a quick introduction, and then we'll start.

Wayne Cao, MLA, Calgary-Fort, chairman of the committee.

Mr. McDonald: Everett McDonald, Grande Prairie-Smoky.

Mr. Quadri: Sohail Quadri, Edmonton-Mill Woods.

Mr. Wilson: Good morning. Jeff Wilson, Calgary-Shaw.

Mr. Pedersen: Good morning. Blake Pedersen, MLA, Medicine Hat, substituting for Mr. Gary Bikman.

Ms DeLong: This is Alana DeLong. I'm the MLA for Calgary-Bow.

Ms Blakeman: Good morning. I'm Laurie Blakeman, and I'd like to welcome each and every one of you, including the fans at the back, to my fabulous constituency of Edmonton-Centre.

Mr. Loran: Joe Loran. I'm the Deputy Ombudsman.

Mr. Hourihan: Peter Hourihan, Ombudsman and Public Interest Commissioner.

Mr. Miles: I'm Ted Miles, director of the Public Interest Commissioner's office.

Mr. Eggen: Good morning. My name is David Eggen, and I'm the MLA for Edmonton-Calder.

Dr. Brown: Neil Brown, Calgary-Mackay-Nose Hill.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Well, thank you very much.

We will proceed with the business of the day here.

Ms Blakeman: Excuse me, Mr. Chair. Could we find out who else is in the room, please? There are some other people here. I wouldn't mind knowing who they are.

The Chair: They are LAO staff, sitting over here.

Ms Blakeman: Great.

The Chair: Do you want them to say who they are?

Ms Blakeman: Well, they're sitting in the room. I'm looking at them. I wouldn't mind knowing who they are.

The Chair: All right, then. Just quickly.

Ms Nixon: I'm Marilyn Nixon, legislative assistant to George Rogers and Dave Quest, who's filling in for George Rogers today.

Ms Blakeman: Okay. Assistant to Dave Quest and George Rogers.

Mr. Cust: Kelly Cust, government members' caucus.

Ms Blakeman: Did I hear you say PC member caucus?

Mr. Cust: Yeah.

Ms Blakeman: Okay. Thank you.

The Chair: Anybody else that you wanted?

Ms Blakeman: There were a couple more, but they've disappeared. Okay. Thank you.

The Chair: Well, since they don't have a microphone to register, they probably were not caught by *Hansard*.

Anyway, now we would like to again welcome Peter Hourihan, the Alberta Ombudsman and Public Interest Commissioner; Mr. Joe Loran, Deputy Ombudsman; and Mr. Ted Miles, director, office of the Public Interest Commissioner. We will hear from these gentlemen on the report, the budget, and the business plan and to answer some questions.

Your floor, sir.

**Office of the Ombudsman,
Public Interest Commissioner**

Mr. Hourihan: Okay. Thank you, Chair. First, I would like to start with a very quick overview of our office or, more accurately, our offices. The Ombudsman and the Public Interest Commissioner are co-located in both the Edmonton and Calgary locations. The Ombudsman office consists of 25 positions, with 18 here in Edmonton and seven in Calgary. Currently there are three vacancies in those 25: a clerk position, an investigator/analyst position, and a legal position. We're in the interview stage for the legal position currently, and we'll be filling the other two shortly after.

The Public Interest Commissioner consists of eight personnel, six in Edmonton and two in Calgary. The co-location is an important aspect of the overall administration of the offices. The administrative and corporate activities are shared between the offices. This includes administrative support, finance, human resources, information technology, legal, et cetera.

The operational and investigative units operate independently from each other. In time I can foresee that movement between the two offices will take place, and it'll be a beneficial opportunity for attraction and retention of employees. This general approach maximizes our potential efficiencies, and the separation for reporting purposes is a relatively simple process.

I'll turn to our organizational chart, the Ombudsman organizational chart. It shows the revised structure, with the sharing of services indicated to the left and to the right of the operational component. In the past year we've filled a number of the vacant positions that we had highlighted last year that we had. Of note at this particular time, we have a near complement of our investigative personnel. As I said, the legal position will be filled shortly. Filling the legal position has taken a significant time frame to finalize. However, we did this intentionally to ensure that we were obtaining the services required using the necessary resources.

It was also beneficial, as it turns out, with the addition of the Public Interest Commissioner office, as it enables us to share services of legal counsel effectively. The investigative/administrative vacancies are under consideration currently and will be filled earlier in the new year, as I said. As these positions are filled, we'll seek to maximize our administrative function between the two offices, sharing services where we can and where it makes the most sense.

Next is the Public Interest Commissioner organizational chart, which is important to show, I think, at this time. It's pretty straightforward. The team of investigators are supported, again, by the shared corporate services from the Ombudsman office, as shown on our chart on the left as you're facing it. One important point of note is that the Public Interest Commissioner office received funding for eight positions, which included a communications manager. We've placed that communications manager in that group of support personnel as that position performs duties and shares services with the Ombudsman office as well as the Public Interest Commissioner's office, and the legal counsel also shares. Both those positions share at approximately a 50 per cent rate to each office. In respect of our combined organizations, we'll continue to seek efficiencies and modify where appropriate.

Now, for my presentation I'm going to take you through the Ombudsman annual report, and I'll offer some perspective on the activities after that on the public interest side if I can, on an annual reporting of sorts, an interim reporting, if you will. I'll go from there to an overview of the strategic business plans for the Ombudsman office and the Public Interest Commissioner office,

and then I'll present the budget requests and forecasting if I can. This approach will enable you to see the consistencies in the two offices and the separation that's also present. I can answer questions at any time, so feel free to interrupt me.

The next slide. I'll start with our Ombudsman annual report. I'd like to draw your attention to our 2012-2013 annual report of the Ombudsman. Firstly, the overall presentation and appearance have undergone a significant change. For those of you that have been around for a while, you'll recognize that, I think. This incorporates our modified logo and our colours, and our mission, vision, and values statement has been updated.

This year we took a different approach. We focused a large part of the annual report on the various dedicated professional organizations, medical colleges, that sort of thing. This area of jurisdiction was chosen as it was an opportune time to offer a review of how this relatively new and particular jurisdictional area has responded. The annual report also includes a snapshot of our strategic priorities and how we have progressed in those areas.

Our overarching goal is to ensure Albertans have the highest quality of service. These include an increased awareness of the Alberta Ombudsman office to ensure more Albertans become aware of the services we provide and that they're comfortable accessing those services; second, to provide excellent service, ensuring complaints are thoroughly investigated and that recommendations or education provided is of a high quality; third, fostering a positive work environment to ensure a healthy, developed, and productive workforce; and fourth, maximizing our efficiencies through the appropriate use of technology.

I'm pleased to report progress on all of our priorities. All personnel are fully engaged in ensuring that our focus remains clear, and each plays a role in the structure of our strategic prioritization.

We've been very active in meeting with department and authority heads and visiting constituency offices, delivering presentations around the province, and improving our communications. The addition of the communications manager has helped significantly in that regard although that's later this year. We've improved our investigational processes and our timeliness. We have work to do in this area, and we probably always will, to ensure that we're providing the best service possible to serve Albertans. We have researched best practices. We've improved our developmental focus for employees, again for the benefit of Albertans as well as employees in the office.

As I said earlier and said last year, we've been examining technology, and we're close to implementing a new case management system that will enhance our critical analysis capabilities. This was extremely important with the addition of the Public Interest Commissioner office to our operations. Included in the annual report are some case examples and a new approach to investigations through our designated own-motion team.

Our annual report also at the back includes a small guidebook, which is a takeaway for readers. This booklet summarizes the eight administrative fairness guidelines that we use during investigations and encourage others to use, decision-making bodies. As well, it provides a guide to writing good decisions, which is a significant issue. In most of the recommendations that we're making, it revolves around the decision writing. These are valuable tools for entities and personnel to refer to when involved in any part of the decision-making process of government.

10:45

The annual report includes a short summary of our workload statistics. You will note that oral complaints totalled 3,361. This is down from 2011-12 by 9.4 per cent. Written complaints, on the

other hand, showed a slight increase to 908 from 885, or approximately 2 and a half per cent. The number of formal investigations has increased 12.6 per cent in the past fiscal year, and our alternative complaint resolution files have also increased 10.8 per cent. Also, we've closed more files in this fiscal year, up 12.6 per cent, with a corresponding decrease in the files that we carried over year over year by 18.8 per cent. In short, our workload has increased, and we're doing a better job of managing the workload and improving timelines, which is beneficial for all concerned. We've made significant headway in that regard.

During 2012-2013 we closed 954 files. Of those, 172 were what we call formal investigations. This is consistent with our historical figures. Generally speaking, approximately 20 per cent of our files end up getting investigated formally. The remainder are referred to other areas for consideration, resolved in some other fashion, et cetera. In terms of the formal investigations, there were 232 issues identified; 45 per cent of those complainants' issues were supported. This, too, is consistent with past years. It's often about a 60-40 split. The vast majority of our recommendations, well over 98 per cent, are implemented by the authority. Occasionally the authority will be slow to do so; however, this has not been a problem area, and we follow up on every recommendation that we make.

The other important statistic is the volume of nonjurisdictional calls we receive, and I've mentioned this in the past. This past fiscal year these calls were down approximately 16 per cent from the year before. The reason is not particularly clear; however, there's a presumption that people are accessing the Internet, et cetera, and making determinations on their own, which would be consistent with our drop in oral complaints and our increase in written. We continue to value the nonjurisdictional calls – and this is an important point to make – for a couple of reasons. It provides a good service to Albertans. It sends them in the right direction. We don't just advise people that they're nonjurisdictional; we get them to the right place so that those authorities and those areas can answer their questions. It also enables us to monitor our nonjurisdictional calls so that we can consider if there are areas out there that are currently nonjurisdictional to our work; however, at some point in time we may feel that they ought to be jurisdictional. Also, our new case management system is going to provide better analysis capabilities in that regard.

Also, in our annual report you can see that we have included again a list of the most common authorities by volume of complaints. These also are consistent year over year. These areas are likely to always be higher in number given the nature of the services provided and the nature of the contact that they have and the case files that they have.

We've included the complaints by constituency again this year on a couple of pages near the centre of the book. There's no significant comment to be made on any geographical area. However, we do monitor this on a regular basis to determine where awareness may be provided in terms of Ombudsman tours, awareness presentations, mobile intake, and that sort of thing. We find it valuable in that regard.

In this fiscal year I was able to visit approximately half of the 87 constituency offices. These have been directed at the constituency staff as opposed to the MLAs to ensure that we're providing materials and offering the opportunity for increasing awareness, seeking outreach opportunities to speak with community or service groups who might benefit from knowing more about the Ombudsman office, and reminding them that we can assist in providing information on where to refer constituents with problems or where they can call themselves if they're looking for a referral to us or to some other area.

In the section in the annual report on focusing on Alberta's health profession colleges, we've included an overview of the history, an interview with legal counsel on his experiences within the system, and a number of case summaries to enable readers to see the type of complaints received and addressed and to offer a tool for entities to better understand what's required in their decision-making. Again, I draw your attention to the booklet in the back of the annual report focusing on the administrative fairness guidelines and the writing of good decisions.

With that, that's kind of a very quick summary of our annual report. I can answer any questions at any time. If you want to save those until later, that's fine, or if you want to ask them now, that's fine, too.

The Chair: We will have the questions at the end of the presentation.

Mr. Hourihan: Okay. If I can, now I'd like to turn to a report I sent you, an interim report I called it, for the Public Interest Commissioner's office, just to give you a little update. In respect of the Public Interest Commissioner annual report, as I said, there's no annual report this year because we commenced operations on June 1, 2013, but I did prepare a short interim report just to give an indication of the activities we've been engaged in since we opened and in relation to later on in the presentation when I speak to budget.

We've been busy establishing the office. As I mentioned earlier, the personnel are colocated with our Ombudsman staff. We hired staff, and we've reached out to the approximately 300 jurisdictional areas underneath the act. We've been developing a website and informational materials. We've been networking. We've been researching, considering policy and processes, and otherwise getting established. We have made efforts to identify all of the chief officers and designated officers under the act. To this point approximately 21 per cent have responded and identified in this fashion. It's a bit of a concern although I'm not particularly concerned at this juncture; however, we will be focusing on ensuring that we get responses from all entities in this regard.

We've been fielding a number of inquiries from employees, legal counsel, designated officers, and special-interest groups. We've provided information and assistance in 51 cases. We've referred a small number of calls back to the public entity for investigation as they've been more inquiries than complaints. In three cases we've sought further information from the complainant, which we are still waiting to receive as of today. We currently have one active investigation.

Our focus is turning now towards awareness and education of the approximately 185,000 affected employees. You'll recall from when I provided the presentation of what we wanted, we believe this is going to be an ongoing and significant responsibility area and one key to the success of our work with this act. There's a requirement also for the departments and public entities to provide awareness to their employees under the act. I'm not confident that that's happening yet. We're going to be doing significant work in that regard. Our awareness campaigns, if they help kick-start that, then, will be a beneficial thing. However, there is a responsibility by the government and public entities to do that on their own and separate from our organization, so we'll be focusing on ensuring that that happens.

That's just a small report on our activities at the Public Interest Commissioner office.

I'd like to turn now to the business plans. Our strategic business plan for the Alberta Ombudsman will ensure that the Ombudsman office stays relevant, productive, and helpful in our goal of

seeking and ensuring fairness for Albertans. We seek to be innovative, changing as required, and being consistent to the extent possible. I hope that the format of this plan allows the committee to easily identify our key directions and the progress made towards achieving them.

This year's business plan was a collaborative effort of all our staff. This has allowed everyone in our office to see themselves and their work in the various priorities and goals that we have. As well, the plan provides a clear vision of how the priorities contribute to our success. We continue to focus on four strategic priorities: enhanced awareness of the Alberta Ombudsman, provision of an excellent service, fostering a positive work environment, and exploring technology. The plan you received provides the reporting of our progress in the past fiscal year and provides our objectives and targets as we move forward.

In respect of awareness of the Ombudsman office we've been networking and touring Alberta. This includes meetings with authority heads, as I said, constituency offices, and others, and this will continue to take place.

We're revamping our website. In fact, we just opened our Ombudsman website yesterday, live, the revamped one. We're looking at the development of a quarterly newsletter, which is in production now. We're seeking presentation opportunities, and we're focusing on communication to help us in the area. We anticipate further exposure in the social media arenas as we explore those and our capabilities to manage same.

In respect of excellence of service we continue to focus on our performance measures, processes, time limits, and, in general terms, continuously seeking to improve. The implementation of a new case management system will exist in this regard.

10:55

We've made significant changes to our teams and to our processes, further integrating the offices between Calgary and Edmonton. We continue to focus on ensuring a positive work environment. This is important for our personnel and the nature of the duties that they perform, and it's important for Albertans. We need to ensure our office is in a strong position to help people who require our services.

In respect of technology we've examined our needs, and we continue to explore the environment, seeking optimal measures to employ. As I said, we're going to implement a new case management system in the coming weeks. We've just settled on a provider, and we're going through the business intelligence and processes right now to determine how that will fit. It will fit hand in glove with the Public Interest Commissioner office as well.

The Ombudsman will also be sharing some server space with the Public Interest Commissioner and also with the Ethics Commissioner and the Child and Youth Advocate office. The short to medium term will require us to implement and develop proper and effective reporting and management structures in this area, and we are also looking at the security to ensure that each is maximized. None of the offices that are sharing this server space will be compromised or crossed over in any particular way at all.

In respect of the Public Interest Commissioner strategic business plan I leave this slide up on the screen. It's the same four strategic priorities. This is the first business plan for the office, which, as I said, commenced June 1. We're going to attempt to establish some baseline information and incorporate flexibility as we develop further in our role.

As you can see in our report, the mission, vision, and value statements are underdeveloped. That's not something that we want to get into immediately; we want to take some time to ponder that and consider what ought to be included there. There's a significant

likelihood that it could mirror the Ombudsman office because of the nature of the duties.

Similarly, our priorities are closely aligned. This alignment makes good sense given the close nexus between the offices. It's also beneficial for increased consistency. We've settled on the same four strategic priorities as the Ombudsman. Just to repeat: enhanced awareness of the Public Interest Commissioner, provision of an excellent service, fostering a positive work environment, and exploring technology.

In respect of our priority on awareness we will be seeking to get our message out on our new website, our materials out to stakeholders, conduct presentations, and gain exposure to government and public entity employees and managers. That's an extremely important role that we're going to play. Further, we will be promoting compliance with the act and assisting with the various authorities where possible.

In respect of service excellence we're busy developing an investigative manual and developing our own internal oversight. We're supporting clients and stakeholders in their internal processes and assisting where possible. We expect this year will involve significant promotion and clarification of those internally amongst the various public authorities and departments.

Our goal is to ensure the purposes of the act are furthered wherever possible. Similar to the Ombudsman we will be focusing on providing a positive work environment and exploring our technological requirements, incorporating and integrating them into the office in a shared manner.

I'm going to switch now over to the budget estimate and forecast. I'm back over to the Ombudsman office. For the 2014-15 fiscal year we are not seeking an increase. We are requesting a decrease, actually, of \$9,000, or .3 per cent, from the 2013-14 plan. This represents our forecasting no increase in salary base levels, and we're comfortable that we can manage any in-range increases with the amount requested. I note that this is also in consideration of the fact that last year we did receive a 3 per cent increase for the cost of living, which did not materialize, and it plays a role in our determining the figures for this year.

We will be in a position to remain fully staffed and to operate appropriately. During the past year we've stabilized in our staffing levels. As I said, we've had three vacancies, which are temporary and are being addressed. There's a reduction in projected salaries of approximately \$37,000 for our 2014-15 year. This is due to fewer in-range changes in our forecast. There is a noticeable increase in professional development, \$26,000, due to our clearer focus on required development for personnel.

Our supply and services side. The levels are forecast to remain stable as was the case last year. As you can see, there's a decrease of \$25,000 in technology services. This is as a result of our changes in stabilization of such services. The increase for materials of \$16,000 is a result of our awareness focus and our presentation materials and focus in that area. Overall, the result is a decreased budget of \$9,000 for the office.

It is worth noting, again, that we're working on the sharing of IT hardware and services with the Public Interest Commissioner, the Ethics Commissioner, and the Child and Youth Advocate offices. All offices will remain completely exclusive of each other, and the sharing will reduce costs for the offices collectively. No information will be shared or compromised as a result of our collective efforts. Financially we will all be clear on the proportions used and paid for.

In respect of our current year funding we are forecasting to come in under budget by approximately \$85,000, or 2 and a half per cent. We strive to ensure that the amounts requested are spent on and that the focus is on getting results, as can be correlated

between our business plan and our spending. There are a couple of areas requiring some explanation. We are forecasting a variance of \$385,000 in salary costs. This is due to no cost-of-living increases during the year, as I stated earlier, and in part to the vacancies earlier in the year, most notably our legal counsel position, which was vacant for the entire year. If you will recall from last year, we were studying the best approach to take for legal counsel, a contract versus a permanent employee. This study is complete, and we are currently in the process of hiring counsel.

You'll note that our services and supplies and capital are forecast significantly higher than budgeted by \$304,000. There are two significant reasons for this. We began implementing the changes in our technological requirements, including servers and other equipment, based on a need that surfaced as well as our opportunity within our budget to make sure that we could meet that in our current year and remain under budget. We did this because we needed to move forward, and the timing was effective. This was \$75,000. The other reason is the increase in contract costs. Because we didn't have a lawyer, we did contract out for a lawyer and for temporary help for some vacancies that we had.

Now, on the Public Interest Commissioner's financial side for the upcoming year of 2014-15 we are requesting a decrease in our budget of \$186,000, or approximately 12.75 per cent. This is a result of being in a much better, albeit still new, position to forecast costs. We forecast a decrease in salaries of approximately \$92,000, however an increase in professional development of \$10,000 due to our emphasis in this area in this office as well.

For supplies and services we forecast decreases: in advertising, \$20,000; contract services, \$24,000; technology services, \$48,000; and materials and supplies, \$32,000. The one area we anticipate an increase in is travel and approximately \$10,000 to implement our awareness and education activities.

We're confident that we can fulfill our mandate and operate effectively at these proposed levels, with a savings to government of \$186,000.

