



Legislative Assembly of Alberta

The 28th Legislature
Third Session

Standing Committee
on
Legislative Offices

Tuesday, December 2, 2014
6:17 p.m.

Transcript No. 28-3-2

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Third Session**

Standing Committee on Legislative Offices

Jeneroux, Matt, Edmonton-South West (PC), Chair
Starke, Dr. Richard, Vermilion-Lloydminster (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)
Quadri, Sohail, Edmonton-Mill Woods (PC)
Wilson, Jeff, Calgary-Shaw (W)
Young, Steve, Edmonton-Riverview (PC)

Also in Attendance

Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (Ind)

Legislative Officers

Jill Clayton	Information and Privacy Commissioner
Del Graff	Child and Youth Advocate
Peter Hourihan	Ombudsman, Public Interest Commissioner
Glen Resler	Chief Electoral Officer
Merwan Saher	Auditor General
Marguerite Trussler, QC	Ethics Commissioner

Office of the Ethics Commissioner Participants

Brad Odsen, QC	General Counsel and Registrar, Lobbyists Act
Kent Ziegler	Chief Administrative Officer

Support Staff

W.J. David McNeil	Clerk
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Philip Massolin	Manager of Research Services
Stephanie LeBlanc	Legal Research Officer
Nancy Robert	Research Officer
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Christopher Tyrell	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

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[Mr. Jeneroux in the chair]

The Chair: Perfect. All right. We're going to call it to order. We have quorum. I'd like to welcome members, support staff, and guests to the meeting and ask that everyone at the table introduce themselves for the record. If you're substituting for a committee member, please include this information in your introduction.

We'll start with Dr. Starke.

Dr. Starke: Yes. Good evening. Richard Starke, MLA for Vermilion-Lloydminster and vice-chair.

Mrs. Leskiw: Genia Leskiw, MLA for Bonnyville-Cold Lake.

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

Ms DeLong: Alana DeLong, Calgary-Bow.

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

Mr. Ziegler: Kent Ziegler, chief administrative officer, office of the Ethics Commissioner of Alberta.

Ms Trussler: Marguerite Trussler, Ethics Commissioner.

Mr. Odsen: Brad Odsen, general counsel to the office of the Ethics Commissioner.

Mr. Bikman: Gary Bikman, Cardston-Taber-Warner.

Mr. Wilson: Jeff Wilson, Calgary-Shaw.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: And I think we have Sohail on the phone.

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

The Chair: Perfect.

Mr. Quadri: I don't know. Is something wrong with my feed?

The Chair: Just mute.

And then one more.

Mr. Young: Steve Young, MLA for Edmonton-Riverview.

The Chair: Perfect. Matt Jeneroux, MLA for Edmonton-South West, chairing the committee.

Meeting materials were posted to the internal committee website last week.

A few housekeeping notes before we get started. Microphone consoles are operated by *Hansard*. Please keep your BlackBerrys off the table as these can interfere with the audiofeed.

Agenda. Would a member move the adoption of our agenda, please?

Mrs. Leskiw: I so move.

The Chair: Genia Leskiw moved that the agenda for the December 2, 2014, meeting of the Standing Committee on Legislative Offices be approved as distributed. All in favour? Any opposed? It's carried.

All right. We are reviewing the 2013-2014 annual reports, business plans, and 2015-2016 budget estimates for the officers of the Legislature during our meetings this week. This evening we

are joined by the hon. Ms Trussler, Ethics Commissioner, and staff from that office.

Before we begin, I'd like to point out that the decisions on the budget estimates will be made once all officers have been heard, and this has been incorporated into our Friday meeting agenda.

With that, I'd like to welcome Ms Trussler, Mr. Odsen, and Mr. Ziegler. You can proceed with a 15 to 20 minute presentation, and we'll remind you when you're getting close.

Ms Trussler: Okay. Thank you. I'll try not to take that long.

Thank you, Mr. Chairman and members of the committee. It's our pleasure to be here this evening. We're pleased to submit the annual report of the office of the Ethics Commissioner for 2013-14. I'd like to note that this report covers the period of time during which I was not the Ethics Commissioner. The report covers the fiscal year ended March 31, 2014. As you know, I did not start my term of Ethics Commissioner until May 26, 2014. My chief administrative officer, Mr. Ziegler, assumed his role in January of 2014, so his awareness of the operations for a major portion of the reporting year is also limited. With that in mind, we will do our best to answer any questions you may have.

As you've all had the opportunity to read our annual report for the year, I will only highlight a few key operational points. Our office has undertaken measures to enable those MLAs and senior officials who are so inclined the ability to submit their annual disclosure statements electronically. Some members and senior officials asked us to go further and create an online repository to help speed up the annual disclosure process and make it more accessible. However, because of security concerns we've opted not to take this additional step. We take our obligations to ensure the confidentiality of your information very seriously, so we've created a form which can be e-mailed to our office if the member chooses, and those who prefer to go the more secure paper route can do that as well. We're trying to balance living securely in a digital world with trying to make the process as easy to comply with as possible.

We're once again pleased to advise that members and senior officials have co-operated with the disclosure process albeit somewhat grudgingly. This year a number of senior officials refused to provide details of their financial holdings and in some cases the financial holdings of their spouse, citing privacy and security concerns or suggesting it simply was not necessary. All except one have now complied. Full financial disclosure for spouses, while indeed invasive, is critical in enabling us to provide assurance that we have a complete picture of an individual's finances and investments and that there is no hiding of investments via a spouse's investment account. For the record no members resisted providing information, and it was only some senior officials who misinterpreted the 1993 Fowler memo, which by its existence forms government policy in regard to them as senior officials.

In terms of our budget this office has not seen an increase in its staffing in the last number of years, and our budget has always been very modest. I want to assure you that I'm very frugal with respect to the use of government funds. However, it appears there may be introduced a bill called the accountability statutes amendment act, and depending on exactly what that bill contains, there may be some strains on our office's ability to assume new responsibility in terms of our operations under the Conflicts of Interest Act. My position may need to move from a .7 full-time equivalent to a .8 full-time equivalent as I am currently working at the .8 level, so you may see a request from me to appear before you again in the near future for supplemental funding if I cannot find ways to manage any increased workload through operational or other efficiencies, depending on what the new legislation says.

In terms of the lobbyist registry it's been a busy year. Our lobbyist registrar, Brad Odsen, manages the registry and ensures that lobbyists understand and are following the act. I'd like to thank all of my staff for the work that they do and the support that they give me.

Now on to the budget. As you can see, there are only six areas where we see any appreciable changes to our proposed budget for the next year. First, our salaries and wages are going to increase approximately 13 per cent. The primary reason for this is that prior to my arrival my predecessor and our general counsel had begun a classification review for his position. This involved staff from the Public Service Commissioner's human resources area coming and doing a review of his position and interviewing both him and the former Ethics Commissioner. As I am informed, this review is part of a corporate HR review of all general counsel positions for the legislative officers. The Ethics Commissioner's office was one of the first.

6:25

Following the review by the Public Service Commissioner's staff, it was determined in consultation between the former Public Service Commissioner and the former Ethics Commissioner that the general counsel should be classified as a legal officer 4. The difference in pay scales between what the general counsel was currently receiving for remuneration and the final classification resulted in an approximately \$45,000 difference in salary per year, and that was retroactive for one year. In the last year's budget the retroactive pay was paid out, hence we're slightly over budget in 2013-14, therefore the major reason for being over budget in 2014-15 as this was not foreseen.

The other reason the 2014-15 salaries and wages are increasing is due to the increase to the salary of the executive assistant and the increase approved by this committee of the Ethics Commissioner. The chief administrative officer's salary compared to the amount paid to the chief administrative officer last year was decreased because there was a change in personnel. These changes are all noted in more detail, as you can see in our submission.