As you are aware, we commenced operations on June 1. I've said that a few times. We were authorized for \$1.46 million. I was proclaimed as the commissioner in May, which enabled us to commence hiring and start the set-up process in motion prior to June. As I said earlier, we have eight people. We were able to hire eight authorized personnel relatively quickly and get them on the ground. However, the salaries forecast are still under budget by approximately \$261,000.

Similarly, in our supplies and services area we forecast a surplus of \$41,000. The reasons for this are related to our ramping up. Travel has not materialized to the extent forecast by \$30,000. Advertising has been significantly under budget by \$20,000. Technology services is less than budgeted by \$7,000, and materials are forecast to be \$12,000 less than budgeted. This is offset somewhat with contract services being higher than forecast by \$31,000. This was spent in the area of our website development, our awareness campaign, our logo set-up, and related areas. We were able to get what we feel is a very professional and consistent platform and consistent with the Ombudsman office as well.

That's the presentation that I have for the annual reporting, the strategic business planning, and the forecast in budget requests for this year. I'm available to answer any questions.

The Chair: Thank you very much to our Ombudsman.

Now we open for questions, and the first one is hon. member Everett McDonald.

11:05

Mr. McDonald: Good morning. Great report, by the way. I think you did attend my office in Grande Prairie this last summer, and my staff are very thankful that you came. They had a wonderful discussion, and they really appreciated your attendance. A question: are you on social media?

Mr. Hourihan: We are – I pause there – a little bit. We are looking at those areas. We're looking at Facebook, Twitter, and various other areas. The communications manager that we've hired is gainfully employed doing some of those things right now. What we want to do is make sure that we pick the proper platforms, ones that we can manage and can look at effectively. At this particular point we're probably looking at Facebook over, say, Twitter for a variety of reasons.

Mr. McDonald: Obviously, in getting your message out through your flyers and handbooks, you know, you can post those, and they can be shared very easily with a tremendous audience. Certainly, I know what great work you do in the communities already. Getting more information out there is certainly to your benefit, so I would encourage you to work on that. Good job. Good work.

Mr. Hourihan: Thank you. Well, if I can sort of echo that myself, awareness is an extremely important priority for us. We want to make sure that Albertans are aware of our office, what it can and can't do for them, and have the ability to get in contact with us one way or another, whichever that happens to be.

Mr. McDonald: Thank you. Good job.

The Chair: Next is hon. member Laurie Blakeman.

Ms Blakeman: Thanks very much. I am focusing my questions on the public interest section of what you're doing. This is a new act. You haven't had long to work with it. Nonetheless, have you made any observations about what segments of the act are working very well, are easy to facilitate and to accomplish, and any particular sections that are having a bumpy start or that you think might need perhaps some change in the legislation a little further along?

Mr. Hourihan: Well, to answer the final piece of that question first, I'm not in a good position right now to indicate any areas of the legislation that need to be changed right at this particular moment. We certainly are alive to that, and one of the significant roles that we and our legal counsel are going to play in the upcoming years – as you know, it's a two-year review – is that we're going to be watching that. We are watching closely each aspect of the act to see where areas might be improved in that regard. As an example, there's a section in that act that indicates that if it's an offence and law enforcement is brought in, we are to cease and suspend until law enforcement is completely done. So we may want some clarification on that at some point in time to determine what "completely done" is. Does that mean investigation? Does it mean full court processes? That's a significant difference.

You know, I would anticipate we would be much keener on looking into those matters as soon as an investigation is done. I understand the point of the investigation at a criminal level, say, in that regard. It makes full sense. Our goal under the act is to make sure that something is looked at by the appropriate authority at the appropriate time, and that's good. Then once it's all settled and things are done and we're waiting just merely for a court process

to go by, I would certainly be much keener on the notion that I can start looking at things then without impacting that.

In terms of areas that we're looking at, as I mentioned earlier, we started June 1, and I think it was June 4 that we sent a letter out to, as best we could tell, what we believed was all authorities that are covered under the act. Of course, that's just a bit of an exercise in making sure that we get all of them, and we believe that we have, for all intents and purposes. I've only received comment back from 21 per cent of those approximately 270-some organizations, so 21 per cent of them, about 53 or something, have responded. My concern there is not heightened at this point in respect of something of this nature, that's fairly new, especially if you consider that there are a lot of educational institutions and that June going into July is probably not a particularly opportune time in terms of some of those administrative things. It is administrative only at this point to identify. However, we want to seek to get out there and make sure that we identify all of these and that they're aware. That's only the first piece.

Then the second piece is ensuring that they have the appropriate procedures and policies in place at their level and that there's something that they can work with. If not, then, of course, the act kicks in directly to us, which is not particularly problematic. It's not something that we're going to encourage for large organizations. For very small ones we may allow them to not have a big, formal set of policies and processes. Then that would just mean that they would have to come directly to me for investigation under the act, and they can incorporate the policies that we have and the procedures. That would work okay for very small organizations. Nevertheless, we want to chase everybody down and find out who their people are and where they are at this stage.

The next piece to that – and my concern will grow each step of the way if I don't get better information coming in on this – will be the education and awareness that they are providing internally. Of course, simultaneous to all of this is the awareness and the outreach that we're going to do with the organization. We are starting that now. It's taken us some time because we had to get our materials in place, and we're just at the initial stages here now. We'll be going out to departments of the government of Alberta here very quickly with our e-mail blaster and our posters and that sort of thing. Hopefully, that will gather some curiosity and information, where people will want to go to our website and seek further information.

At the same time we're seeking opportunities to get out there with different platforms to provide awareness to employees. That's going to help us get more awareness coming back or more response coming back from some of the organizations. So that's going to be the big piece of what we're going to be focusing on, that awareness.

However, I say that, and I think that when I look around the country and indeed at other locations across the globe, the important piece to whistle-blower legislation or this type of disclosures is that the awareness has to be ongoing internally and externally. It's going to be key not just for the first six months or a year but ongoing.

Jurisdictions have found that as their awareness and education increases, so do the calls for service. As that education and awareness drops off, often because the resources they've got that are doing the education and awareness are the same as the investigative resources, so do the number of calls. We're going to be mindful of that. We're going to be watching that, and we're going to be trying to address that in the fashion that we hope to be able to.

Did I answer all of your questions?

Ms Blakeman: Yes, you did. Thank you.

Mr. Hourihan: Thank you.

The Chair: The next one is hon. member Neil Brown.

Dr. Brown: Thank you, Mr. Chairman. The question I have for Mr. Hourihan is on the increase from your forecast salaries and wages as shown on your budget by object of expenditure. You've gone from a forecast for the present fiscal year of \$2,103,000, and you're estimating \$2,415,000, which is a fairly substantial increase of \$312,000, I believe. How much of that would be related to new personnel? I noticed in your presentation that you mentioned you are going to retain counsel, and I notice that your contract services have gone down accordingly. How much would be salary advancement within your grid? I believe you mentioned in the presentation, although the slide went fairly quickly, that you weren't asking for any change in the grid, that it was just a regular salary advancement. How much of that \$312,000 would be new personnel, how much would the salary grid be, and so on?

Mr. Hourihan: The significant amount of the \$2.1 million to the \$2.4 million, from forecast to estimate, is largely because of the vacancies that we had through the initial stages of our fiscal year that we're reporting on. So earlier in 2012 through the mid-months we had some vacancies there where we were significantly – not challenged, but it just took time to get the processes through. There was a significant amount there. Plus, then, the legal position has been vacant continually, which caused an increase in the contracted services for legal and for administrative positions but also a drop in the salaries. They were more or less offset.

Dr. Brown: Just as a supplemental, how much would you estimate the salary adjustment or the advancement within the grid would be?

11:15

Mr. Hourihan: Well, last year, you know, if everybody was performing at a satisfactory or better level, it was a 4 per cent in-range increase. Last year most people were not at the maximum of their in-range potential, so for all intents and purposes just about across the board it was a 4 per cent increase. We had a couple that got a little more than 4 per cent because of their dedication and superior performance, but for all intents and purposes everybody was at about 4 per cent.

This year that's going to change as well, however, because people have reached maximums. We've got a number of long-term employees, so there will be a few. On average it's about 4 per cent for the in-range. I don't have an exact number for that. I could get it.

Dr. Brown: In other words, if I understand this correctly, there is not a fixed grid like, for example, in the teachers' contract where you go up by a specified amount each year. It's based on performance, but there are different categories or levels, I should say perhaps, of employee, and then you can advance from one level to another. Am I correct?

Mr. Hourihan: Correct. To give you a concrete example, our investigators are at the HR classification. There are three classifications within HR: HR 1, 2, and 3. The range for HR 1 starts at somewhere around \$49,000, \$50,000, right in that range; and the top of HR 3 goes to \$95,000, in that area. And they all overlap. If you come into our office as an HR 1 and if your performance is satisfactory, you'll go up by 4 per cent, more or

less, every year if you continue to show that till you meet the maximum of your range.

However, in that time frame as well you can also apply to become an HR 2. It would not change your 4 per cent going forward, but it would change the ceiling that you are able to reach up to the top of the HR 2 and then so on past that. In this last year what we've done is put in place a better definition and description of what it takes to be an HR 1, an HR 2, and an HR 3. So it's a promotional process to go between those three levels. You have to make an application, and it has to meet all of the requirements that we have.

However, in-range you can go up, and on average it would be 4 per cent per year until you meet the maximum of your range.

Dr. Brown: Thank you.

The Chair: All right. Hon. member Jeff Wilson.

Mr. Wilson: Thank you, Mr. Chairman. And thank you for your detailed presentation. I also will be asking questions regarding the Public Interest Commissioner side of what you're doing and specifically around some of the calls that your office has received. I'm wondering if you're tracking the calls. I see that you are tracking, you know, eight from Health, seven for colleges and postsecondary, et cetera. Those that aren't necessarily covered under the act, that you're turning away, are you tracking how many of those you're getting and in which, I guess, field or area of concern they are, and will that be in your annual reports?

Mr. Hourihan: Yes, absolutely, on all aspects of that. One of the major requirements that we have of our new case management system is the ability to do that so that we can track these things. Not unlike the Ombudsman Act – when I mentioned in my presentation that nonjurisdictional areas are important, they are in both. And the public interest, I would suggest – although we haven't gone down the road sort of so I don't have history on my side – is very similar to the Ombudsman Act: who's calling, and why are they calling?

I can tell you this. I know that I have had a personal call from an organization completely outside of government who's interested to know – they want to implement something in their organization, so they're seeking out information from us. Are we going to give that information? Absolutely. Are we going to track the fact that they called? Absolutely. We want that information. At some point in time it may be valuable to be able to say. You know, a committee such as this might ask me: well, who's calling you that's not jurisdictional?

Mr. Wilson: Right.

Mr. Hourihan: You know, if I find out that there has been a high number of municipalities calling me, then I may come to this committee and say that that might be an area of consideration when they're doing the legislative review, or any other area, to get an idea of where the concern is and where the calls are coming from. Our goal is to provide as much information as we can to as wide of an audience as we can. We recognize that the broader purpose of the act is changing cultures, and that's going to be extremely important. Yes, the investigations are highly important, but that broader basis is certainly a focus of ours.

Yeah, we're going to track everything.

Mr. Wilson: That's great. Thank you.

Currently there's one investigation that your office is conducting under this act?

Mr. Hourihan: One active investigation that we're working on. I mean, that changes. We're considering another one right now that's come in in the last few days prior to this.

Mr. Wilson: Is it also on the health side of things?

Mr. Hourihan: One is in the general health area, and the second one – well, yes, both.

Mr. Wilson: Both? Okay. Great. Thank you.

The Chair: Hon. member David Eggen.

Mr. Eggen: Well, thank you, Mr. Chairman. And thanks very much for your presentation. I wanted to pursue Jeff's question a bit further. It says in your annual report, page 26, that you received almost 2,000 nonjurisdictional complaints. Obviously, you're able to provide any referral or advisory services to complaints that are nonjurisdictional. Do you have any criteria by which you decline those complaints?

Mr. Hourihan: Well, we don't decline any complaint that calls. We encourage people to call us. In terms of the nonjurisdictional area it's our collective attitude at the office, certainly mine and investigators' alike, that if someone calls, they're concerned that they're not getting the services that they deserve from government at whatever level. Often it's not government. They might be calling about a bank, about an insurance company.

I mean, I'll just use an insurance company as an example of a nonjurisdictional call. A call may come in, and people believe that it is government, and we can set them straight in the regard, that it's not government. We don't do that by pointing all that out specifically. We point out who they can get a hold of. They can get a hold of the Insurance Bureau or the company or that sort of thing. So we set them in the right direction.

At the same time we keep track of those calls because at some point in time – let's say, for example, that by the end of a given fiscal year, I got, you know, three calls that involved insurance companies. I wouldn't think too much about it. But if I got 250 calls that were about insurance companies, I may get a hold of the Insurance Bureau just to let them know. They may be interested to know that. So that's how we handle our nonjurisdictional calls. We encourage people to ask the question, and we provide as much information as we can. We've got a great database at our disposal to be able to refer people to different places.

The other important piece about nonjurisdictional calls is that let's say it's in the area of, for example, municipalities. If we found out that we were getting call after call after call about some service in municipalities across the province, and at the end of the year I had, you know, a couple of hundred or something significant, it may be an area where I would look and come forward to government and say: this area is not under my jurisdiction, but I think it ought to be, and here are the reasons why I think so.

So we want to track it for those reasons. In that regard, that's a very important reason why we do not discourage nonjurisdictional calls.

Mr. Eggen: Good. Thank you.

The Chair: Any other hon. member wishing to speak on it?
All right. Hon. David Eggen again.

Mr. Eggen: Thanks, Mr. Chairman. I noticed on page 21 of your annual report that you've got this own-motion investigation program.

Mr. Hourihan: Correct.

Mr. Eggen: I just was curious to know how your office decides to launch one of these. What criteria do you use to proceed on your own-motion investigation?

Mr. Hourihan: Okay. Well, to just give a little bit of background really quickly, we did develop an own-motion team. We've always had the ability to do own-motion investigations, and we weren't comfortable – or I certainly wasn't comfortable – that we had sort of significant critical analysis going in to determine whether or not we should or shouldn't.

Probably it needs to be said, I think, that when we investigate any formal investigation, we are looking at all systemic issues that may be at play because that's the important piece of what we do, change the systems. So we do what I believe is a very thorough job of each individual investigation. There are some, however, when we get to a point where we know policies and processes and procedures are in place and things are going well and that sort of thing, but still we want to be able to look over at the broader picture.

11:25

It's because of the nature of our sophisticated investigations that we do on an individual basis that led us to not having probably as much structure in place as what we might otherwise have to determine an own-motion. So we put the team together. We wanted to dedicate a team. We knew that we wanted to do some more in-depth, systemic investigations where appropriate, and to do this, we had to dedicate some resources to that.

Their job is to go through – they trend, they analyze all analyst reports and investigations and look through to see similarities between individual complaint-type investigations. They look at what's going on, they look at legislation, and they look at policy and process. They look at pretty well anything that's out there. Our new case management system will be able to better provide some of those statistical data pieces that we think we're missing right now. They look at everything, they determine, and then they do an evaluation, which is not unlike sort of an action plan or business proposal, if you will, to us, senior management, and come forward with their recommendation as to whether or not. Then I make the decision, at the end of the day, whether or not we're going to do an own-motion.

They're involved in one right now at the initial stages in the health area. They're looking at two more that are at the initial stages of the analysis as to whether or not we should be getting involved in that from an own-motion perspective.

Mr. Eggen: Okay. Thank you very much.

The Chair: All right. Any other hon. members who wish to ask a question?

Seeing none, then to conclude, I would just want to say thank you very much, Mr. Peter Hourihan and your directors who came to present to us your information. A wealth of information has been in the documents, and your answers were very comprehensive. On behalf of the Legislative Assembly I would say thank you for your independent work that helps the public.

At this stage I want to say that a decision on your budget numbers will be communicated to you in the coming weeks.

Now we have a lunch break, and we welcome you to join us for lunch. Of course, all of our members and support staff can join us as well across the hall. Security will probably show us where.

So thank you again.

[The committee adjourned from 11:28 a.m. to 12:10 p.m.]

The Chair: Ladies and gentlemen, I would like to call the meeting resumed. For record keeping I'd ask to just quickly go around the table and introduce ourselves, and if you are a substitute for a member, please say so.

Quickly, Wayne Cao, MLA for Calgary-Fort, chair of the committee.

Mr. McDonald: Everett McDonald, deputy chair, Grande Prairie-Smoky.

Mr. Quadri: Sohail Quadri, Edmonton-Mill Woods.

Mr. Wilson: Jeff Wilson, Calgary-Shaw.

Mr. Pedersen: Blake Pedersen, Medicine Hat, substituting for Gary Bikman.

Ms Blakeman: Laurie Blakeman, and I would like to welcome each and every one of you to my fabulous constituency of Edmonton-Centre.

Mr. Resler: Glen Resler, chief administrative officer, office of the Ethics Commissioner.

Mr. Wilkinson: Neil Wilkinson, Ethics Commissioner.

Mr. Odsen: Brad Odsen, general counsel to the office of the Ethics Commissioner and Lobbyists Act registrar.

Mr. Eggen: Good afternoon. I'm Dave Eggen, MLA for Edmonton-Calder.

Dr. Brown: Neil Brown, Calgary-Mackay-Nose Hill.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Well, thank you. Now I would like to welcome our Ethics Commissioner, and in fact this is his final budget meeting with the Legislative Offices Committee.

Ms DeLong: Hi, Wayne. I just wanted to make sure people knew that I was here. It's Alana DeLong, MLA for Calgary-Bow.

The Chair: Yes. We recognize you. We hear you well.

Anyway, this is the final budget meeting for our Ethics Commissioner. More on that later. The committee will talk about it in our agenda. I also want to welcome Mr. Odsen and Mr. Resler. Mr. Resler will be attending later today with the office of the Chief Electoral Officer, too. As members will know, the Assembly has passed a motion recommending Mr. Resler's appointment as Chief Electoral Officer.

All right. Mr. Wilkinson, please proceed with your presentation, the first 20 minutes. After that we'll open the floor for questions by the committee members. I would ask that the last five to 10 minutes be left open to address Mr. Wilkinson's notice to the committee respecting his term of office. Thank you.

Your presentation now, Mr. Ethics Commissioner.

Office of the Ethics Commissioner

Mr. Wilkinson: Thank you very much, Mr. Chairman, members of the committee, staff. It's really a pleasure to be here to talk to you all again for the last time and to submit, as you said, my final report for the office of the Ethics Commissioner. You know, as I reflect on the last five years, there's been a great deal of change in our office, as you people know, but let me just reflect a minute if I may.

We implemented the lobbyists registry, performed two legislative reviews, initiated investigations under both pieces of legislation, underwent a general election resulting in 39 new members, and provided numerous letters of advice to our stakeholders. I've got to say that it's been a privilege to serve Albertans, all our elected members, all our senior officials, to in some small way help further accountability, transparency, and integrity for the Legislative Assembly and the Alberta public service as well.

Zeroing in now on the year at a glance, if you will, because much more is in the report, let's begin with the conflicts of interest legislation. It is important, as you know, that legislation is reviewed and updated to reflect societal expectations relating to transparency, accountability, integrity, and ethical behaviour, of course, as well.

The Select Special Conflicts of Interest Act Review Committee commenced their review on November 27, 2012. We made a written submission to the committee on March 2013 and participated in all of the committee meetings. Our submission highlighted issues we have encountered during administration of the act, identified areas where the act needed to be improved, and put forward concerns received by the office from our members, senior officials, and the public as well.

Our office was pleased to provide technical support to the all-party committee, and we are grateful that they allowed us to participate at the table with them in all the meetings, as I mentioned.

All members of the Legislative Assembly and senior officials complied with their obligations to file disclosure statements within the appropriate timelines. In prior committee meetings you may remember that I have commented on the significant effort required to ensure members and senior officials avow their disclosures within that legislative time frame. I'm very pleased with the response this last year and wish to thank members, senior officials, and the party whips for their assistance. Please pass that on.

A total of 158 disclosure meetings were held with members and senior officials to discuss their annual financial disclosures. Through these conversations potential areas of concern are identified and courses of action are discussed to avoid actual conflicts. Members and officials understand their obligations and truly strive to meet them.

A further sign of trust in our office has been the large number of questions we receive from individuals who are not covered by the cabinet directive for senior officials. Certainly, these people do acknowledge that they are not required to seek the approval of our office for their actions, and they express appreciation for the unofficial advice they receive.

I'm very happy to report that we were approached by the Minister of Energy to assist in the review of the financial disclosure of potential candidates for the board of directors and commissioners for the Alberta Energy Regulator. Subsequent to this activity the regulator has asked for and we agreed to provide the regulator with an independent annual review of financial disclosure for directors and commissioners.

Now, turning to the report itself, I'd direct you to page 16. You can look for more information there. I'd just briefly have to say that we experienced a significant increase in the number of requests for information, from 95 in the previous year to 208 in 2012-13. That's a 119 per cent increase. The general election brought an increase in activity for the office. Forty-five per cent of MLAs are new, resulting in a higher volume of advice inquiries to assist members who want to fully understand their obligations. There was a corresponding increase in departing ministers, senior

officials, and political staff, who are subject to postemployment provisions.

Taking a look at the impact on advice activity, there was a 39 per cent increase over the last year in requests for members and senior officials. When we reflect on the last five years, the volume of advice requests has doubled. Gifts, postemployment, investments, and outside activities account for 63 per cent of the total of advice requests. Members, former ministers, and political staff recognize that if advice is requested, complete information is provided, and if they act on the advice and recommendations of this office, no proceedings or prosecutions shall be taken against them.

Page 13 summarizes the 11 requests for investigations received, seven involving MLAs, of which four were jurisdictional under the Conflicts of Interest Act. We initiated the first investigation under the act since 2007. More information is there for you on page 13.

Now, taking a look at lobbyist activity, of which, of course, Brad Odsen is our registrar, on page 18 to page 22, let me say that 2012-13 was the third year of full operation of the lobbyist registry, and it continues to be effective, we believe, in achieving the public policy expectations as set out in the legislation. Most of the people and organizations subject to the Lobbyists Act are familiar with its applications and how it matches and blends with their circumstances and what their requirements are. We continue to see growth in the total number of lobbyist registrations.

Now let's take a look at the financial statements for the year ended March 31, 2013. Our office was under budget by \$123,000. As you can see from the financial statements, the largest variances in actual cost to budget were attributed to personnel, travel, contract services, and technology services.

That ends my annual report presentation, Mr. Chair, and now I'll proceed to the 2014-15 budget presentation followed by any questions. If you would refer to the second page of our budget submission, which shows the 2014-15 estimates compared to the 2013 budget, you can see our objective for 2014-15 was to hold the line on expenses where possible.

12:20

First of all, let's look at salary and wages. There is a three-year freeze on general wage increases for the public service, and our staff are at the maximum of their classification, resulting in no change in salaries and wages, employee contributions, professional fees, and development.

Under supply and services we held the line on expenses except for the following. Number one, insurance has been increased by \$1,000 to accommodate possible automobile coverage for the new commissioner.

Two, contract services is increased by \$20,000 to address the recommendation under the Conflicts of Interest Act review to provide our office with the responsibility of reimbursing fees for blind-trust administration. Currently these expenses are paid by the minister's department. Now, if the legislation is not amended, the \$20,000 allocated will remain unexpended. We do not anticipate any further funding requirements resulting from the legislative review.

Number three, technology service is being reduced by \$15,000 as a result of us moving to a shared IT service. We are working with the office of the Child and Youth Advocate, the Ombudsman, and Public Interest Commissioner's office to develop a secure multi-office IT environment. Now, as a result of our collaboration our office will realize a savings of 24 per cent and our annual support costs will decrease by at least 17 per cent.

Number four, in addition, as a result of pooling together, we're able to incorporate superior data storage facilities and improve business resumption and disaster recovery capabilities. We are anticipating that the shared server will be completed in March of 2014. Our overall funding request for 2014-15 is \$973,000, an increase of .62 per cent.

So in conclusion, as you're aware, my term as Ethics Commissioner expired November 18, and under the legislation I may continue holding office for a period of six months or until a successor is appointed, whichever occurs first. In correspondence with this committee I have offered my services during this six-month period to provide for continuity and recruitment of a new commissioner. I wish to express my appreciation to the Legislative Assembly and to this committee, the Select Standing Committee on Legislative Offices, for the opportunity to serve as Alberta's Ethics Commissioner. Albertans, I find, have been extremely well served by committed elected officials and public servants, who have been co-operative with my office and conscientious in bringing matters forward to our attention.

Special thanks as well goes to my Canadian conflict of interest network colleagues across the country and our legislative officers. The ability to share and to learn from others who are tasked with similar mandates has been invaluable.

I am very proud of the service we provide to Albertans. It would not be possible without the dedication, expertise, advice, and support of staff: Glen Resler, chief administrative officer; Brad Odsen, general counsel and lobbyists registrar; and Louise Read, the boss back at the office, who provides us with support. I have enjoyed working with them and appreciate their tremendous work.

The office of the Ethics Commissioner is unique in its relationship with MLAs and senior officials, and I feel privileged to learn so much about government and the truly exceptional people involved within Alberta's public service and their exciting work. My tenure as commissioner has been a highlight of my life. I will treasure the good work being done by MLAs and senior officials to ensure the highest standards of the Conflicts of Interest Act are met, thereby justifying, I believe, the respect which society holds for the Assembly, its members, and the public service. Our ability to help achieve that goal in some small way has been very rewarding to us.

I'd now like to open the floor to any questions that you may have, Mr. Chairman.

The Chair: Well, thank you very much, Mr. Ethics Commissioner. We enjoyed your presentation.

Now it's open for questioning by committee members. As a routine start I will call on hon. member Dr. Neil Brown.

Dr. Brown: Thank you, Mr. Chairman. I'd just like to open by thanking you very much for your service, Mr. Commissioner, on behalf of all of the committee and on behalf of Albertans. I think you've done an exemplary job of carrying out your duties. I congratulate you, I look forward for you, and I wish you well in all of your future endeavours.

Mr. Wilkinson: Thank you, Dr. Brown. I appreciate those good wishes.

Dr. Brown: I would like to ask you a question about the budget and the salaries and wages and so on. I noticed that your total voted operating expenses were – the budget was \$967,000, and you're estimating at underspending that by just about a hundred thousand dollars. I wondered if you could elaborate a little bit on that.

Mr. Wilkinson: Sure. I'll turn it over to Glen Resler, our lead on the budget.

Mr. Resler: For the current year budget you're looking at, 2013-14, when we look at one of the larger items, employer contributions were significantly over \$30,000. Most of that is attributed to the Ethics Commissioner as he is no longer participating in a pension plan, so that amount is unexpended.

Dr. Brown: Okay. Is that why it goes from \$126,000 down to \$90,000 and then back up?

Mr. Resler: To the \$90,000. Yes.

Dr. Brown: Okay.

Mr. Resler: That is why it continues in the future year for the new commissioner, because those funds would be required.

Travel. Slight reduction there. Where most of the money deals with that – in the materials and supplies, although it states \$50,000 as a budget, \$13,000 as expended, the balance of those funds in the actual component falls under voted capital investment of \$25,000. We have budgeted the hardware-software purchases for the shared server concept under materials and supplies, but the actual expenditure falls under voted capital.

Dr. Brown: The other significant one that makes up that difference would be the materials and supplies, which is \$37,000.

Mr. Resler: Yes. Correct. If you add the \$13,000 and \$25,000, we're actually expending \$38,000 under that line item.

Dr. Brown: What's the justification, then, for going back up to the \$50,000 for your estimate for next year?

Mr. Resler: The \$50,000 for next year: what else is in that component is furniture and equipment, replacement of computers, so we kind of stagger our purchases in the materials and supplies as far as hardware purchases for the server, software purchases, upgrades, evergreening of computer systems. Every year it alternates, so we're looking at some of the expenditures going into there for next year.

Dr. Brown: Okay. Thank you.

The Chair: Thank you, Dr. Brown.
Now hon. member David Eggen.

Mr. Eggen: Well, thank you, Mr. Chair. I also would like to offer my sincere thanks for your filling this position, and our relationship over these past years has been good. I hope that you've got inspiring plans for the future. Undoubtedly, you do.

Mr. Wilkinson: Well, thank you. It's appreciated.

Mr. Eggen: Yeah. Thank you and Mr. Resler, too. Everybody is going every which way.

In your annual report you note that the vision for your office is that "Albertans have confidence and trust in the integrity of their public institutions" and that the mission of the office is to "foster and encourage ethical conduct through education, public disclosures, provision of advice and investigations." I reiterate these statements to draw attention to the central purpose of the office – right? – which I think is very important, but also just to look at a couple of the issues that have come to our attention.

In a meeting here last year on September 13 you said that the term "improper" is not defined, but as a standard you may con-

sider: “Do you want to read about this in the newspaper tomorrow?” Well, we all kind of know what’s happened – right? – in the last few weeks and read about a member in quite a few newspapers, which resulted in an investigation. We know from the papers but not so much from your office that this person lobbied ministers about legislation and so forth. You found that he was not guilty of improper use of his office. I wanted to ask if you could explain how you would advise an MLA like myself on what might constitute an improper use of office, just to clarify that, please.

12:30

Mr. Wilkinson: Well, thank you for your good wishes.

We haven’t come prepared to discuss issues, you know, outside of what the agenda is. Brad is our lead in investigations. Anything you want to add to that?

Mr. Odsen: Well, as I understand the question, Mr. Eggen, you’re asking, really, how one might hypothetically assist a member with advice concerning what is or is not improper. Unfortunately, that’s impossible to do. It’s impossible to answer that question because it’s going to depend in each and every instance on the very particular circumstances that are presented to the commissioner. Then and only then can the commissioner make a determination as to whether or not he – or, possibly, she down the road – would consider whether something might or might not be improper.

Mr. Eggen: Well, thank you. I found it a bit disturbing that you did pursue this particular case with an op-ed piece in the newspaper. I found that to be inappropriate. Thank you.

The Chair: All right. Hon. Dr. Neil Brown again.

Dr. Brown: No. I’m okay.

The Chair: All right. Hon. member Jeff Wilson, then.

Mr. Wilson: Great. Thank you. Thank you, gentlemen, for being here. It’s almost like déjà vu all over again after all the time we spent in this room over the summer months reviewing the Conflicts of Interest Act.

Mr. Wilkinson, as per many of my colleagues, best wishes as you move on from this role. Thank you for your service. I know that we haven’t always seen things eye to eye, whether it be from our party’s side or not, but I do appreciate the service that you’ve offered the province and all of us as MLAs. So thank you for that.

Mr. Wilkinson: Thank you so much. It’s appreciated.

Mr. Wilson: The question I have is in regard to page 14 of your annual report, specifically about the investigation that is ongoing, that has yet to be reported on, that was launched over a year ago. I’m wondering if you could update this committee, seeing as this is now the longest investigation that your office has ever undertaken in terms of the length of time. There have been reports in the media. I believe Mr. Odsen was quoted as suggesting that the report is basically completed, just needs a couple of – and I’m paraphrasing – final touches. When are we going to see this report?

Mr. Wilkinson: Brad.

Mr. Odsen: Mr. Chairman, with respect, I don’t think that question is in order with the commissioner’s investigation under way. It’s not the purview of this committee to be delving into an investigation while it’s still in progress. I think it’s highly

improper to be asking that question. I would ask that you rule it out of order.

The Chair: Well, I would ask the hon. member to stay with the business plan, the report.

Mr. Wilson: The report, page 14, the last sentence in the first paragraph is: “The investigation is ongoing.” Conflicting reports have been in the media that the report is basically completed. So I’m wondering which of those two? Is it completed? Is it ongoing?

An Hon. Member: Where’s it at?

Mr. Wilson: Right. I’m not trying to open wounds here, Dr. Brown. I’m just looking for . . .

The Chair: Well, I would say that we’re talking about the annual report. If things are ongoing . . .

Mr. Wilson: With all due respect, Mr. Chairman, with the first independent office that we had in here today, we had a lot of leniency as to the questions that we were asking. So I find it interesting that now that I’m asking a question that is straight from the report, I’m asked to couch myself.

The Chair: If I understand your question, you’re asking whether the investigation is completed or not. Is that it?

Mr. Wilson: Essentially, yes.

The Chair: All right. Then our commissioner can answer that.

Mr. Wilkinson: Thank you.
Brad.

Mr. Odsen: When the report is completed, it will be handed to the Speaker and tabled in the Legislative Assembly. The Speaker doesn’t have it. I think that answers your question.

Mr. Wilson: Okay. Fair enough. Thank you very much.

The Chair: Okay. Other hon. members? Other questions?

Mr. Eggen: I can ask another one, for sure. Just going to page 10 of the annual report, you said that all 87 MLAs met the deadline for filing disclosure statements. That’s awesome. However, we now also know, again through the media, that one member was under investigation and that those reports were not always complete or accurate. There’s no information in the annual report about substantive compliance. Considering the deficiencies in the disclosure statement by the member that was investigated, can you please explain how you do review these disclosure statements when you get them?

Mr. Resler: Part of the process of submitting the disclosure statements includes the members signing off to state that the information is complete as far as they’re aware of it, as all you members understand. The information is collected, we review the information, and should there be deficiencies in what is filed – and that is a regular occurrence – we follow up with the members to state, you know, that we require financial information on investments, maybe additional breakdown of information, that sort of thing, clarification on other holdings.

There is a follow-up, so the process really doesn’t end with just the submission of the document itself. There’s a review, there’s follow-up discussion, and then we meet in person. The in-person meeting will provide additional opportunity for us to discuss with

the members and to gather additional information. From that point we go into the public disclosure scenario, which was just released yesterday, and there's further follow-up with the members to ensure that the information is current and what other information is required.

Mr. Eggen: Okay. I guess if something is inaccurate or incomplete and so forth and the person signs off on it, that sort of constitutes a breach in a way.

Mr. Resler: Depending on the materiality of the information and what is potentially missing, and that's determined by the office at that point.

Mr. Eggen: Okay. Thank you.

The Chair: Hon. member Everett McDonald.

Mr. McDonald: Thanks, Chair. I see that on one of your pie charts here you have "Former Political Staff" and "Former Senior Officials." How much of your time is spent with former elected officials or people that have left the employ, and what would their inquiries be related to?

Mr. Wilkinson: Well, Mr. Chair, I would say that it kind of comes in waves, as it did after the election; we got a lot of activity. Right now there's very little activity. It just seems to come in waves as people change positions or there's been a cabinet shuffle, things like that. Sometimes it will create people moving around. Of course, after the next election we expect another wave to come as well. When that wave was coming at us, I would say that postemployment probably took about 20 per cent of our time.

Mr. McDonald: Okay. So a typical cabinet shuffle would probably cause some work for you, then, I suppose, to make sure that the new members are not conflicting with their portfolios.

Mr. Wilson: Is a cabinet shuffle coming?

Mr. McDonald: Here we go.

Mr. Wilkinson: If that happens, we stand ready, of course, to assist those people who are involved.

Mr. McDonald: Okay. I have another one that I'll supplement that with if I can, and that's on the code of conduct. Do you spend a lot of time advising outside clients, and who would they be? I see in your report here that you talk about informal confidential advice on outside matters. Do you get a lot of calls from outside saying: hey, I've got an issue; who do we turn to?

12:40

Mr. Wilkinson: I'm not sure how to answer that as far as "a lot" is concerned. Again, it kind of comes in waves, and it depends. When we talked about the Alberta Energy Regulator, we were deeply involved in that, particularly Glen. At times that would have taken up, maybe – I don't know. How much of your day, Glen?

Mr. Resler: When it was ongoing, half my day, you know, for extended periods. And it goes in waves. Most of the agencies, boards, and commissions, not all of them, report to our office as far as a financial disclosure. There was a significant amount of effort earlier on when the agencies governance act was being reviewed. Our office was a level of appeal or the code administrator for the chairs of these organizations, so there was a lot of

conversation. We also reviewed codes of conduct drafts by some of these agencies. There was a significant amount of effort there.

Mr. McDonald: Okay. Thank you, Mr. Chair.

The Chair: All right. Next, hon. member Jeff Wilson.

Mr. Wilson: Oh, good. Thank you, Mr. Chairman. I'm wondering, Mr. Wilkinson or Mr. Odsen, if you can offer a comment on the op-ed that ran November 21 in the *Edmonton Journal*. The reason I'm asking this question is because it seems to me to be somewhat contradictory to the principles that you have in your annual report which suggest that you're here to serve the Legislature, senior officials, and the public in a nonpartisan manner with impartiality and independence. But in that op-ed, Mr. Odsen, you directly attack the opposition and media for saying things that you didn't feel were appropriate.

I'm wondering if you can just maybe help me understand where that line is. Clearly, you didn't feel that you crossed it.

Mr. Wilkinson: Sure. I'd be more than happy to, but if you don't mind, we'll leave that to the end, when we're making a statement at the end.

Mr. Wilson: That I can't respond to. Sure. If that's the way that you would prefer to do it, that's fine.

Mr. Wilkinson: Well, we are prepared to make a statement at the end that deals with that. I'm certainly happy to talk to you about it afterwards if you like.

Mr. Wilson: Very well. Thank you.

The Chair: Hon. member David Eggen.

Mr. Eggen: Thank you, Mr. Chair. I was just looking at page 14. Regarding the Conflicts of Interest Act I was curious to know how you move forward on an investigation or you pull back from an investigation. This one was the Associate Minister of Accountability, Transparency and Transformation. His law firm was awarded a contract from the government. Then he somehow was not investigated. There was a letter from the Minister of Justice.

I'm just curious to know if there's a set of criteria by which you pull back from one of those types of investigations or if there's been any change to the recommendations from the Select Special Conflicts of Interest Act Review Committee that might have changed that somehow. I don't know if you have any comment on that at all.

Mr. Wilkinson: Well, thank you. I'll see if our lead in investigations, Brad Odsen, does.

Mr. Odsen: Thank you. Further on down the page, Mr. Eggen, is where it sets out the reasons supporting the decision to forgo the investigation.

Mr. Eggen: That part there?

Mr. Odsen: Yeah, the two bullet points at the bottom set out the rationale for that. It's straightforward. Minister Scott, as soon as he was appointed as an associate minister, immediately came to our office seeking advice on what he needed to do to ensure that he did not run afoul of the act, and he followed our advice to the letter in every instance.

Mr. Eggen: Great. Thank you.

The Chair: Any other hon. member wish to ask questions?

Mr. Quest: Just a comment if everybody has finished with their questions. I just thank you so much, Neil, for all the great work you've done. Glen, congratulations on your new appointment. Brad, good luck with whoever the new guys and girls happen to be. It's going to be pretty quiet in there for a while. I just very much appreciate how readily accessible you've been and the advice you've been willing and ready to give us over time. I just wish you both well. Again, thank you so much for all the great work you've done in that office.

Mr. Wilkinson: Thank you. I very much appreciate it.

The Chair: Hon. member Sohail Quadri.

Mr. Quadri: Yes. I just want to say, very simply, thank you so much for all your help and assistance. Whenever I see your face – I don't know why – somehow I get a very peaceful feeling. I will be definitely missing that. Always I will request you to remember me in your prayers so that we'll do the right thing.

Mr. Wilkinson: Thank you, and continued peace to you.

Mr. Quadri: Thank you.

The Chair: Any other hon. members on teleconference wish to speak? Hon. member Genia Leskiw, the floor is yours.

Mrs. Leskiw: Okay. Before I land in St. Paul, I'd like to say thank you very much for all the assistance you have given me since I got elected in 2008. It was always a privilege to come into your office and feel comfortable. Even when I filled out my form incorrectly one year, when I was just elected, the advice you gave me and the follow-up so that I could correct my form I greatly appreciated as a newly elected member in 2008. Best of luck to both of you gentlemen. You are great Albertans, and it was a privilege to know both of you. That's it.

Mr. Wilkinson: Thank you so much. Thank you. It's appreciated, Mrs. Leskiw.

The Chair: All right. Anybody else on the phone?

Ms DeLong: I just wanted to say thank you so much. You're actually the second Ethics Commissioner that I've worked with, and your work is always so much valued. Your ability to be there and to always answer our inquiries has also been really helpful. I just wanted to say thank you.

Mr. Wilkinson: Well, thank you very much.

I accept all of these accolades on behalf of the staff, and this includes, of course, Louise back at the office. None of this would be possible without these two fine gentlemen and Louise. I thank you very much. I accept those and pass them on to the staff, who really do the work.

The Chair: Thank you.

I see no other hon. member wishing to speak.