Traditionally our offices had a cushion under salaries and wages to allow for bringing on temporary administrative assistants during peak and overload periods or for vacation cover off as we are such a small operation. However, the office did not hire any temps last year partially as a way of mitigating the salary increases. To date we've managed by having staff work overtime.

There is a decrease in employer contributions as it seems that last year's estimates were high, and we anticipate that we can absorb any increases in employer costs without additional funding.

Under allowances and benefits there is an increase to cover my Law Society fees, which the previous commissioner did not have.

Under supplies and services we are forecasting an increase in travel costs of \$5,000 for conferences as we have new staff in the office, myself and the CAO, and we'll require some education this coming year to bring us up to speed, particularly in the lobbyist area.

Under rentals the increase is solely for the replacement of our current photocopier. Its contract is five years old and expires this month. I expect a significant increase in rental costs of at least \$3,000. There are only a few photocopier suppliers out there, so there's really not much competition.

Under technology we expect a slight increase in costs due to our IT vendors increasing their delivery rates. Our lobbyist IT provider increased his costs approximately \$7,000 per annum, and so did our primary IT provider. As part of the transition to the shared services infrastructure, while we had hoped to see more savings than last year's budget, there was a delay in building the

infrastructure which resulted in a good portion of the costs falling into the 2014-15 budget year. These savings are now shown under supplies in the 2015-16 year instead, in the amount of, we hope, approximately \$10,000. As our office is small, the savings from a shared IT infrastructure may not be as evident as it will be for the other legislative offices on the same shared-service model. However, we believe that the move was worth while from an overall cost-saving perspective.

The only other item that I'd like to touch on before we go to questions is the amount forecast for the 2016-17 budget for technology services. Our lobbyist database IT platform has reached the end of its life cycle and is outdated because it relies on Lotus Notes for its engine. Further, there are only a few IT providers remaining who will service the database because it's obsolete technology. As a result, we need to plan for a full new build of the database and platform. We have no idea what this will cost, but based on some figures from other jurisdictions who advised us of the costs of their rebuilds in recent years, I think that what we have put in our forecast is clearly on the low end of cost estimates. This isn't for another year, but we want to flag it for the committee now because over the next six months, provided the committee approves the request to obtain a quote, we will go to an RFQ or RFP over the year and obtain full quotes for rebuild costs for the committee's consideration next year.

Thank you for allowing me the opportunity to highlight and present the budget for 2015-16, our annual report, and our proposed business plan for the office of the Ethics Commissioner and the lobbyist registrar of Alberta. We're now pleased to take any questions you may have.

The Chair: That's wonderful, 11 minutes. That's great. Okay. So thank you for your presentation.

Before I open the floor to questions from the committee, I would like to reiterate my comments from yesterday's meeting. To provide equal opportunity for questions from all members, I will follow our usual format, which is to recognize a government member, then an opposition member and continuing on in that manner. Members will be provided an opportunity to ask one question followed by one supplemental each round, so two questions, and I again seek the committee's cooperation in this respect. Other members attending the meeting but not as official substitutes are welcome to participate in the discussions within the order listed subject to the participation of committee members and official substitutes but may not vote on motions.

I neglected to recognize Joe.

Mr. Anglin: Joe Anglin, MLA, Rimbey-Rocky Mountain House-Sundre.

The Chair: Perfect.

So I'll open it up to questions, and so far I have Laurie on my list first. Go ahead.

Ms Blakeman: Thank you. Commissioner, I'm wondering what actions will be taken for the staff member who is outstanding in their full disclosure?

Ms Trussler: I think they have a deadline one or two days from now. It's somebody on one of the boards or commissions. The chair of that board is working very hard with the staff member to try and get them to comply. He's gone so far as to talk to the deputy minister in the department, to whom he reports, and he's sought legal advice. So we're working with him right now, and a decision will be made within the next week as to what will happen. I think they've got one or two more days, and that's it.