Hon. members, as you are all aware, Mr. Wilkinson's term of office expired on November 18, 2013, and the Conflicts of Interest Act provides for the commissioner to remain in office for six months past the expiry of his term. Mr. Wilkinson has advised that he's prepared to stay in the office for this six-month period to cover the usual search process to identify a successor. It is anticipated that a select special search committee will be struck in the very near future.

On behalf of the Standing Committee on Legislative Offices please accept our great thanks for your service to the province of Alberta in your capacity as Ethics Commissioner, an independent officer of the Legislature. I hope that you will have an opportunity to enjoy more time with your family once your official duties are completed.

Thank you, Mr. Wilkinson and gentlemen, for the presentation. For your information, a decision of the committee will be communicated to your office.

I hope that you had a great afternoon with us here. Thank you.

12:50

Mr. Wilkinson: Thank you. It's been an honour and a pleasure.

The Chair: I would invite you to comment.

Mr. Wilkinson: All right. I do have a statement that I would like to make, and it addresses some of the questions and comments that have been made here. I really want to conclude today by addressing a vital issue that has become the focus of the discussion in the Legislature and in the media. The issue here is the independence and integrity of both the office of the Ethics Commissioner and me personally. Last week Albertans witnessed an unprecedented attack on the officers of the Legislature right across the Commonwealth. This happened when the word "corrupt" was used in our Assembly to describe how we carry out our sworn duties. If I seem a little bit upset by this, indeed I am.

People's reputations matter, and this was hurtful in the extreme. Yes, there was an apology in the Assembly, but to be frank, the damage was done. The media has also been caught up in this hysteria. At one point a major print outlet even set up a poll questioning whether Alberta needs a new Ethics Commissioner. Why? Well, because they didn't like the findings of our recent investigations. More punishment they wanted, harsher sanctions. But our findings are based not on that. Our findings are based on the act, the facts, the evidence. They're also based on many, many judgments across this country and around the world that have passed down. We look at those as well.

I'm not here to defend those investigations but, rather, to defend the office against unjust and unfair attacks. Our office took the unusual step last week of placing an opinion piece in both the *Edmonton Journal* and the *Calgary Herald*. Some of you, we know from the comments here, have seen it, and yes, we did get some outside reaction as well.

As a matter of fact, I'd like to turn it over to Brad to pass some of that on to you, please.

Mr. Odsen: I sent a copy of the piece along with the relevant portions of *Hansard* to the ethics and conflicts-of-interest commissioners and lobbyist commissioners and registrars across Canada. Here's one response that I got, from Lynn Morrison, who is the Integrity Commissioner of Ontario:

Brad, I'm glad that the office of the Ethics Commissioner responded, and I was glad to see that the Speaker stood up for Neil's integrity and good service. I agree with you that it is very troubling that a Member of the Legislative Assembly would have the belief and, worse, make a statement that officers of the Legislature across the Commonwealth are, quote, often corrupt. I am aware of no case where an officer of the Legislature of a province or federally fulfilling an ethics mandate has been found to be acting corruptly. I support any efforts you undertake to raise awareness among legislators about the nature of the institution of officers of the Legislature. Oversight offices like the Alberta Ethics Commissioner are an important part of our democratic system. It is essential that the public has confidence and trust in our work, and it starts with ensuring that elected

officials, who we serve, provide accurate information about our role, responsibilities, and obligations.

Mr. Wilkinson: Thanks, Brad.

And that's not all. People on the street walked up to Brad, who wrote the opinion piece, as you know, and were congratulating him for standing up to what one person described as bullies. I quote: who do these people think they are? That was the question Brad heard from a cashier at a convenience store. These remarks were clearly in my mind as I prepared this statement. Ordinary folks saw something they felt was way out of line.

This is not just my opinion. Read *Hansard*, and you'll see that the Speaker has condemned this. The rule book which you often follow, *House of Commons Procedure and Practice*, says the following about this issue of privilege when it comes to speaking in the House: "The consequences of its abuse can be terrible. Innocent people could be slandered with no redress available to them. Reputations could be destroyed on the basis of false rumour."

You don't have to look far to see the unfairness of the situation and the injustices of these attacks. Canada's highest courts have repeatedly warned against making allegations of bias against those who swear an oath to act impartially and without prejudice. Mr. Justice Côté summarized the opinions of other judges across Canada when he wrote that "an apprehension of bias must be reasonable, and the grounds must be serious, and substantial . . . not a mere suspicion." There is nothing reasonable about attacking the integrity of all officers of the Legislature in Canada and 53 other Commonwealth countries. By the way, I checked, and there are hundreds of officers in those Commonwealth countries, and they work for approximately 1.8 billion people.

There's another point here that speaks to the injustice of these attacks. The parliamentary convention is clear. Elected members should not be criticizing people who are not in the Assembly to defend themselves. All members are aware of this, but in this case it appears to have been flaunted for political expediency. The statement was withdrawn, but the words are still out there.

I want to sum up. As an officer of the Legislature I take my oath very seriously – indeed, I live it day to day – and I can say with a clear conscience that I have performed my duties within the act while being as fair and impartial as humanly possible. I know some of you in this room and others certainly won't like what I have to say today and what I have said, but I'm standing up in defence of both the office and myself. As I said earlier, people's reputations matter.

Well, we come into this world with nothing and spend time building our reputations. In the end, you know, it's really all you leave with. My career is coming to a close, and I plan to spend more time with my wife and my grandkids. My reputation is my legacy to them. I can hold my head high when I walk out of this room today and when I walk out of my office for the very last time. I know that I've represented the people of Alberta in this role to the best of my ability and with all the integrity that I can muster.

This is my statement. Thank you, Mr. Chairman.

The Chair: Thank you very much, Mr. Commissioner.

We still have some time.

Dr. Brown: I would just like to add my comments to that. When that incident occurred in the House, Mr. Wilkinson, I did send a note to the individual who had made those comments. I told him that it was wrong to criticize an officer of this Legislature. As you rightly point out, a criticism of the integrity of an officer of this

Legislature is a criticism of the institution. It's the integrity of the office and the integrity of the institution of the Legislature and of all of us that is demeaned when an attack is made on an officer of the Legislature.

I can tell you as a member of the bar of Alberta for 33 years that if that statement had been made by a lawyer about a judge or about the decision of a judge, that person would have been convicted of a breach of a code of professional conduct. A lawyer is never allowed to criticize a judge, and the reason is because you are attacking the system of justice. You are demeaning the system of justice. The very same thing can be said of a criticism of an officer of our Legislature by a member of the Legislature.

I am completely in sympathy with your statement. It was wrong, in no uncertain terms, to make those comments in a Legislature. As I said, an attack on your integrity as a member and an officer of this Assembly is an attack on the institution itself.

The Chair: Thank you, Dr. Neil Brown.

Hon. member Jeff Wilson.

Mr. Wilson: Thank you. For clarification, are we talking about the question that the Member for Lac La Biche-St. Paul-Two Hills asked on November 19?

Mr. Odsen: What sparked this was the statement that officers across the Commonwealth are often corrupt. That was the statement.

1:00

Mr. Wilson: Where can that statement be found?

Mr. Odsen: In *Hansard*.

Mr. Wilson: Would you return to this committee in writing the page number reference in *Hansard* where that is found, please?

Mr. Odsen: That particular statement?

Mr. Wilson: Yes, please.

Mr. Odsen: Sure.

Mr. Wilson: Thank you.

The Chair: Hon. member David Eggen.

Mr. Eggen: Thank you, Mr. Chair. I think it's important to make comment at this time about the integrity of this committee. I am here to represent the people of Edmonton-Caldor and the people of Alberta to ensure that each of the offices of the Legislature is functioning within a budget and functioning within the terms of how they are meant to serve the people of Alberta. When I come here to make constructive criticism of each of these offices, I do so with that integrity behind me, with that authority behind me.

Quite frankly, I don't like the way in which these comments are eroding the job that I have to do to ensure that we are meeting the needs of each of these offices. Certainly, you have a specific comment that you want to make, that you have a problem with that happened in the Legislature, but this is leaking out into this whole committee now and compromising the integrity of my job to ensure that you are doing your job. I don't think that these comments are necessarily in order. I don't think that the direction of this conversation is in order, and quite frankly if I have to sit here and be somehow edited for what I view as my job to look at constructive ways by which the office of the Ethics Commissioner can function better, then I am not willing to stand for that.

Thank you.

The Chair: Okay. Any other comments?

Seeing none, then we will conclude the meeting with the office of the Ethics Commissioner, and as I said earlier, the decision on the office's budget will be sent out to you. Thank you very much.

We have five minutes of break before the next presentation.

[The committee adjourned from 1:03 p.m. to 1:09 p.m.]

The Chair: Ladies and gentlemen, I would like to call our meeting back to order. We will be hearing from the Information and Privacy Commissioner.

I ask that we quickly go around and introduce ourselves for record keeping and if you are substituting for any committee member.

I'll start with myself, Wayne Cao, MLA, Calgary-Fort, chair of the committee.

Mr. McDonald: Deputy Chair Everett McDonald, Grande Prairie-Smoky.

Mr. Wilson: Jeff Wilson, MLA, Calgary-Shaw.

Mr. Pedersen: Blake Pedersen, MLA, Medicine Hat, substituting for Gary Bikman.

Ms Clayton: Jill Clayton, Information and Privacy Commissioner.

Ms Mun: Marylin Mun, assistant commissioner.

Mr. Eggen: Hi. I'm Dave Eggen. I'm the MLA for Edmonton-Calder.

Mr. Quest: Dave Quest, MLA, Strathcona-Sherwood Park, subbing for George Rogers.

Dr. Brown: Neil Brown, Calgary-Mackay-Nose Hill.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Well, thank you.

Anybody on the phone line? Probably they will call in later.

Anyway, we now have Ms Jill Clayton, Information and Privacy Commissioner, and Ms Marylin Mun, assistant commissioner. We have time for you to do the budget presentation, the business plan, and the annual report.

I would now welcome Ms Clayton.

Office of the Information and Privacy Commissioner

Ms Clayton: Thank you very much. Thank you for the opportunity to be here today. I think Marylin is going to advance slides for me. I thought that I would just do a quick little reminder of the three statutes that we have oversight for, and then, as the chair has just indicated, we'll quickly run through some of the highlights from our 2012-2013 annual report, talk a little bit about our priority projects as we go forward into the next year, and then talk about the budget estimate.

Starting with the overview of the office, of course, we have oversight for three laws: the Freedom of Information and Protection of Privacy Act; the Health Information Act, our stand-alone health legislation; and the Personal Information Protection Act, which is the legislation that applies to the provincially regulated private sector in Alberta. Our mandate includes a variety of different activities. Primarily, we focus on resolving complaints about the collection, use, and disclosure of personal information and also on requests for review, which is where we review responses to requests for access to information.

We also have the mandate to initiate investigations on my own motion. We are a quasi-judicial oversight body. We have a separate adjudication unit that hears inquiries and can issue binding orders. We have a mandate to inform the public about these three acts, and also we have a mandate to comment on existing or proposed legislative schemes and programs, comment on record linkages and data matching, which primarily looks like reviewing privacy impact assessments. We also provide advice and recommendations to stakeholders, and we have a research mandate. That's the quick overview, a little reminder.

I appreciate the opportunity today to talk about some of the projects and activities, the highlights, of 2012-2013. Also, if I can take this opportunity, because I know some of my colleagues back at the office are listening, this is an opportunity for me to say thank you to them for the very hard work that they put in in 2012-2013.

I think that we've accomplished a lot. Some of those highlights include our first-ever stakeholder survey. We commissioned some research, to go out and actually talk to our regulated stakeholders: public bodies, private-sector organizations, and health custodians. We asked them a series of questions designed to give us some idea about the maturity of access and privacy programs in place. We asked for feedback on our processes. We asked how our stakeholders wanted us to communicate with them, and we asked about top privacy trends and issues. We also revisited a public opinion survey that had last been done in 2003. With some of the results we found that I think 97 per cent and 98 per cent were the responses when we asked the public whether or not access to information was important and whether or not protection of privacy was important. So we had some very positive feedback there.

Other highlights. We began and completed phase 1 of our modernization of our case management system. Last year we had come in and requested a capital investment budget increase so that we could move to update our case management system, and we're well into that now and continuing it into this year. We also began a project to modernize and update our website, and that's also coming along. We're still involved in that, but we completed the first phase of that, to figure out what that design might look like and what we needed to do to improve it.

Another highlight from last year: we were granted leave to appeal to the Supreme Court of Canada on a matter that had come before our office involving UFCW. It's possible that people want to talk about that today. I'm happy to.

Charges were laid under the HIA pursuant to an offence investigation that our office had completed. Thirty-four charges were laid under the Health Information Act and also a number of charges under the Criminal Code. I think we're expecting to hear more about that. It's currently before the courts, and I think we're expecting something in the next week or two.

1:15

Another highlight for the year. Again, this is a project that is continuing on. We spent quite a bit of time consulting with staff and consulting with stakeholders, as I already mentioned, about our processes and in March of 2013 announced a vision for the organization of the office. So we're currently transitioning to that new structure.

In terms of education and outreach, as I mentioned, we do have a mandate to inform the public and also to advise and guide our regulated stakeholders, so we publish a number of guidance documents. In particular, we published a report. We've had mandatory breach reporting under our private-sector legislation since May 2010. After two years of that responsibility under the

legislation we analyzed those reports that had come in and published a report on that as well as some guidance for how to avoid breaches. We published a document, *Alberta Netcare: Know Your Rights*, which is aimed at the general public. We thought that there was a need to make sure that individuals understood their rights under the Health Information Act in regard to Netcare.

We published some guidelines for health custodians for electronic communications because we receive a lot of calls from physicians in particular about how to provide health care using electronic communications.

We published some guidance on privacy risks to be aware of and best practices.

In conjunction with our colleagues in British Columbia and the federal Office of the Privacy Commissioner of Canada we published a document that has actually been receiving quite a lot of attention, internationally even, called *Getting Accountability Right* with a Privacy Management Program, that sets out the building blocks of an effective privacy management program. We also jointly published some guidelines on cloud computing for small- and medium-sized enterprises and also good privacy practices for mobile app developers. That one has also received quite a bit of attention.

Continuing with education and outreach, we hosted some of the same conferences and events that we have been doing for a while. We expanded some of them. We hosted in Calgary our private-sector privacy conference, the PIPA conference. We cohost that one with our colleagues in British Columbia. It goes back and forth or has in the past between Calgary and Vancouver. We hosted the WCHIPS conference, which is the western Canadian health information privacy and security conference. We cohost that one with B.C., Saskatchewan, and Manitoba.

We expanded our *Right to Know* activities. We had events in Calgary and Edmonton. Previously we had a half-day event in Edmonton, so we expanded that. Then we also hosted *Data Privacy Day* as well. We had a good turnout at all of those events. I think that that's an important component of the work that we do, to go out and actually talk to stakeholders.

In terms of cases in the office these are the overall trends. I think probably the most significant one is the shift and the focus on access-related cases. We saw a 40 per cent increase in our total number of cases coming into the office under freedom of information legislation. That includes a 17 per cent increase in requests for reviews, a 92 per cent increase in complaints. We saw a significant increase in third-party requests for review and a very significant increase as well in the number of public bodies asking for time extensions. We can talk a little bit more about that as well if you'd like.

We saw a slight decrease in PIA submissions. I think that has something to do, perhaps, with the saturation of the market in terms of electronic medical records, the take-up by physicians. Those that were going to have done so, and they've submitted their privacy impact assessments. There are a number of new custodians under the Health Information Act that perhaps we're expecting to receive privacy impact assessments from. I'm not sure. We've worked with the colleges to make sure they understand that they have to report to us. That slight decrease: I'm not expecting that to continue.

Breach reports are generally holding steady. I think we had a 3 per cent increase in breach reports in total. Again, it's mandatory under the personal information and privacy act to report certain breaches to the office, but we also receive voluntary reports of breaches from the health sector and from the public sector. We also saw an increase in the number of commissioner-initiated investigations.

In terms of our statistics we did see overall an increase in the number of cases that we opened. We're on target to increase that a little bit as well for this year, so we're looking at probably about 1,400 cases at the end of this year. Cases closed: we saw a slight decrease in the number of cases that we closed, and that has something to do with some vacant positions in the office.

We saw a decrease in the total number of orders issued. Again, that has something to do with a vacant position in our adjudication unit for a time and others on leave and some new staff there. The year-to-date numbers that are up on the screen are to the end of September, but I note that in the year to date, to right now, we've actually issued 50 orders. So we've surpassed what we issued last year, and we're on target to increase that. I think the new projection is about 60 orders this year.

Judicial reviews are down a little bit. As I mentioned, for self-reported breaches we're currently looking to be about the same as last year.

In terms of resolution these stats have not changed how cases are resolved. This has not changed very much over last year. We still resolve approximately 85 per cent of the complaints and requests for review that come to our office through our informal mediation investigation processes. We issue orders in about 10 per cent of cases. That's when something is not resolved informally and it goes to the inquiry process and an order is issued.

In terms of timelines for closing our cases, again, we're pretty much the same as we have been for the last couple of years. We've had a slight improvement in terms of the number of cases that are closed within 180 days. If you add those two percentages together, we're looking at about 60 per cent of cases that we close within 180 days. There's a note on that slide that points out that the cases that we're considering in this table are only those cases that could proceed to an inquiry. The 180-plus days tend to be when we've been unsuccessful in trying to resolve a matter informally, so it has gone on to the inquiry stage, and that typically takes longer.

In terms of our financial position at the end of the year we returned 1.7 per cent, \$105,000 approximately, of our total approved budget. That was made up of some payroll savings, as I mentioned, due to some vacant positions and a reduction in the number of courses staff took. We saw supplies and services savings of about \$55,000. That's primarily due to decreased office supplies, technology maintenance costs, and reduced printing. Some of those savings, however, were offset by the stakeholder and public opinion surveys that I just mentioned and some of the work that we put towards developing our new website.

I'll move on to going forward and our business plan. We submitted a business plan last year for the 2013-2016 period. That was our three-year business plan. This year we went back and revisited the environmental issues and trends and found that those have not changed significantly since last year. The same issues are certainly influencing our environment and the work that we do, including issues around big data, the amount of information, the volume of data flows, citizen engagement, and the rise of social media and the amount of information that citizens are willing to share about themselves.

We're still seeing – and this is bearing out – large integrated information systems that are interconnected with systems like those in other provinces and other jurisdictions. We're seeing and hearing a lot and speaking to people a lot about information sharing, particularly in the face of new government service delivery models. Open government and open data, of course, are still getting a lot of attention, again, not just in Alberta but in other jurisdictions as well, and that goes along with – I think what we're

seeing is an increased emphasis on transparency and accountability.

All of these things, the challenges as well, have not significantly changed from what was in our business plan last year. For my part, some flags go up. I have some concerns about some of these initiatives with respect to transparency, the degree to which citizens understand how their information is being collected, used, and disclosed and how they can exercise their rights under access and privacy legislation to make complaints or to access their information or request corrections.

Also, some of these trends and the warehousing of vast information stores lead to – you know, some of the challenges with that or some of my concerns around that sort of thing have to do with the secondary use of those large data sets. They're a tempting target for identity thieves, for example. We see some of the breaches that are coming to our office that involve hacks of those large databases. They're a tempting target, so the potential for breaches is increased unless there are appropriate controls in place.

1:25

Again, we had a look at our challenges. I think they're very similar to those that were identified in our business plan: timely, efficient processes; proactively trying to get ahead of issues and not be as reactive. How do we make the best use of our resources? That includes our staff. How do we leverage our expertise and knowledge? We have some very senior people in the office who have been there for a long time who are very, very knowledgeable and competent. How do we get at the information in their heads and make sure that we can translate that to stakeholders so that they understand best practices and also make sure that we're planning for new staff and sharing that information within our office? Given all of that how do we support staff and ensure that they have the training that they need? Finally, how do we set the standard? I think it's important that as the office of the Information and Privacy Commissioner we need to be walking the talk. Those aspects of the business plan did not change very much.

Our goals and key strategies are similar in part because most of our key strategies were multiyear initiatives. While we may have completed the first phases of them, we're not quite there yet, but some of these projects will be coming to fruition towards the end of this current fiscal year. For example, our first goal, around meaningful, proactive consultation and communication: I think we did upwards of 80 speaking engagements. That doesn't include the number of consultations and liaisons when groups come to us and they want to talk about projects or the committees and things that we sit on and provide input to. We will continue to do that.