Ms Blakeman: I guess what I was trying to get at was: what's available to you under the act, and what are your plans as far as ensuring compliance?

Ms Trussler: The way the act is worded, there is very little I can do except name the person in next year's annual report, so the name will be out there as someone who refused to comply. However, the chair of the board on which this person sits does have some powers in terms of dealing with members of the board who do not comply with overall government policy.

Ms Blakeman: Okay.

Can you put me back on the list, please?

The Chair: Well, we'll count that as one if you want to go for it.

Ms Blakeman: Oh, okay.

The second question. I think it was the lobbyist database – but I didn't quite catch it – that is now obsolete . . .

Ms Trussler: Obsolete, yes.

Ms Blakeman: Okay. So my memory was that we bought an existing database from a neighbouring province or bought one that already existed. My concern is frustration over constantly having to pay enormous amounts of money, and never do we seem to be able to stay ahead of the curve on this. I appreciate that money was saved buying another province's database, but now we're obsolete, so can we not try and line up with several of them and all move forward together so that we don't keep finding ourselves in this position? I'm not picking on the lobbyist database particularly. There are many, there are hundreds across the government that have done this, and all of them are enormously expensive, and it really bugs me.

Ms Trussler: Well, I'll let Mr. Odsen answer on the part about what we did when it was set up, and then I'll let Mr. Ziegler answer about what we're planning to do.

Ms Blakeman: Okay.

Mr. Odsen: Thank you, Commissioner and Ms Blakeman. The initial database that we got, that was the first one in Canada, was the one set up for the province of Ontario, and Ontario very graciously actually licensed it to us at no cost. We didn't have to pay any money to them. We did have to recode a bunch of things to make it fit our act and update some of those kinds of things, but we came out with technical costs of about \$60,000 for programming, which is just incredibly low, quite frankly, for that kind of an operation. It really is.

The databases that have been recently done – B.C.'s was the first, and I believe theirs is Oracle-based. They licensed, as I understand it, aspects of theirs to Manitoba, which was next. Saskatchewan is looking as well at Oracle-based ones, so it may well be that there are some opportunities there for some sharing and having some commonality at least amongst the western provinces.

6:35

Ms Blakeman: That will be good. Okay.

Mr. Ziegler: I think the other thing to add to that piece is that it's almost trying to predict the future when you try to predict which companies and software and systems and platforms will work. Some of the challenge is: if we go with Oracle, is that going to survive another five years? That's what happened with Lotus

Notes. It was at one time a very positive platform, but for whatever reason it fell out of favour. It's difficult to pick which one is going to be the one that lasts, but over the next six months part of what we'll do is to put out an RFQ or an RFP so we can get feedback from all the vendors that are out there. That's where we'll get some thoughts to go: here are the different options that we've got. That's something that we could bring back to the committee for next year to say, "Here are the options that we've come up with, that are out there," and then go from there in terms of which one we choose.

Ms Blakeman: Okay. Thank you.

The Chair: Perfect.

Dr. Brown: Ms Trussler, thank you for bringing in a budget which is a pretty modest increase here. We've seen some other ones, that the other legislative officers have brought. Quite frankly, they're pretty exorbitant.

If I understand this correctly, you're looking for a \$25,000 increase, basically, over what you actually are forecasting to spend in the current fiscal year, from \$1,021,000 up to \$1,046,000. That's pretty small. Would I be correct in assuming that the increase in those costs, which you have explained, is due to the reclassification of the positions, to your redesignation from .7 to .8, and also to the two factors which are built into the public-service contracts, which would be the merit increase and the cost-of-living increase? Does that pretty well account for all of the increases with respect to salaries and benefits?

Ms Trussler: No. I haven't moved from .7 to .8. I'm working at .8, but I'm still at .7.

Dr. Brown: But that's built into what you're asking for in the budget?

Ms Trussler: No, it's not built in.

Did you want to answer that, Mr. Ziegler?