As we go forward, though, we are revisiting, based in part on our stakeholder survey results and some of the feedback that's coming to us, what we're hearing from stakeholders and what we're seeing in the cases that come to our office. We're taking a look at how we deliver conferences and outreach. I think there's some targeted training that we could engage in that would help us to do the work that we do, so we'll get better information so that we can be faster and more efficient in terms of processing things like time extensions, for example, or privacy impact assessments. We're taking a look at that, and I think it'll look different for 2013-2014.

We have some planned guidance projects right now. We've got a team in the office that has been looking very closely at the number of requests for time extensions that have come in as of late. I mentioned the 92 per cent increase. I'm interested, in particular, in what is driving that. If there's an emphasis on accountability and transparency, are we supporting that goal by

making sure that the resources are in place to process requests? We also have some planned research around, again, some of those trends that we're seeing around information sharing and what we're starting to see at all levels, which is the idea of deputizing the private sector. We talked a little bit about that in the annual report. This is the idea that the private sector may be required sometimes by legislation and sometimes by policy to collect information. Often that's to support law enforcement activities. Those are some things we're focusing on under goal 1.

Goal 2: efficient, effective, and timely processes. The most important thing for us right now, I think, is to move forward with our office reorganization. When we began this process, I thought it was very important that we do it properly, so we asked the Public Service Commissioner to come in and have a look at our position files and position description documents and give us some advice as we move forward with a fairly significant reorganization of the office. As a result of that, we are updating all of our position descriptions. We are reviewing all our classifications and updating those as well. It will take some time to get that in place. We have been recruiting in particular in the last couple of months, and that will continue into the new year. We do have a number of vacant positions at the moment.

We're also focusing on proactive compliance and special investigations. We had a consultant come in to work with our teams to develop a process for identifying proactive compliance topics and issues. We'll have that plan in place as we work with our office reorganization, which includes a team that's devoted to compliance and special investigations. This will be the proactive side of the office.

We're also looking very closely at our existing processes for intake, mediation and investigation, and adjudication. We're finding that the different teams in our office have some inconsistent processes and different processes, and as we move forward with our new case management system, we really need to consolidate and work as an office and streamline those processes. I think that we'll start to see some reduction of inconsistencies, some learning, and some increased efficiency.

Another project that I think we're interested in this upcoming year is to take a closer look at the idea of an adviser or advocacy role. When we are looking at complaints that come in and requests for review, our job is to be a neutral decision-maker, certainly at inquiry. I think that one of the ways that we might be able to streamline our processes is if we have some sort of adviser who is separate from that decision-making process, who could actually help people to understand our processes a little bit better. So one of the things I'd like to be doing in the next year is to look at some of those different models. We recently met with the WCB appeals office to talk about their model, and I know that there are different models in other sectors.

Moving on to our third goal, effective access to and use of our own information, I've already mentioned our case management system. This is well on its way to being built. It was supposed to be completed by the end of this year, and we're on schedule for that. We're looking at an implementation date of April 1, so we'll be training staff on the new system starting in the new year.

As I mentioned, we've had an ongoing project to update our website, which is much the same as it was some 12 years ago, in order to better communicate to our stakeholders and to the public. So those are the two main projects that we're focused on right now, to get them up and running. The website should be built also by the end of the current fiscal year, and then we'll have to migrate our data over from the current website, but you should see that up and running early in the next fiscal year.

Along the same lines, as part of the website project and building on the case management system, we'll be looking for other opportunities to get at our data, our information, and put that information out there for stakeholders, so we're looking at ways we can proactively disclose information in the office. At the same time, the case management system is going to help us in terms of our business planning and reporting. It's very difficult right now with the system that we have to get at very detailed information around how long it takes us to do certain things. Right now, because our database – I think it hasn't really been changed also in about 12 years. It's not very searchable or reportable, which is why last year we were asking for the capital investment to build the new system. We're hoping that that will allow us to get at more meaningful information, which will improve our reporting.

Finally, our fourth goal, to ensure that staff members are engaged, knowledgeable, and expert. There are a number of strategies outlined in the business plan, but I think the focus right now is on, in particular, staff training. To support the new office structure, we need to be doing cross-training. We're moving from a structure that is based on the legislation that we have oversight for – a FOIP team, a PIPA team, and an HIA team – towards two teams and combining those teams, so compliance and special investigations teams and another team that focuses on mediation and investigation. For example, we have this increase in the number of FOIP-related cases in the office right now. We need to be able to balance that workload when we see these spikes in the kinds of cases that come into the office.

We're also focusing on our own internal policies and procedures. I've already mentioned that we've seen some inconsistencies in how our teams have done things, so we're working on streamlining that and getting that documented so that we can communicate internally but also communicate externally.

Those are the highlights of the business plan, our priorities for the next fiscal year in particular.

Moving on to our budget estimates for 2014-2015, we are requesting a total budget increase of \$116,000, which represents a 1.7 per cent increase from last year. Most of that is budgeted for salaries and benefits, \$222,000 of it. There's a small net increase in supplies and services of \$3,500. Those two increases are offset by the decrease in capital investment costs. Again, we have no major IT initiatives planned in 2014-15.

1:35

The details of the change in salaries and benefits. We understand there is a freeze on general wage increases, so no cost-of-living increase, so we haven't budgeted for that. This estimate is based on a 3 per cent in-range merit increase for employees who are eligible for that. That's based on the numbers that were approved last year by the Public Service Commissioner for the 3 per cent increase. Overall, the benefits are approximately 22 per cent of salaries. However, I understand that with pension changes, anticipating an increase in contributions, we've bumped up our estimates. Our benefits are now based on 24 per cent of salaries.

There's a slight change in professional fees, and that has to do with the reorganization and who we've hired and the costs that we allocate for travel and conferences and things like that.

In terms of operating expenses, supplies and services, as I said, we're looking for, well, a net increase of \$3,500.

The travel budget has gone up, and that's a reallocation of dollars that had previously been in our budget for contracting external legal services. That's because we have somebody who is working internally as a litigator. We're trying to reduce our dependence on external legal counsel, but that person is our

litigator and is travelling mostly between Calgary and Edmonton. So the \$20,000 extra in travel is for that purpose.

Advertising is up a little bit in anticipation of some additional recruitment.

Our rental costs: that's a decrease. That has to do with some new photocopiers that we have in the office. Our leasing rate is lower than it had been previously.

We've had some other changes in contract services. We've also managed to reduce our estimate for contracted legal services an additional \$60,000, and then we've offset that with an increase in some other contracted services for internal PIAs and resources to assist us as we're moving forward with our transition of the office structure. I think that just being able to draw on some contracted resources can assist us while we're going through that transition. So that's the slight increase there, but ultimately we're looking at a decrease of \$40,000 in our contract services.

We've added in some extra dollars for hosting and working sessions. That's in anticipation of, as I mentioned earlier, that we're sort of rethinking the kind of education and outreach that we deliver. We're planning some training sessions that are very focused on things like time extensions and privacy impact assessments. Rather than conferences that are about things like big data, we're looking at some targeted training sessions, working sessions, on some of the topics that have been identified as being areas where people would like some assistance.

That's supplies and services overall. Again, details of our capital purchases are our last slide there. There is a typo. The \$100,000 change should be a \$110,000 change because we have no new major IT capital expenditures planned, so we're not asking for any capital investment dollars.

That concludes my presentation. Thank you.

Dr. Brown: Could you back up a few slides there to the parts relating to the personnel?

Ms Clayton: Uh-huh.

Dr. Brown: And the next one back? Thank you.

The Chair: All right. Well, thank you very much, Commissioner Clayton. Now the floor is open for members to ask you questions, and you provide answers.

The first one from the government side is hon. Everett McDonald.

Mr. McDonald: Thank you, Jill, for your presentation. Very good. I'm concerned about the 115 per cent increase in third-party requests. Could you explain what a third-party request is, just to clarify it for me?

Ms Clayton: Okay. If a public body is planning to release information that might impact a third party and they're required by the legislation to consult with that third party if they've decided to release that information, then that third party can come to our office and ask for a review of that decision to disclose the information.

We're seeing a lot of that. I would guess that a lot of that has to do with the focus right now on expense disclosures. We've seen an increase in the number of cases that come to our office where third parties are possibly looking for information about them. I'm speculating that it might be around expenses. That, I think, accounts for that increase. So it's the type of request.

Mr. McDonald: Okay. Now, why the 92 per cent increase in complaints?

Ms Clayton: Well, the numbers were fairly low to begin with, our numbers on complaints. We've gone from 65 to 125. Complaints will be around disclosures of personal information, collection of personal information without proper authority, those kinds of complaints.

Mr. McDonald: Okay. One more question: for a FOIP request, then, is there a fee?

Ms Clayton: Yes. There is a fee schedule attached to the FOIP Act. For a general request for information there is a \$25 fee and then other fees associated with responding to that request. It's set out in the schedule. If an applicant has asked for records and, say, there are 7,000 records that are responsive, they might get a fee estimate from the public body saying, "This is how much it's going to cost to release that information," but the applicant can come to the office and ask us to review that fee estimate.

Mr. McDonald: Okay. Is there a revenue stream here? I didn't see a revenue side of your budget.

Ms Clayton: We don't have a revenue side of our budget, no. Any revenue that comes to us – none of this comes to us. We return it to general revenue.

Mr. McDonald: It's just part of the picture. Okay. Thank you.

The Chair: Well, the next hon. member is Laurie Blakeman, then Neil Brown.

Ms Blakeman: Thank you. Looking at your organizational structure for 2012-13, which appears on page 12 of your 2012-13 annual report, and assuming that it's not that much different for '13-14, could you tell me how many of your staff have a professional designation or specialized knowledge? What I'm interested in is: if there is no increase available to you, will that affect your retention and recruitment and therefore will affect the number of cases that you're able to process or how you will meet your mandate?

Ms Clayton: Yes. Yes, it will. In terms of the number that have a professional designation, we've just been through an exercise to identify those with professional designations, the risk management definition of that, and there are a handful of people who meet that definition.

In terms of specialized knowledge I think that we have a highly specialized staff. In particular, I'm thinking of our key regulatory and enforcement positions, which are our portfolio officers, who investigate complaints and handle requests for review. They have to be familiar, especially as we move forward with the new office structure – previously they would have to know one of our acts very, very well. So if you were part of the FOIP team, you would know FOIP inside and out. Now we're asking them to handle cases under all three statutes.

I think that access and privacy in particular have become more complex over the last few years. Certainly, it's more technology driven for our staff to understand the PIAs that come to our office, which are often for highly technical initiatives, or to investigate complaints that involve biometrics and, you know, GPS tracking and those kinds of things and, certainly in terms of the kinds of breaches that are reported to us, the requirement to understand the risks posed when a database of e-mail addresses has been hacked.

1:45

The Chair: Hon. members and Ms Clayton, could I just pause here? I just want to talk to the ones on the phone.

Members who are on conference call, please mute your phones because we hear all the background noises here. Thank you.

You can continue your answer.

Ms Clayton: If I could. I hadn't quite finished responding.

I was speaking in particular about portfolio officers. The same comments would apply with respect to our adjudication staff. At the same time, we are a quasi-judicial administrative tribunal, adjudicators who hear matters and issue orders, so there's that other layer of specialized knowledge, understanding of administrative fairness. Sometimes those decisions end up in court, and we end up having to defend the decision, so to speak. So there's that extra layer of specialized knowledge, I think.

You know, we're in the middle of this reorganization. We're looking at positions, and we're looking at classifications. That causes some angst, for sure, in the office. Certainly, if merit increases were not available, obviously that would have some impact on staff. I think that potentially it could make it difficult to recruit to those positions.

Ms Blakeman: A supplementary. You had remarked a couple of times that you felt that some of the percentage increases, particularly in being able to close cases, was because you were lacking a staffperson, in particular a lawyer, I think. Is that part of what you're telling me about how difficulties with staff retention would be affecting your bottom line, your ability to process cases?

Ms Clayton: No, not exactly. When you mention the legal expertise in particular, that was our request for last year. Typically we have engaged external legal counsel to assist us when a matter goes to judicial review. For example, many of our portfolio officers have legal training or are lawyers and members of the Law Society, but that's not a requirement of the portfolio officer position. We also have people who come with a social work background or come from the Human Rights Commission, for example. The portfolio officers bring a varied skill set and varied knowledge, which I think is very helpful in doing the kind of work that they do. Because we're developing our in-house litigator position, that has resulted in some decreased costs in terms of our legal contract services budget.

In terms of the highly specialized positions that the portfolio officers and the adjudicators occupy, I don't think that you can just bring people in off the street to do this kind of work, to understand the laws that we have oversight for. They are complex, and there is a body of jurisprudence that has developed around these things. There are still all kinds of new issues all the time, and it requires an ability to think very deeply and analytically about the legislation, so I think that they are senior positions. Our challenge in the last year has been in the process of reorganizing and updating job descriptions and ensuring that positions are classified, and we're still going through that process. We have had some vacancies, and we're hoping to be recruiting to fill those very soon.

Ms Blakeman: Okay. Just for clarification, when you were saying that there were fewer cases closed – in other words, more cases carried over – I thought I heard you attribute that to all of the positions not being filled in the office. Did I mishear you?

Ms Clayton: No. That is correct. That's what I'm saying. We have had some vacancies that we haven't been able to recruit to right now because we're going through this process of classifying.

Ms Blakeman: So loss of staff, difficulties with retention, does result in changes in number of cases closed and number of cases carried over?

Ms Clayton: Yes, I think so.

Ms Blakeman: Thank you.

Ms Clayton: The other piece of that is that we've had this shift in the makeup of our cases. As I mentioned, we're seeing a lot of activity on the FOIP side of things, so what we've had to do is bring people from the PIPA team and the HIA team to assist with that workload. What we've had up until now is a limited number of portfolio officers who dealt solely with FOIP, and in order just to be able to keep up, we're having to cross-train staff. That builds towards the reorganization that we will be making more permanent, but we've had to move to do that already.

Ms Blakeman: Good. Thank you.

The Chair: Thank you.

I'd just say that we have 15 minutes left. I have four hon. members here: Neil Brown, David Eggen, Blake Pedersen, and Jeff Wilson.

Dr. Brown: You may have answered the question on another slide. It was relating to the \$222,500 and the breakdown of the personnel. My calculation was that that worked out to be 4 per cent. You mentioned that there was a 3 per cent in-range merit increase.

Ms Clayton: The estimate for salaries and wages is based on a 3 per cent merit in-range increase for staff.

Dr. Brown: Right. Just that top line, then.

Ms Clayton: Just that top line.

Dr. Brown: Then the rest of it: I would assume with the employer contributions, that's mandated, that you can't do anything about that.

Ms Clayton: Yes. That's pension contributions.

Dr. Brown: Right. Okay.

Your travel, you mentioned, has gone up 40 per cent since 2012-13, but you said that that was mainly attributable to the \$20,000 that was for the counsel that you had to bring in.

Ms Clayton: We reallocated dollars from our contract services legal budget to travel because the person who is, in fact, in that in-house litigation role is going back and forth between Edmonton and Calgary quite a bit.

Dr. Brown: Okay. Thank you.

The Chair: All right.

Mr. Eggen: Thank you so much for your presentation. I just have one question. It's kind of in parts. [interjections] It's cool. It's a good question.

In your budget for 2012-2013 contract services was \$713,000, but you actually spent \$757,000. What explains the larger-than-expected amount for that last year?

Ms Clayton: For which last year?

Mr. Eggen: For 2012-2013 contract services was \$713,000, and your actual expenditure was \$757,000. I'm just wondering. In the

forecast for 2013-14, for example, the total is predicted to drop – okay? – as you note, because you have internal staff able to do the legal counsel that your office was contracting before. Right? In the breakdown it shows that only \$55,000 is forecasted for investigations, special projects, and other in 2013-14, but that number will then double the following year and then stay at that level. Am I heading down the right path here?

Ms Clayton: Yeah. I understand.

Mr. Eggen: Since there's no breakdown included for previous years, can you confirm whether the \$55,000 is typical or whether the \$106,000 estimate for 2014-15 is more typical?

Ms Clayton: The \$55,000 is more typical. The increase to \$106,000 represents, as I was saying, a PIA resource, somebody to help us do that and to contract with somebody to help us with internal PIAs, which is part of that. We require others to do that for information systems. We want to be able to do that as well. That's also for, potentially, special projects like the 10-year anniversary of our private-sector legislation, for example, that kind of thing.

I don't have the details for 2012-2013 and that increase, but generally – and I can certainly get the details for you – I think that in that year we were doing offence investigations.

Mr. Eggen: Sorry? What?

1:55

Ms Clayton: Offence investigations, so not our typical investigation. Under all three acts we do complaint investigations, but if it looks like there is a particularly egregious matter that qualifies as an offence under the legislation, then we usually contract out and have a private investigator work with our staff because we have to put together the evidence that goes to the Crown, and the Crown has to introduce that in court. So the standard is higher. Those are very resource intensive, both on our staff and in terms of dollars. We did have one of those investigations in 2012-2013, that led to the matter that I mentioned with the charges under the Health Information Act. I can certainly find that out for you, but that's my best guess.

Mr. Eggen: Sure. Yeah. You're probably right. Thanks.

Ms Clayton: You're welcome.

The Chair: Hon. member Blake Pedersen.

Mr. Pedersen: Thank you, Mr. Chair. Thank you very much for attending today and allowing us, number one, to thank you for all the hard work that you actually do in allowing Albertans access to information that sometimes is very, very hard to access. I know that in the opposition it is certainly beneficial for us to get access to information that is sometimes difficult to acquire from the government, so we do appreciate that.

My question is in regard to section 9 of Bill 34, the Building New Petroleum Markets Act. In there it stipulates that there is going to be an overriding factor of five years to the FOIP Act. We're just wondering: do you have concerns when government goes in and carves out exceptions to the FOIP Act?

Ms Clayton: Yes. I would actually refer you to a report that was issued by my predecessor, Frank Work, shortly before his term ended. It's on our website. I could certainly forward a copy to you and other members of the committee. It dealt with paramountcy provisions. There were, I think, 38 paramountcy provisions that

were documented in that report. The quote that I think everybody has heard is that paramountcy provisions in various bills ultimately have the effect of – I think the quotation from former commissioner Work is on carving the FOIP Act into “Swiss cheese,” that kind of thing, “repeal by degrees,” that sort of idea.

I think that some paramountcy provisions are necessary, certainly. I think what that report is trying to point out is that sometimes you don’t see the forest for the trees. You look at each individual paramountcy when it comes in, and you think, “Well, you know, that one policy decision is made,” and the bill goes forward. But when you look at the totality of that and you see many of them, possibly some that you don’t need to have, the ultimate effect on a law of general application like the Freedom of Information and Protection of Privacy Act is this repeal by degrees. It carves out chunks from the FOIP Act. In my view, I think it makes it very difficult to administer the legislation because instead of going just to the FOIP Act to understand what you can disclose and what the act applies to, you now have to be aware of those paramountcy provisions in all these other pieces of legislation.

One of the recommendations that we made in our submission to the review of the FOIP Act that’s currently under way was to take a look at all of those existing paramountcies and review them for necessity.

Mr. Pedersen: Great. Thank you very much.

The Chair: Hon. member Jeff Wilson.

Mr. Wilson: Thank you, Mr. Chair. Your office issued to the government, when we were debating Bill 25, the Children First Act, in the House, some of your concerns that you had about it. I’m just wondering: since those were all raised in the House, has the government approached your office during the regulation-creation phase of the bill?

Ms Clayton: We have been approached with one regulation, but when we provide confidential comments on the contents of draft legislation, then I can’t speak to the specifics of that. But we have had, yes.

Mr. Wilson: I just wanted to know that they had engaged your office and that that was an ongoing process.

Ms Clayton: Yes.

Mr. Wilson: Very good.

I’m also wondering if you could just comment on the number of cases that are resolved within 180 days. It seems that it’s been a bit of a change year over year. If you could speak to perhaps the reasons for that.

Ms Clayton: I think, actually, it’s fairly similar for the last couple of years, within 180. For the zero to 90 days we’ve gone from closing 28 per cent in zero to 90 days to 38 per cent, so that’s improved. I think some of that has to do with, again, the shifting case type. Some cases come in and we have to prioritize them. Responding to breach reports, for example. Those become a priority. We want to turn those around, particularly if an organization or even a custodian or a public body is waiting for us to comment, to give them advice on whether or not to notify individuals. We have a very fast turnaround on those kinds of things.

Time extensions. Again, we’ve seen an increase in the requests for time extensions by public bodies. That kind of case results in a faster close time.

If you look at the totals, though, I’m adding the zero to 90 to the 91 to 180 days, and in 2010-2011 we closed 57 per cent of cases within that 180 days, in 2011-2012 we closed 59 per cent within that, and in 2012-2013 60 per cent. So it’s changed by 3 per cent.

Mr. Wilson: Perfect. Thank you very much.

Ms Clayton: You’re welcome.

The Chair: Any other hon. members? Anybody on the line?

Seeing none, the chair just wants to say thank you very much, Commissioner Clayton and Ms Mun, for presenting your business plan, your budget. For your information the committee will make a decision on the budget and communicate it to your office next week.

Ms Clayton: Okay. Thank you very much. I appreciate the chance to be here.

The Chair: Thank you very much. Also, thank you for accommodating the time schedule changes in your presentation.

Ms Clayton: We’re at your disposal. Thank you.

The Chair: We have a five-minute break before we continue with the next group.

[The committee adjourned from 2:02 p.m. to 2:09 p.m.]

The Chair: Okay. I would like to call on the committee to resume our meeting. I’d ask that we go around the table and introduce ourselves for the record. If you’re sitting as a substitute for any member, please say so.

Wayne Cao, MLA, Calgary-Fort, chair of the committee.

Mr. McDonald: Everett McDonald, deputy chair, Grande Prairie-Smoky.

Mr. Quadri: Sohail Quadri, Edmonton-Mill Woods.

Mr. Wilson: Jeff Wilson, Calgary-Shaw.

Ms DeLong: Alana DeLong, MLA for Calgary-Bow.

Mr. Pedersen: Blake Pedersen, MLA, Medicine Hat, substituting for Mr. Gary Bikman.

Ms Blakeman: My name is Laurie Blakeman, and I would like to welcome each and every one of you to my fabulous constituency of Edmonton-Centre.

Thank you.

Mr. Westwater: My name is Drew Westwater. I’m the director of operations and communications for Elections Alberta.

Mr. Resler: Glen Resler.

Ms McKee-Jeske: Lori McKee-Jeske, Deputy Chief Electoral Officer and Acting Chief Electoral Officer until December 8.

Mr. Sage: Bill Sage, Elections Alberta. I’m the acting director of election finances.

Ms Pui: Benedicta Pui. I’m a senior management assistant from Elections Alberta.

Dr. Brown: Neil Brown, Calgary-Mackay-Nose Hill.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you.

I'd like to welcome Ms Lori McKee-Jeske, Drew Westwater, Bill Sage, Benedicta Pui, and Glen Resler, the observer today, to our committee. You have 20 minutes to present your budget, business plan, and annual report. After that we will open for questions from our committee here and answers.

Go ahead, Ms Lori McKee-Jeske.

Office of the Chief Electoral Officer

Ms McKee-Jeske: Thank you. Good afternoon, Mr. Chairman, and members of the committee. Thank you for inviting us here today. Today we plan to provide you with an update on the past year's activities, our plans for the upcoming year, and our anticipated expenditures for the 2014-15 fiscal year to support those planned activities. We will also provide you with the highlights of our 2012 annual report and an overview of the service plan, which spans the next three fiscal years.

We will begin with the past year's activities. As you know, our business is cyclical, and we focus on different activities in each year of the election cycle. The postelection year involves the identification of the successes and the challenges of the past event and research into best practices and business process changes that can be incorporated to further enhance service delivery. Those activities have occurred in this fiscal year.

Under the Election Act some key activities for us included the consolidation of legislative amendments resulting from the December 2012 enactment of the Election Accountability Amendment Act, 2012, into our business processes and our training resources. It involved preliminary development of online training resources for front-line election officers and the creation of a work plan to manage the increasing advanced poll volumes and the future growth that we anticipate as a result of the addition of one more day of advanced poll voting.

Also under the Election Act planning for a means to provide high-quality lists of electors without a province-wide door-to-door enumeration has been under way. That trend away from enumerations is apparent throughout the country. The two provinces that still rely on door-to-door enumerations to compile their lists of electors – that's Saskatchewan and Manitoba – have both proposed to run one final enumeration and then move to a permanent register. The move away from traditional enumerations is largely due a reduced risk tolerance for loss of personal data, access challenges, and security concerns on the part of electors and enumerators alike. Certainly, the overall cost is an issue as is the recruitment of a sufficient workforce to do the enumeration.

Fortunately, our legislation allows us to update the register through other means. We've been working hard to utilize those options, which include using data from motor vehicle registries, Alberta health insurance plan data, national register of electors data, municipal elector data, and electors' online updates through Voterlink.

In the new year we'll have the results of our data quality survey that is currently under way. With that we'll be able to measure the quality of the list that we will be providing to political parties and independent members of the Legislative Assembly, who are entitled to receive those updated lists on April 23, 2014, two years post polling day of the last general election. The results of the quality survey will help us to determine the level of improvement the data needs to effectively support election officers and campaign teams at the next election.

Under the Election Finances and Contributions Disclosure Act some key activities included the creation and update of our guides and forms like the one shown here on the screen, and I brought a

couple along. These are particularly important, in my view, as we work to achieve compliance through education in the area of political financing. We've seen a lot of changes to the legislation that volunteers and staff need to familiarize themselves with. The guides for contributors are new resources, and they were prepared to support both the chief financial officers and prospective contributors in meeting the legal responsibility they both have for compliance with respect to contributions. We've encouraged political parties and constituency associations to share these guides, particularly the contributors' guides, obviously, and refer to them in all their fundraising materials in an effort to avoid inadvertent violations of the political financing rules.

2:15

Also under the election finances act, we developed and implemented an online process to support the new quarterly reporting requirements and launched our online educational resources to support users. In addition, we provided ongoing communications and support to the political entities that were affected by the changes that resulted from all the other legislative amendments as a result of the Election Accountability Amendment Act, enacted in December of last year.

Again under the election finances act, an ongoing review of over 1,200 financial statements that were received from June 2012 to March 2013 is still under way. The majority of financial statements filed by political parties, constituency associations, and candidates have been finalized, and you can see those numbers up on the slides. Political party statements for both elections, the provincial general election and the Senate nominee election, have been finalized. So party statements are done.

Constituency associations on the old boundaries are at a completion rate of 85 per cent and on the new boundaries are at 83 per cent. Candidate statements for the provincial general election are at 96 per cent completion, and candidates for the Senate nominee election are at 100 per cent. So most have been finalized, but there were some financial statements that required considerable follow-up by our finance team after a detailed desk review was concluded. Where appropriate, political entities have been contacted, and they are providing additional information or making necessary revisions.

Today's 2014-2015 budget shows little variance from the 2013-2014 adjusted budget that was approved. This chart identifies the elements that resulted in the increase between the budgets for the current year and the 2014-2015 year. In total, the request has a net increase of 12 per cent, or \$699,000, of voted expenses over the adjusted budget that was approved in June of this year. Rather than going through the budget requested on a line-by-line basis, I plan to highlight the areas of significant change, which are mainly due to early election preparations.

Of the increase, 70 per cent – and that's \$568,000 – is related to the recruitment and training of returning officers. You will see that's represented by the blue-shaded portion of the chart, over on the right-hand side. The breakdown of the increase related to returning officer recruitment, training, and election preparation is shown here. Contract staff – and that includes both a human resources contractor to take a lead role as well as five interview teams to interview returning officers across the province – would require an expenditure of \$160,000; advertising, again across the province, for the returning officers' positions, \$80,000; and travel to do the interviews, \$60,000. For training and work assignments in preparation for the next election: honoraria and fees are \$156,000; and orientation, training, and travel of the returning officers once they've been appointed is \$112,000.

As you know, this office has had the authority to appoint returning officers since 2010. As of 2012 a fixed period has been set for the conduct of the next election, which begins on March 1 of 2016. Those two amendments allow us to recruit and train returning officers and other key staff and to complete early election preparations in order to better serve candidates and electors in a timely and professional manner. While the legislation allows for the appointment of returning officers on April 23 of 2014, two years from the last polling day, our tentative work plan anticipates the recruitment in April, May of 2014 and appointments in September 2014, with a continued work plan taking us to the next election.

As we prepare for the 2016 election, we've developed a work plan with a series of activities that begin in November 2014, following the returning officers' orientation. In part, returning officers will use the time to review polling subdivision maps; review the lists of electors and the register updates; develop target enumeration plans; review polling place options; identify mobile poll locations; communicate with targeted groups, including postsecondary students, staff in work camps, and residents of Indian reserves; and begin to recruit a professional workforce of about 17,000 people to manage front-line election activities. We anticipate they will have their offices established and will be available to assist campaign teams and accept candidate nomination papers beginning on February 1, 2016.

Returning to the chart, there are two other significant elements that account for the change to the budget. Sixteen per cent, or \$132,000, of the increase is represented by the red-shaded portion of the chart that you see, and it relates to manpower costs. In-range adjustments account for \$79,000; employer contributions, which, of course, directly tie to the salary increases, account for \$29,000; and the adjustment to the CEO salary, to take it to the maximum that was allowable based on the advertisement that ran, \$25,000.

Fourteen per cent, just over \$113,000, represented by the green-shaded portion of the chart, relates to a number of elements but is largely in three main areas. The first is investigation and legal services, and that falls within the contract services element. We have a \$50,000 increase that we've requested. Web hosting and Internet redundancy is \$50,500, and materials and supplies is just over \$12,000.

The first element reflects the ongoing activity necessitated by allegations of legislative infractions. Although future activity is difficult to predict, this request is based on our experience to date. These funds are requested to cover fees of investigators and legal counsel.

The second element allows us to continue to develop appropriate backup systems to avoid any interruption to our online services. While a brief interruption at this point in time may be acceptable, the situation is quite different during the election period and particularly on polling day, when our system has historically supported 1.25 million hits. This ongoing activity was addressed in some detail during last year's budget presentation, and it's essential to guarantee appropriate service levels when they're absolutely needed.

The third element largely relates to increased costs of software licences, evergreening of computer equipment, and additional hardware that would be provided to conduct by-elections.

Now Bill Sage will continue our presentation with an overview of the annual report of the 2012 calendar year.

Thank you.

Mr. Sage: Thank you, Lori. The contents of this report represent many hours of effort on the part of Elections Alberta staff and

especially on the part of the staff and volunteers of parties, constituency associations, candidates, and the third-party advertisers, which are summarized in this report.

The 2012 annual report chronicles an exceptionally busy year at Elections Alberta. The first four sections of our report summarize the registration status of political entities and the financial statements that were required to be filed with Elections Alberta.

The nine registered political parties all filed their annual financial statements on time. The three parties that nominated candidates for the 2012 Senate nominee election also filed their annual Senate nominee financial statements, although two of those parties filed after the due date.

Registered constituency associations were required to file up to two annual financial statements for the year provided they were registered on both the old and the new boundaries. The first statement was for the prewrit period, which was January 1 to March 25, and this was the final filing for constituency associations registered on the old boundaries. The second statement was for the postwrit period, which is March 26 to December 31, and it was the first filing for constituency associations registered on the new boundaries.

All nine parties filed their 2012 general election campaign period financial statements on time. The three parties that nominated candidates for the 2012 Senate nominee election filed their Senate nominee campaign period statements on time.

2:25

Elections Alberta received and approved candidate registration applications from 431 individuals for the 2012 general election. Candidate financial statements were received from 418 candidates by the due date, 10 candidates filed their statements after the due date, and we still have three candidates that have not filed a statement.

Elections Alberta received and approved candidate applications for the 13 individuals for the 2012 Senate nominee election. All 13 of those candidates filed their statements by the due date.

The 2012 general election was the first election where third-party advertisers were required to be registered with Elections Alberta. All five third-party advertisers filed their election period advertising reports by the due date. There were two third-party advertisers that reported a surplus on their election advertising reports. Both of those parties filed their annual advertising report by the due date.

The items covered by slide 20 are in section 5 of our report, and there are three items that I'm highlighting today. They were the result of changes to the Election Finances and Contributions Disclosure Act following the proclamation of the Election Accountability Amendment Act, 2012.

The first is investigations. Provisions relating to the conduct and disclosure of investigations changed significantly: the Chief Electoral Officer can now apply administrative penalties or letters of reprimand to both the contributor and the recipient; mandatory web-posting of investigation results whenever administrative penalties or letters of reprimand are issued; for investigations that result in no violation being found, web-posting is authorized on the written request of the complainant, the subject of the complaint, or others involved in the complaint; public disclosure, limited to web-posting, of violations that occurred on or after December 10, 2009.

Quarterly reporting. Effective January 1, 2013, political parties and constituency associations are now required to file quarterly reports detailing all contributions. Quarterly reports are limited to the submission of contribution information only, which must include the contributor name, address, and the contribution amount

for contributions over \$250, and the total amount of all contributions up to \$250. The quarterly reports do not eliminate the need for filing an annual financial statement. A secure, user-friendly online application and user instructions for the filing of quarterly reports were developed and launched in April of 2013. The application was designed to assist political parties with these extra filing requirements and eliminate the preparation and submission of more paper forms. Over the first two quarters of 2013 the average compliance rate was over 97 per cent and reached 100 per cent in the third quarter ended September 30.

Leadership contests. Elections Alberta is now responsible for the oversight of political party leadership contests, effective January 1, 2013. Those responsibilities include registration, reporting, and financial disclosure of leadership contests.

The Chief Electoral Officer is now mandated to include in his annual report any recommendations for amendments to the act. Section 6 of this report includes 14 recommendations for amendments, which mainly deal with duties and powers of the Chief Electoral Officer, contributions and the collection of contributions, and third-party advertising.

Finally, section 7 of the report provides the audited financial statements as at March 31 for the office of the Chief Electoral Officer.

Now over to Drew Westwater for presentation of the service plan for Elections Alberta.

Thank you.

Mr. Westwater: Thank you, Bill. Mr. Chairman and members of the committee, I'm pleased today to present the 2014-15 to 2016-17 service plan for Elections Alberta. It's important for this committee to be aware of how Elections Alberta will be providing election support services and election finance services to all Albertans and our stakeholder groups over the next three years. It will make it easier for committee members to support our annual budget requests if you have a better understanding of the activities we undertake in preparation for a provincial general election over a four-year election cycle and how we manage our compliance and enforcement responsibilities relating to election finance activities throughout that same four-year election cycle.

You can see on this first slide in purple that the four-year election cycle runs from 2012, the year of our last provincial general election, to 2016, the year of our next provincial general election. The service plan, which is before you today in peach, runs from year 3 of the election cycle, 2014, to year 4 of the election cycle, 2016, and ends on year 1 of the next election cycle, which commences in 2017.

I'd like to draw your attention to the revisions we've included in our new service plan that reflect the realities of a changing electoral environment and increased responsibilities relating to election finance activities at Elections Alberta. We've amended our mandate to include "serve in an advisory and regulatory role to achieve compliance in electoral finance activities." We have identified in this service plan our key stakeholders in the electoral process and established within our office our core lines of service to support them.

In addition, we have established four ongoing organizational goals and identified strategies to support them over the next three years. We have amended our organizational goals to include providing "effective oversight of electoral finance activities." Our strategies to support them in this new goal include:

- A. Share electoral finance policies and procedures with stakeholders.
- B. Offer accurate, timely information to contributors and recipients of political contributions.

- C. Offer to provide workshops on the political contribution process to interested stakeholders.

You will note that this service plan covers a three-year election cycle of activities for Elections Alberta, from the third post-election year, 2014-15, to the first postelection year, 2016-17. Year 3, 2014-15, is the year where we identify best practices in electoral administration used in other jurisdictions that could be introduced with Elections Alberta and document changes required to existing programs and services to achieve an improved level of service to Albertans and all our stakeholder groups. We then revise and update all programs and services based on our research and feedback received from our stakeholders. We also commence the recruiting and hiring of our senior election officials in each electoral division across Alberta.

Year 4, 2015-16, is the year when we issue requests for proposals and award contracts for the delivery of election supplies and for the provision of election services to support the provincial general election. In addition, we train our senior election officials, both returning officers and election clerks, to manage and conduct the election activities in each of our 87 electoral divisions. These activities include map and list review, enumeration, and pre-election preparation. We also maintain a complete, current, and accurate register of electors through the enumeration and data source update procedures.

Year 4, March 1 to May 31, 2016, is the year we deliver the provincial general election and execute our communication strategy, outreach programs, financial reporting and election contribution programs, and various voting opportunities for Albertans and all our stakeholder groups. We conduct our election responsibilities during the 28-day election period following the issue of writs of election and complete an official count of the ballots and support the official results of the election shortly after polling day.

Year 1 postelection, which is 2016-17 in our service plan, is the year where we evaluate and assess the performance, success, and accuracy of all our election programs and services that have been provided and delivered to all our stakeholder groups during the previous election year. We identify areas requiring legislative change and prepare recommendations for legislative amendments. We have included in our service plan performance measures, expected results, and actual results to evaluate the effectiveness of our strategies to support each of our four organizational goals. You will note that any performance measures related to the delivery of election services will be evaluated immediately following the next provincial general election in 2016 and are shown as n/a in this plan.

The remainder of the strategies have been evaluated based on services provided currently by Elections Alberta on an ongoing basis between elections. Four new performance measures have been included to support the new strategy, providing effective oversight of electoral finance activities. We have also included performance measurements for our communication and outreach activities to stakeholders relating to legislative changes, student voting, special ballot procedures for the military, work camps, snowbirds, prisoners, and promoting Voterlink online registration.

Thank you, Mr. Chairman and members of the committee, for your attention and interest during this brief presentation of our service plan. We are now available to answer questions and discuss any matters of interest to you in the committee.

The Chair: Thank you very much, ladies and gentlemen, for your presentation. Now I would like to open the floor for questions and answers. First in the routine is a government member. Dr. Neil Brown.

2:35

Dr. Brown: Thank you, Mr. Chairman. Well, there are some pretty big numbers in here, some pretty substantial increases. I'd like to ask you about them. I mean, the overall expenses and equipment and inventory purchases go up \$1.9 million, which is probably around 40 per cent, I would think. You have contract services going up a million dollars, from \$805,000 to \$1,896,000. Then you have travel going up 160 per cent from your forecast 2013-14, up to \$133,000. You have your salaries and wages going up 23.7 per cent. I'd like some explanations regarding those.

I guess we'll start with the salaries and wages, the 23.7 per cent. You mentioned that you are hiring some senior individuals in the electoral districts. Is that what that is attributable to, the 23.7 per cent increase from the \$1,813,000 up to \$2,243,000?

Ms McKee-Jeske: In the manpower element the majority of the increase from the actual, particularly, is due to our intention to fill vacancies that we currently have. We have had a number of vacancies in the office, including the CEO position, over the last seven, eight months or so. There is about \$27,000 that relates to by-elections as well. We have those two elements to combine to produce that manpower increase.

In terms of supplies and services a lot of that is related directly to the returning officer recruitment, because it falls largely within contract services, and travel and advertising.

Dr. Brown: The travel you're referring to is from \$51,000 forecast for the present fiscal year up to \$133,000?

Ms McKee-Jeske: The travel: in terms of the actuals at this point we don't expect to expend what we had in our adjusted budget, the \$72,550. That was due to reduced activity in the outreach area and overall travel that wasn't required, some of it for by-elections. What we would compare to when we look at the 2014-15 estimate is back to the 2013-14 adjusted budget. The majority of that is related to RO recruitment travel.

Dr. Brown: To what?

Ms McKee-Jeske: Travel for the returning officer recruitment.

Dr. Brown: That you're anticipating to come up in this next fiscal year?

Ms McKee-Jeske: Yes. We are planning to begin the recruitment and the appointment process of returning officers in the 2014-2015 fiscal year.

Dr. Brown: Can you elaborate a little bit on the contract services, which you're adding a million dollars to from the forecast for this year up to next year's budget?

Ms McKee-Jeske: Okay. For contract services the increases would break down in large numbers to \$160,000 for the returning officer recruitment contract staff. That was the human resources contractor and the interview teams I had referred to earlier. The \$268,000 would cover the returning officer map review fees, the training, the orientation, the honoraria they would receive. Our returning officers would each receive for the time in the next fiscal year they are appointed a \$150 per month honorarium. There would be \$112,000 in training and travel for our office to travel to the returning officers – we typically travel to Calgary to do training – or to have our returning officers travel to us for orientation. We had also requested that \$50,000 be put into the investigations budget and the legal counsel budget.

Dr. Brown: Well, that accounts for maybe half a million dollars or \$550,000, but it's still a bit of a mystery to me, you know, how we got over a million dollars. You've got almost \$1.1 million increased in your contract services there.

Ms McKee-Jeske: I'm sorry; again, we compared back to our adjusted budget of '13-14.

Dr. Brown: I'm comparing it to what you actually spent.

Ms McKee-Jeske: To what we actually spent. We had reduced activity this year in the investigation budget. We were high the previous year. We were somewhat low because we have not concluded all the investigations that we intended to. We are slightly low in terms of our maintenance on our ACES system, the Alberta election management system. We have not managed to conclude all the work that we had intended. That would be, I think, the two main elements that would account for the lower expenditure than what we had anticipated.

The other thing, a big element of that, is the by-elections. We always budget for three by-elections. There have been years when that has occurred, so we always have – this year we would have \$840,000 budgeted for the three by-elections that possibly could still occur in this fiscal year. If we don't conduct them, that money is surplus, a large part of it in contract services.

Dr. Brown: Thank you.

The Chair: Okay. Thank you.

The next hon. member is Laurie Blakeman and then followed by David Eggen.

Ms Blakeman: Thanks very much. I do have a series of questions, so if you could put me back on the list, please.

Well, this will be an interesting question following on Dr. Brown's because in looking at some of the issues that have been raised or noted as challenges in the 2012-13 report and looking at the plans that are moving forward, I have real questions about whether there is enough money in this budget to do not a mediocre but an excellent job at ensuring that we will have fair, well-enumerated elections coming up in the future.

I, as you know, am perpetually concerned about enumeration and having a good voters list to work from because in the fabulous constituency of Edmonton-Centre the turnover rate is 50 per cent. Those voter lists are always a challenge for me, as is access.

I have concerns here about whether you have enough money to do the job. I know that you always plan for things that may not happen, in which case that money gets turned back for things like by-elections. You are making, clearly – and this is new – a real effort to recruit and train your returning officers well in advance and have them do a lot of the work on the local constituencies that didn't get done before, like reviewing polling places.

Can I ask you that? Do we get an excellent, fair election out of this budget and enough money to do the follow-up with any breaches and, in particular, to pursue any court cases that need to come out of this?

Ms McKee-Jeske: Now, I understand today that primarily we're looking at 2014-2015, and the enumeration and the election, you will see, appear in the 2015-2016 year. The short answer is yes. We believe we have put in sufficient money to conduct a very thorough enumeration. Now, when I say a very thorough enumeration, from all accounts, from the measures that we had undertaken prior to the 2012 general election, that enumeration was a good

one. By our measure 95 per cent of the people who turned out to vote were on the list, and they were at the right address.

I appreciate that there are some electoral divisions that are higher than that and some that are lower. That's a province-wide number. I'm not sure that we could ever get a better list of electors than that. We will certainly work to do it. We're certainly working very hard in between events to keep the quality of the list up, and that's what we do with all those different data sources, and we're looking to get additional ones. We are also looking at a move to promote self-registration so that the person who moves into Edmonton-Centre, the day after they move in can update their record on the list of electors if they choose to. Of course, there's a lot of promotion that goes on around that, and there will be enhancements needed to the Voterlink system, but that seems like one of the best ways to capture a population that is very mobile. Of course, you are in an area that causes us some particularly interesting challenges and opportunities.

2:45

Ms Blakeman: I am.

You've sort of answered my question about whether you've got enough money to do an excellent job. But part of that enumerated list is getting people off the list, and I know that that has been a challenge. Have you discovered a way or put in place a policy to get people off the list? I end up with, oh, you know, 22 to 25 people living at one address because we can't ever take anyone off, but we do keep adding people on. So the list is still not accurate because I have four or five families living in the same house, which, of course, is not actually what's happening. Can you now take people off the list?

Ms McKee-Jeske: We can do that, and we are looking at what some of the other jurisdictions have done very effectively. It was something that, actually, we had undertaken prior to the by-election in Calgary-Glenmore some years ago. That was a form of direct elector contact, where we were in touch with people at their addresses, where we listed the electors that were at that home. We asked them to respond if there were changes to be made, if there were additions, or if there were deletions to be made. That was the one means that we found where information can be collected almost on a real-time basis and can help to deal with that creeping list. I know that we've talked about that every time we've been here. That is one of those challenges that we face.

Certainly, we use the national register of electors data to help us take people off the list as well because they can provide us information on people who move from Alberta and out of province. We also use vital statistics data to eliminate people from the register who are deceased. When we move people, we don't simply add people to the register. We will move people from one address to another, and that's one reason why it's very important for us to be able to identify you, for us to have your birthday and information that will allow us to confirm that we're moving the right Laurie Blakeman or the right Jane Smith. You can appreciate in that latter incidence that it's much more difficult to identify the person and ensure we aren't moving someone out of a valid record.

Ms Blakeman: Okay. Thank you.
I'm back on the list, right?

The Chair: Right.

Ms Blakeman: Good.

The Chair: Hon. member David Eggen, then Blake Pedersen.

Mr. Eggen: Thanks, Mr. Chair. Thank you so much for your presentation. It was very good.

I just wanted some clarification. I noticed that the salaries and wages for 2012-2013 are \$128,000 lower than budgeted and for 2013-2014 \$326,000 lower? Am I right on that? Is this a function of the staff being reduced or resigning or wages being frozen? I'm just curious to know what the explanation is for that.

Ms McKee-Jeske: Certainly, the majority of it over the past year – and that's the one that I think I can best speak to at this point – has to do with vacancies. We have a number of vacancies that have not yet been filled, and we certainly hope to do that in the next year since we are getting close to the two years prior to an election point. We will want to have people in place and trained and ready to go. The vacancy of the CEO is another one and some manpower dollars related to the three by-elections I had mentioned.

Mr. Eggen: Good. Yeah.

Further to that, you say that you're getting close to that two-year number, and I notice that you have planned quite strongly based on the February 2016 date, right? Do you have a plan B for an earlier date, then, a contingency for the election to follow a different timetable?

Ms McKee-Jeske: Yeah. Excellent. Thank you very much. That's certainly something that we'll be discussing over the next short while with the new Chief Electoral Officer. Yes, our recommendation is always to be election ready at any time. Yes, we would be intending to be ready prior to that because, of course, the election could be called prior to that fixed period that appears in legislation. So, yes.

Mr. Eggen: Good.

The Chair: A supplemental question?

Mr. Eggen: No.

The Chair: All right. Hon. member Blake Pedersen, followed by Jeff Wilson.

Mr. Pedersen: Thank you, Mr. Chair. Thank you very much for coming out today. You're my favourite people.

Ms McKee-Jeske: Well, thank you.

Mr. Pedersen: So here's a tough question. I'm just going to follow up a little bit on Laurie's question, the same issue. As a new candidate knocking on doors, you know, you're trying to connect with voters. You mentioned that there's 95 per cent accuracy of the voter being tied to the residence. What I was fortunate enough to do is that I actually knocked on a door where somebody was an enumerator, and they told me that the way they were compensated was that for each name they collected for every door, they were rewarded. So there's no compensation for accuracy. It's not about making it accurate. It's about how many names you can tag to a residence. I think that's part of the problem with the current process, that it's not reward on accuracy; it's an issue of just making sure there's somebody there. "Is this your name?" They don't care about what else is on there. Again, I guess I'm commenting on it, but what is your take on that? Would you be willing to have a look at that?

Ms McKee-Jeske: Well, of course, those fees are set by regulation. Each enumerator is paid a flat fee. That flat fee, I believe, is

intended to compensate them for the doors that they visit where they find that non-electors are resident or those doors where nobody answers. They spend their time, they make the effort to go to the home, but they get no response, so they get a certain set fee for that. Then on top of that, yes, they get a dollar for every name that ends up on the list of electors. And you're right. When they start crossing those names off, then they subtract a dollar. They take that out of their pay envelope at the same time.

I think that fee for service has been fairly consistent across jurisdictions although in the target enumeration process I believe that some have gone more to an hourly fee. That is certainly something we can look at. The challenge with that is that an individual enumerator could certainly spend an hour or two hours or three hours and get no names to add to the list. At some point, you know, I guess the cost benefit of going back to the one house on the block over and over and over again has to be assessed because the three-hour fee to go to that house to at the end of the day possibly not collect any names is the reality that they could face.

Mr. Pedersen: Sure. Yeah, I guess I'll just sort of leave it with you to maybe try to talk about how you can maybe find a solution so that accuracy is rewarded and not just the number of names or the hours or the attempts.

My follow-up goes in a little bit of a different direction. Again, coming from a new MLA with a fairly young and new board, how are you seeing the changes that are being put upon local CAs for quarterly reporting? Are you seeing an improvement in how that is done? Are you seeing an added cost on your end? Are you concerned that that extra work on basically a group of volunteers at the local level is a bit onerous? Without sort of implying my opinion, if you would like to answer that as well, please.

Ms McKee-Jeske: Okay. Thank you. As Bill commented, the compliance rate with respect to quarterly reporting has been amazing. We've been at 97 per cent. That's considerably higher than what we have managed to attain with respect to the filing of annual financial statements on the part of constituency associations. We did come up with the online system, which makes it, we believe, much easier to do. We have essentially one-on-one support through our office. That's available for anybody who needs it, who needs to sit down and go through their statement line by line.

Mr. Pedersen: It was very helpful for us.

Ms McKee-Jeske: Oh, good. That's what we like to hear because we work very hard to do that.

It seems as though the constituency association volunteers are very much taking it in stride. It's limited reporting. You don't have all the attachments that have to be sent in, all the documentation, all the support that has to come in with the annual financial statements. It's simply the name, the address, the amount. In doing it on a quarterly basis, of course, it's a much smaller list than what you deal with at the end of the year.

We were fortunate to have the opportunity to meet with a group of chief financial officers from constituency associations last weekend, and they wondered about the reason for the legislation, but they said that actually the application was on their part manageable. That was very good to hear.

2:55

Mr. Pedersen: I'm sorry. The one thing that I didn't get an answer to was: are you seeing any increase in costing from your end because of the increase in reports coming your way?

Ms McKee-Jeske: I apologize. Sorry. We did come back to the committee in the summer, and we requested some additional funding, and I believe it was in the nature of about \$150,000. We needed money, first of all, to create the online system, that we thought was the only way to make this work given the tight turnaround times and to support one additional staffperson. That funding was approved. That system has been in place for the year. We do thank you very much for that. We think that was money very well spent.

Mr. Pedersen: Thank you very much.

The Chair: All right. Mr. Jeff Wilson.

Mr. Wilson: Great. Thank you, Mr. Chairman. I'm wondering if you guys can comment on page 5 of your business plan, goal 3, providing effective oversight of electoral finance activities, particularly strategies A and C. Strategy A reads: "share electoral finance policies and procedures with stakeholders." Which stakeholders are you referring to?

Mr. Westwater: Can you refer to which page that's on?

Mr. Wilson: Page 5 of the service plan.

Mr. Westwater: The stakeholder groups that we're referring to there are all the parties on the election finance reporting side. That would be the constituency association volunteers that are collecting the funds for the chief financial officers and issuing receipts for the contributions that we received, putting workshops on for them so they comply with the legislation, understanding what the rules are relating to accepting contributions in the first place: if it's at a golf tournament or if it's at a dinner, what the rules are around that for collecting the funds, what the responsibilities are for advising them of what the rules are for contributions, who's eligible to contribute, and for being aware themselves of what's eligible to be received and who's noneligible to make a contribution.

Mr. Wilson: Okay. Great. Thank you for the clarification.

Another question, just about illegal contributions from public bodies: was there a request put out by Elections Alberta to all public bodies for their legal contribution records?

Mr. Westwater: The CEO has sent out several letters, two for sure, globally across the province to all municipalities and all colleges and universities and so forth asking them to report or advise us if they've made any contributions to political parties in the past so that we can take steps to make sure that they're in compliance in the future and to address the contributions they may have made in the past.

Mr. Wilson: Okay. Did you get a 100 per cent compliance response rate?

Mr. Westwater: From the ones that responded, we had a 100 per cent rate that we dealt with. That's the fairest way to respond to that.

Mr. Wilson: Fair enough. Thank you.

Thank you, Mr. Chair.

The Chair: All right. Hon. Laurie Blakeman, you wish to speak in the second round?

Ms Blakeman: I do. Could you put me back on the list, please?

This is hard to kind of pull out of this budget because you're always planning ahead for what-ifs about by-elections and

possible election calls, planning ahead for getting your people trained up, but can you talk about what would happen to your core group of staff, whom I'm assuming – you may want to talk about it – have specialized expertise in election readiness? What would happen to them if they were looking at a zero per cent merit in-range increase? Do you think that would affect retention for your core group of staff? Also, would it affect your recruitment?

Ms McKee-Jeske: Normally we follow exactly what's been given to the public service, so the only increases that would be provided are those that have been uniformly negotiated for all employees of the public service. You know, certainly there isn't anything additional that's awarded within our office.

Ms Blakeman: I thought you said you did merit increases in range.

Ms McKee-Jeske: No. These are just in-line increases that we understand are . . .

Mr. Resler: There's no cost-of-living increase. That's at zero.

Ms Blakeman: But there is merit.

Mr. Resler: But there is merit within the range.

Ms Blakeman: Okay. So what would be happening to your core group, the group that is there across the four years, if there were no merit increase allowed, if you got zero per cent?

Ms McKee-Jeske: Sorry; this is not my area of expertise. If that's what we are directed to do, we would. I can't speak for all of the management team, but I think we have a very committed group that would be inclined to stay regardless of that outcome.

Ms Blakeman: Okay. I still have a supplementary, correct?

The Chair: Yes, you do.

Ms Blakeman: Great. Thank you.

Let me ask you about mobile polls. My seniors love mobile polls, but I noticed that the city moved away from them, which caused no small amount of consternation, and the city of Edmonton said: no; people haven't been doing mobile polls for seniors' residences in donkey's years. I really hope you're going to give me a different answer because the mobile polls that are provided by the provincial elections office are much valued. Is there a plan to continue with those or, contrarily, a plan to abandon them? If there is, then you need to talk to me about how you're going to guarantee that the special ballot process is not as open to abuse as we have seen in the past.

Ms McKee-Jeske: Our legislation is very clear in terms of provision of mobile polls, and that hasn't changed. Any treatment centre that has more than 10 in-patient electors, any supportive living facility – that includes seniors' lodges, but it would also include things like group homes for dependent adults. Any that have over 10 resident electors qualify to have a mobile poll. So it will continue to operate that way.

When you refer to abuses of the special ballot poll, the legislation changed for last election to require that anyone voting by special ballot actually had to provide identification. I think that dealt with many of the concerns that had been expressed in previous events.

Ms Blakeman: I'm just really glad to hear about the mobile polls. Okay. I'm back on the list. Thank you.

The Chair: Right. Hon. Blake Pedersen.

Mr. Pedersen: Thank you very much, Mr. Chair. I notice that on page 9 of your service plan under section B – that's under the headline of Goal 2 – you're talking about increasing voting opportunities. I totally agree with that. I think that is one of the things that all of us as MLAs or those who aspire to be an MLA – I think it's incumbent upon us to reach out and try and get the interest level higher in voter turnout and voter involvement.

One of the things I'm looking at here is that in '14-15, '15-16, and '16-17 one of the things you're mentioning and talking about is doing research on e-voting and i-voting. I'm just wondering if you can put into context what that actually means for each of those years. You're talking about three years of research, and that sounds like a really great project, but what is the outcome that you're looking for, and do you have kind of a timeline of when you want to actually put this into use or you want to do a trial plan? Could you expand on that a bit, please?

Ms McKee-Jeske: Now, this is something that has certainly been researched for longer than the three years that we see here, not just in Alberta but across the country. Elections Canada was the first intending to launch an e-voting pilot, and that's been pushed back, I think, now indefinitely. There are issues with the technology. More importantly, there are philosophical issues around the security of the voting process if it's done on a remote basis.

3:05

Elections B.C. has just concluded a very thorough study done by an independent panel – and I would be happy to share it with the committee – that looks at a number of these issues. Some of them are the major issues that ask the question of how candidates will feel about no longer having scrutineers who are there to observe the voting process, taking that away; with the electorate, people in the community no longer being able to confirm that people are voting without any kind of pressure, without someone directing them to vote in a certain manner. That's something that can be lost in the, you know, remote voting process. If that document would be useful, I'd be happy to share it with the chairman for distribution to the committee.

Mr. Pedersen: Sorry. Just a follow-up to that.

The Chair: All right. Go ahead. A follow-up question.

Mr. Pedersen: Now that it's still itemized here, do you actually have a dollar value attached to it, or is this something that has no budgetary value per se? Are you just in this wait-and-see mode, waiting on other jurisdictions to maybe provide more information?

Ms McKee-Jeske: At this point I would say that it's something that we are actively involved in discussing with other jurisdictions, but we have no plan in place to pilot it in Alberta.

Mr. Pedersen: And is there a budgetary line attached to this, then?

Ms McKee-Jeske: There would not be. No. Regular internal costs . . .

Mr. Pedersen: Dr. Brown, you got that? Neil, no budgetary line attached to that. I'm saving you money.

Dr. Brown: I'm sorry?

Mr. Pedersen: There's no money tied to e-voting.

Dr. Brown: Okay.

Mr. Pedersen: Just saved you some money.

Dr. Brown: Good.

Mr. Pedersen: All right. Thanks.

The Chair: All right. Oh, are you back in again? Hon. member Laurie Blakeman.

Ms Blakeman: Thank you so much. I want to pick up on what my hon. colleague from Medicine Hat was talking about with the e-voting and Internet voting. I know that you are only allowed to run a pilot in connection with, I think, a by-election, isn't it? It's very restricted, which is not helping us at all. But if I might just suggest to you that I was really impressed with what the international airport did to test run their new facility on whether everything worked in actually getting people through the gates and on the planes. They did that with volunteers, one hundred per cent. So it might be something for you to think about. If you wanted to test drive something, have volunteer voters, volunteer scrutineers, volunteers to test drive that whole process of e-voting. You don't have to comment on that; I'll just leave it with you.

The question I had was about these quarterly updates, which I still think are an ideological waste of time, but that's no surprise. What I want to know is: have there been any significant breaches or problems that have been detected as a result of quarterly reporting? You know, have we caught anything that we were supposed to catch as a result of this process? Has that happened so far?

Ms McKee-Jeske: On your first point the good news is that any sort of test of an election procedure or equipment beyond what's prescribed by the act has to be sent to this committee in written form to be approved before it's piloted at a by-election. So that's good news. You'll be the first to see it before it goes forward.

Ms Blakeman: Neil, you and me, we could do this.

Dr. Brown: Great.

Ms McKee-Jeske: Now, in terms of your question: have we caught anything significant with the quarterly reporting? My understanding was that quarterly reporting was intended to disclose contributions on a more timely basis than what occurred previously. A January 1 contribution, if it was reported only on an annual financial statement, did not get reported for about 15 months, not till the following March 31. So now with quarterly reporting those contributions, you know, are released on a more timely basis. I think we have had a lot of questions from people, which has been a very positive thing, in terms of whether the contributions they were intending to report on those quarterly reports are appropriate or if they have received money that they should not have or if they are holding a cheque and are deciding whether or not to accept it, whether or not it is compliant with the legislation. [interjection]

Ms Blakeman: I know. I'm just trying not to comment on what I think of quarterly reporting.

Can you tease out for me the cost of implementing the quarterly reporting? There was an implementation cost, which is reflected in 2012-13, and an ongoing cost of this. If I might suggest to my hon. colleague Dr. Brown, there's a place where we could save some money because if all we're doing is having people report faster who they got money from, this doesn't strike me as a

terribly good use of resources. Maybe if you could tease that money out for me, that would be helpful.

Ms McKee-Jeske: The annual ongoing cost?

Ms Blakeman: And the implementation cost.

Ms McKee-Jeske: Yes. The implementation cost was the one that we would have presented to you back last summer, and that would have been, I believe, \$153,000.

On an ongoing basis we had budgeted for a certain number of updates to the online filing system. As it turns out, we did not get a lot of requests for change. So the only thing we would be looking at doing there would be updating it as software changes, as we're required to do, and later on if any other requests come up for amendments. We're looking primarily at one staff person. There's a minimal incremental cost for us to run an additional online system beyond our usual, you know, "Who is my MLA?" and "What electoral division am I in?" type of systems that we already support.

Ms Blakeman: Sorry. Just to clarify, there's four times as much reporting going on. We had one annual report. Now we have an annual report and four quarterlies, and you only have one more person working?

Ms McKee-Jeske: Yes, we have one person specifically supporting the quarterly reporting.

Ms Blakeman: That's all it costs you?

Ms McKee-Jeske: Yes.

Ms Blakeman: Okay. All rightly.

The Chair: All right, hon. member.

We've run out of time as well, so I would just say thank you very much for your presentation, Ms McKee-Jeske and the staff of Elections Alberta. We are very pleased that you gave us a thorough presentation and answered a lot of questions which are held dear by all the elected people campaigning and all of the matters there.

The decision of the committee on the office's budget will be communicated to you next week. Thank you again.

Ms McKee-Jeske: Thank you.

The Chair: Right now, hon. members, we will take a five-minute break, and then we'll resume for the decision-making on what we heard yesterday and all day today. Thank you.

[The committee adjourned from 3:13 p.m. to 3:17 p.m.]

The Chair: All right. Hon. members, the committee clerk has distributed the budget dollars summarized, and it is for seven offices of our Legislature. We will now consider in our deliberation in the order of what's there.

First of all, I would like to ask for a mover.

Ms Blakeman: I'm offering to move the first motion. Shall I read it into the record?

The Chair: Yes, please.

Ms Blakeman: I'd like to move that

the Standing Committee on Legislative Offices approve the 2014-15 budget estimates provided by the office of the Auditor General in the amount of \$27,300,000.

The Chair: Okay. On that motion, those in favour, say aye or raise your hand. Opposed? Unanimously approved. The motion is passed.

Mr. Quadri: I move that the Standing Committee on Legislative Offices approve the 2014-2015 budget estimates of the office of the Child and Youth Advocate in the amount of \$12,502,000 as submitted.

The Chair: The hon. Sohail Quadri just moved a motion. Does the hon. member have an amendment?

Mr. Eggen: Yes. I have an amendment to the Child and Youth Advocate budget, that I'm distributing right now. As it's being distributed, can I read it into the record, Mr. Chair?

The Chair: Yes, please. If you have a motion, you are to read it.

Mr. Eggen: I'm moving that the Standing Committee on Legislative Offices increase funding and support to the Child and Youth Advocate from \$1,025,000, as presented on line 4, quality assurance and investigations, of the 2014-2015 budget estimates up to \$5,125,000 to ensure sufficient funding for the office to carry out investigations and that the total operational budget be increased from \$12,502,000 to \$16,602,000 accordingly. Thank you.

The Chair: The motion has been moved. In fact, this is not really an amendment; it's a motion. Is that right?

Ms Notley: It can be considered as an amendment.

The Chair: So you want to amend the motion.

Mr. Eggen: That's right.

The Chair: All right. So let's talk about the amendment.

Ms DeLong: First of all, I want to thank you very much for bringing this forward. You know, this is something that anybody who has put any time into looking at it is very upset by. I just want to thank you very much because we really do need everybody who is concerned about it putting their thoughts forward and working on this.

I would very much like to support this, but I don't know if it's enough money. You know, I quite literally do not know if it's enough money, so may I make a suggestion? That is that we send this, actually, back to the children's advocate, and we say: this is what we're proposing; could you please look at this further and see whether this is the right number or not? Then we have another meeting, and we could at that point decide how much more money should be added. You know, I'd say that, yes, I do support it, but I would like to amend it to say that this increase be sent to the child advocate to see whether it's enough money, whether this actually does it, but that we have a second meeting on this increase.

The Chair: Hon. member Rachel Notley on the amendment.

Ms Notley: Well, thank you. I want to start by saying that I'm very, very pleased to hear that kind of comment because it indicates a willingness to discuss this in more detail. At a certain point we'll have to ask about process and timing and whether we have the ability to do that at this point. But I'm certainly pleased to hear that there is a willingness on the part of at least some government members to consider this.

I'd like to give you just a bit of a rationale for how we came up with that number, though, and just give you a little bit of background, of course, about how we came to this. I guess the starting point is simply this, that we believe that all deaths which occur to children in care or receiving designated services should receive some form of investigation, and there should be some form of written evaluation of how that occurred. As we have heard quite clearly over the week, that is not what happens right now.

I'm going to review what our researchers, greatly supported by a lot of the research, of course, that the reporters did over the week, have concluded is the situation. The situation right now is that every child who dies is subject to a medical examiner's report, but that report solely looks at the medical cause of death, so it's very, very limited. After that, there may be some internal reviews of what happened, but the practice for about the last two years is that those reviews are not in writing. As well, the matter can be referred by the medical examiner to a fatalities inquiry board, and that fatalities board may order a fatalities inquiry, which, of course, does provide a great deal of information and all that kind of stuff.

But the problem is that the percentage that are reviewed through that mechanism is about 5 per cent. They also are very, very backed up, and their reviews aren't typically reported until somewhere between five and 10 years after the fatality occurs. Then the final way in which the review occurs is if – and also those fatality reviews only apply to children in care. They do not apply to children receiving designated services.

3:25

The last group, then, or the last sort of stopgap for there to be some type of written, substantive, systemic, thoughtful review is with the children's advocate. He receives notice not only of those; he receives notice of everything. He receives accidental death notices, natural cause death notices, death in care, death receiving services. He receives the whole gamut. He also receives notice of a serious injury requiring hospitalization, also an important thing that obviously we'd want to evaluate. That's just injury, not illness. Just injury. He receives notice of all that. Last year we had 20 incidents. Of those 20, only four are going to go forward for a complete review. That's in his report.

As you heard today, that's in part because – I mean, there are a number of different issues, but basically he's indicated to us that he's doing sort of differential assessment. He's prioritizing. He acknowledged that he's prioritizing on the basis of sometimes incomplete information, but he's saying that he has to do it because those are the resources that he has now. That's a responsible answer on his part. I'm not critiquing him for doing that.

But I think, based on the discussions that we've had over the last little while, that we need to move towards a comprehensive system where everything is reviewed, even if it's simple and it's nothing other than that everyone did exactly as they were supposed to have done. There's still no reason why that can't be reported on and made publicly available with the appropriate privacy provisions in place. If ultimately after the round-table and all the other things that flow from it we decide that there are other ways to do this a year or two years down the road, we can revisit this. In the meantime this ensures that this problem is fixed for the time being, and from this point forward we ensure that we don't have this big gap.

How did we come up with that number? Basically, we had four of 20 last year investigated. Essentially, all we did was that we took the line item dedicated to investigations and multiplied it by five and then obviously subtracted the amount that's already there. A pretty simple thing.

Now, he himself indicated to us today that as they go through the process of investigations, they are learning. On one hand they are getting more efficient, but on the other hand they're learning about greater complexities. I think it's probably fair to say that he's still also at a point where he is guessing at how much, ultimately, each investigation will cost as they develop their expertise and their systems. Also, of course, you can't predict how many investigations they need to do. With any luck, that number will go down. However, we've already seen in his budget that he's capable of underspending. Where he doesn't need the money, he doesn't spend it. Certainly, you see that in other line items in his budget.

I think that this is as reasonable an estimate as any. It is for one year, and then we can revisit it. It allows us to give him the tools to do what we want to have done, and it allows him to develop a greater understanding of how to do that and what the cost of it is, and then we can revise that next year.

So as much as I appreciate your suggestion that we go back to him, based on the conversation we had today, I'm not really convinced that he's going to be able to give us a definite number because he can never predict how many investigations he'd have to do. Obviously, he's told us today that the cost of the investigation is a bit of a moving target still because they're just developing the expertise and the processes. That's where that came from.

As I said, I think all of us are kind of on the same page in that we want to deal with a lot of what we heard about over the last week, and we want to fix some of these holes. We know we're going to be having some discussions this spring with the minister. I'm going to go into those with the hopes that we come up with resolutions really quickly, but we might not. But we have the capacity now to do a short-term, immediate fix, and we heard from the advocate today that if he had those resources, he would do it.

So I beg the members of this committee to seriously consider approving this motion because I think we can collectively in a nonpartisan way do something concrete today to make a genuine, positive impact on an issue that I know creates unhappiness and anxiety for not only all of us but many, many, many Albertans.

Thank you.

The Chair: All right. Hon. member Dave Quest.

Mr. Quest: All right. Well, thank you, Mr. Chair. At this point I plan to vote against the amendment only because Mr. Graff does this job full-time. I assume he's done his own forecasting, and he knows what he needs, and this is what he's asked for. I don't think we've trimmed him back. We're looking right at his request. Also, as I understand it, he's an independent officer of the Legislature, so if he does need more funding, he can request that at any time if he needs it to meet his mandate. So I'm going to go back to our original motion, which is exactly what he asked for, and as a fallback, if he needs more to do investigations, he can come back and ask for that later.

The Chair: All right. The next one is hon. Jeff Wilson and then Dr. Neil Brown.

Mr. Wilson: Thank you, Mr. Chair. I certainly support the intent of the amendment, and I agree with the direction that you're going. When we questioned the advocate today – and I'm wondering if you can comment on this – one of the things that he talked about was the wording of the act that governs him. If I read that, under the role and functions of the advocate, which is section 9, it says:

(2) In carrying out the role of the Advocate under subsection (1), the Advocate may . . .

(d) investigate systemic issues arising from a serious injury to or the death of a child who was receiving a designated service at the time of the injury or death if, in the opinion of the Advocate, the investigation is warranted or in the public interest.

My only hesitation here is: are we putting the cart before the horse? Are we saying: do the investigation even though the act that governs him is not mandating him to do them? I'm wondering if you could comment on that, please.

The Chair: The mover of the motion.

Mr. Eggen: Sure. I think, Jeff, that you've raised a good point. But the current legislation does not exclude him from making those investigations anyway, so by being given direction and resources to investigate all deaths, then he's able to vet. We're able to take that raw information and make more sense of it. I think that's one of the biggest things I learned from this week, that, yes, this is historical information, but we need to process that information properly. It's an unfortunate pathology to exercise, but it's absolutely necessary, and he made it crystal clear that he could deal with that and, in fact, make good profit from it, too.

Ms. Notley: Also, he acknowledged that individual deaths became systemic.

Mr. Eggen: Right. Yeah.

The Chair: Dr. Neil Brown.

Dr. Brown: Thank you, Mr. Chairman. I'm speaking against the motion. I think it's completely improper for us to substitute our opinion of what the advocate might use. We're substituting essentially a completely unsubstantiated budget number, ostensibly, for a function which the advocate has not asked for. I certainly never heard the same message from the advocate this morning. He did not say that there were investigations which he felt were necessary but that he was unable to complete by reason of insufficient funds. He did not seek additional funds for more investigations. He didn't say that it was a matter of prioritizing those things. What he did say was that he could do full investigative reviews of all of these injuries and deaths if the legislation mandated it.

3:35

I want to refer to the legislation which sets out the mandate of the advocate. In section 9(2)(d) it says that he has the power to investigate systemic issues arising from a serious injury to or the death of a child who was receiving a designated service at the time of the injury or death if, in the opinion of the Advocate, the investigation is warranted or in the public interest.

In other words, he has free rein to investigate whenever and on any occasion that he wishes to whenever he feels it's warranted. For us to substitute our judgment and say that it's warranted in every case and that we should come up with an imaginary number, \$4 million in additional funds, to investigate all of them is completely contradictory to the legislation, and it's contradictory to what the discretion of the advocate should be.

I can't support this amendment in any way, shape, or form. As my colleague Mr. Quest has stated, if the advocate feels that he needs additional funds for further investigation, he can certainly come back to this committee at any time. He has come back to it in the interim previously without waiting for another fiscal year to elapse, and he can certainly come back for further funds if there is,

in his opinion, the need to fulfill his office in a more efficient way. But for us to presumptuously propose an additional budget upon this without the request of the Child and Youth Advocate is completely preposterous, in my view.

The Chair: All right.

Hon. Jeff Wilson and then Sohail Quadri.

Mrs. Leskiw: I would like to say something, too.

The Chair: Go ahead, hon. member.

Mrs. Leskiw: I also concur with the previous speaker. It's a question I asked the advocate earlier this morning: if he needed more money and if there were cases that needed to be investigated, could he do so? He said yes. The amount of money that we're adding to the budget: how do we know if it's enough? We're not accountants. To just pick a number from thin air and not really know if that's the right number or whether he really needs it is, to me, ludicrous. Therefore, I cannot support this particular motion.

Thank you.

The Chair: Thank you.

Mr. Quadri: That was my question. How did you come up with that number, David?

Ms Notley: I just explained it.

Mr. Eggen: Just give a shorter version.

The Chair: Yes. Please do.

Ms Notley: As I said before, the way we did it was that we looked at this year because we only have really one complete year for the advocate at this point. This year there were 20 incidents. Were he to do an investigation of all of them – there were 20. He indicated that he would do four. We took the investigation line item and multiplied it by five and subtracted the million that's already in there and came up with a total of \$5 million, or an increase of \$4 million.

Mr. Quadri: So you think, you know, that in order for them to do 20 investigations, they need \$4.2 million?

Ms Notley: Well, they did four investigations last year, and they are projecting that they will need a million dollars next year. I think they spent \$900,000 or something last year, \$950,000, although they don't know for sure because they haven't completed all four of the investigations. They've identified four that they're going to do, and they're partway through them. So it's a bit of a guessing game. Basically, it's looking at: how many were they doing before, how many would we like them to do, and what would that do to their budget? That's what we're doing. It's a significant change in the budget.

Mr. Quadri: Yeah. I know.

Alana, you have a suggestion. You say that we go back to them and ask them how much it will cost them if they have to do, you know, maybe 10 investigations or 20 investigations rather than us coming up with the number.

The Chair: Hon. members, as the chair I think we have some time constraints. Plus, we have had everybody talk about this subject once already, in fact twice. The mover has already spoken on that.

I would call the question.

Ms Notley: Excuse me. I had my name on the list again, and I have some points to make. Debate hasn't finished. I have my name on the list, and I have a voice. I have some important points to make here. Come on. We should allow at least a little bit of debate, for heaven's sake.

The Chair: We've gone around in debate, where everybody made their points.

Ms Notley: I know. There have been several points made, and I'd like to respond to them on behalf of the mover.

The Chair: Okay. All right. I'm the chair. There's a time constraint. If you wish to make your point, then this is the last speaking time for you. Thank you.

Go ahead.

Ms Notley: Okay. Well, in response to the points made by other speakers in relation to the issue of the mandate, I specifically asked the Child and Youth Advocate, and he responded. The mandate talks about systemic issues. Systemic issues cannot be identified, necessarily, based on the information that he currently has the resources to review before he makes a decision about whether to do a review. He also acknowledged that four individual investigations could at that point uncover a systemic issue, so the notion of doing investigations into every incident is entirely in line with the mandate with respect to systemic issues.

In addition, in response to the points made by a couple of people saying that he can do whatever he wants based on his resources, I asked him about the prioritization process. He acknowledged that he is prioritizing without adequate or complete information. He acknowledged that the group that is included under the screening category, which is over a third of the fatalities which occur, is done on the basis of a medical examiner's report and something called a snapshot. I asked him if that was enough information. I quote from the Blues what he said.

Your point is well made. I don't know that I have concrete information to dispute what you're suggesting. What I needed to be able to do and what I still under my current mandate need to be able to do is differentiate how the resources are used that I have access to for this issue of the deaths of children.

Then I said, "Could your differentiation change if your resources change, then?" "Well, certainly," he said.

The differentiation is the process that we reviewed today whereby he's prioritizing on the basis of what he himself acknowledged is inadequate information. We know that he's in a process where he's operating not doing the best job that he could and that that is defined by resources, as indicated in the Blues as a result of the questions that we had today.

In terms of whether he would have asked for more money, no. He wouldn't have asked for more money because it was only this week that we started looking at the fact that a fraction of fatalities generate investigations, that the vast majority of them go uninvestigated, and that some of us think that that needs to change. So it is hardly surprising that he would come here with a budget based on the past practice of only investigating a fraction. He answers to us, and we do have a role to indicate to him our preference and our expectations. We can't direct, but we can give him the opportunity to move forward knowing what some of the general preferences are.

Finally, yes, as I said before, he's already indicated that he's being forced to prioritize on the basis of a snapshot and a medical examiner's report, which is simply not enough for him to answer all the questions that he needs to answer before he decides whether to do an investigation.

I think that if you carry on with the previous rationales identified, you're essentially turning a blind eye to a problem that you know exists, and we are going to continue underinvestigating these fatalities as a result.

The Chair: All right. Thank you, hon. Rachel Notley.

Now the chair will call the question on the amendment as proposed. Those in favour of the proposed amendment, say aye or raise your hand. Those opposed? All right. The result is 5 against 4, so the motion is defeated.

Ms Notley: Oh, can we get a recorded vote?

The Chair: All right. We will have it recorded. Our clerk has the names.

Ms Notley: Would you read them into the record?

3:45

Mrs. Sawchuk: Votes for the amending motion: Blakeman, Pedersen, Wilson, and Eggen.

Votes in opposition to the amending motion: Quadri, Brown, Quest, DeLong, and Leskiw.

The Chair: Well, thank you, Madam Clerk.

Now we go back to the main item that hon. Sohail Quadri has moved, that we read already, right?

Some Hon. Members: Call the question.

The Chair: I will call the question now on that motion, the original one. It's proposed in your document there. Those in favour of the motion, please raise your hand or indicate. Opposed? The motion is carried. Thank you.

Now it's the Ombudsman motion.

Mr. Quest: Mr. Chair, I move that

the Standing Committee on Legislative Offices approve the 2014-2015 budget estimates of the office of the Ombudsman in the amount of \$3,349,000 as submitted.

The Chair: Having heard the motion, those hon. members in favour of the motion, please indicate to me. Those opposed? The motion is carried.

Now I need a mover for the office of the Public Interest Commissioner.

Ms DeLong: Okay. I move that

the Standing Committee on Legislative Offices approve the 2014-2015 budget estimates of the office of the Public Interest Commissioner in the amount of \$1,274,000 as submitted.

The Chair: Having heard the motion, those in favour, please indicate to the chair as such. Opposed? The motion is carried.

I need an hon. member to move for the office of the Ethics Commissioner.

Ms DeLong: I move that

the Standing Committee on Legislative Offices approve the 2014-2015 budget estimates of the office of the Ethics Commissioner in the amount of \$973,000 as submitted.

The Chair: Having heard the motion, those in favour, indicate to the chair as such. Opposed? The motion is carried.

Now the last two here. The Information and Privacy Commissioner.

Ms Blakeman: I move that

the Standing Committee on Legislative Offices approve the 2014-2015 budget estimates of the office of the Information and Privacy Commissioner in the amount of \$6,983,000 as submitted.

The Chair: Having heard the motion, those in favour, please indicate to the chair. Those opposed? The motion is carried.

Now I need a mover for the office of the Chief Electoral Officer. Hon. David Eggen.

Mr. Eggen: Thank you. I would like to move that

the Standing Committee on Legislative Offices approve the 2014-2015 budget estimates of the office of the Chief Electoral Officer in the amount of \$6,517,000 as submitted.

The Chair: Having heard the motion, those in favour, please indicate to the chair. Opposed? The motion is carried.

So the job is done. Thank you very much.

Ms DeLong: Can I just get a clarification?

The Chair: Yes.

Ms DeLong: If the office of the children's advocate does need more money, what is the process for them coming to us and requesting more funds?

The Chair: Any legislative officer can always make a request to our committee, and then we will present it, and if it passes, then they get the funding.

Ms DeLong: Excellent. Thank you.

The Chair: Is there any other business you want to discuss? No? Then I need a motion to adjourn.

Mr. Pedersen: I move we adjourn.

The Chair: Hon. member Mr. Pedersen has moved that the meeting be adjourned. Thank you.

Thank you very much for a long, hard-working day, a lot of information and a lot of heart.

[The committee adjourned at 3:51 p.m.]