Mr. Ziegler: Yeah, I'll answer that one. In terms of the estimates that you're seeing there before you, the salaries and wages, yes, a good chunk of that is the increase from all of the staff positions that were reviewed this year. That's a good chunk of it. Then you add in the 3 per cent in-line, which we're assuming will again be approved in the spring, and that brings up the salary level to that amount. The wages and employer contributions we actually haven't increased by the same ratio because we were overforecasted, I think, in the previous year, so I don't expect that we'll see a comparable increase in employer contributions. Salary is mostly general council, but it also does cover the 3 per cent that we expect to see in the spring, assuming that's approved, of course.

The other ones that we've got in there are the slight increase in allowances and benefits to cover the commissioner's legal fees, which the previous commissioner didn't have; an increase in travel, as she mentioned, primarily for her and I to come up to speed a little bit in the lobbyist registrar area; the increase in the rentals for the photocopier, which is a ballpark figure; and then a slight increase for the technology because – and you'll probably hear this from the other shared services who are sharing with our IT provider – we had hoped that they would get all of the infrastructure costs in last year's budget. They didn't, so we're burying them into this year's because they didn't deliver the goods on time. So we'll see a little increase there.

I think that covers off all of it, with the exception – on page 2 supplies and services has a slight decrease now because those costs are now captured in this year's budget.

Dr. Brown: Thank you.

The Chair: You're good? No follow-up, Dr. Brown?

Dr. Brown: No. That's good.

The Chair: Jeff.

Mr. Wilson: Thank you, Mr. Chair. Thank you for the presentation and for being here tonight. In your letter in the annual report you mentioned that you would be forwarding more recommendations for a review of the Conflicts of Interest Act to the committee for consideration. Can you provide some details about a timeline and if you've heard any indications from the government as to whether or not amending legislation will be forthcoming? Again, if you have a timeline on that, particularly for those of us who were on the special select committee that went through that review.

Ms Trussler: My letter was written some time ago, and events may have overtaken it in terms of making changes.

Mr. Wilson: Okay.

Ms Trussler: At this point I'm just waiting to see what will be in the bill before I make any further recommendations.

Mr. Wilson: Gotcha.

Ms Trussler: I spoke to your chair last summer, and I had planned to come and meet with you as soon as the session started, but then I understood that there was the possibility of some legislation. So we've sort of left it until we know what is going to happen.

Mr. Wilson: Okay. Thank you very much.

Chairman, do you have any clarification that you can add at this time?

Ms Blakeman: Was that the Accountability Act? What are we talking about?

Ms Trussler: Yes.

The Chair: Do we have a request from the Ethics Commissioner to come and meet?

Mrs. Sawchuk: We haven't received anything in the committee offices, Mr. Chair.

The Chair: Okay.

Mr. Ziegler: We were planning to, but then we did not follow through on that. It's not the committee. That was us. We never followed through because it was moving forward.

The Chair: All right.

Jeff, you have one more.

Mr. Wilson: I'm good. Thank you, Mr. Chair.

The Chair: Richard, go ahead.

Dr. Starke: Thank you, Chair. Thank you very much for the presentation. I appreciate it. I do appreciate your explanations on the line-by-line, especially where there are significant variances. I

will tell you, having been at Treasury Board this morning, that we are facing some significant challenges government-wide with regard to our budgeting process. As a consequence, personally I am looking, you know, for ways and means and exploring ways and means with the various legislative offices as to how we can keep the budgets as restricted as possible. Could you describe for the committee what exactly is being planned in terms of travel, the \$32,000 budget line item?

Mr. Ziegler: We can go into a little bit more detail, but primarily there is the COGEL conference. This year it's being held in Pittsburgh. That'll be one item that we go to. All three of us go to the COGEL conference, as some of you do as well, I believe. There's also CCOIN, the Canadian Conflict of Interest Network meeting, that occurs every year. In September that occurred in Winnipeg. Following that – I will let our lobbyist registrar speak a little bit more on that one – there are two, I believe, lobbyist conferences. This year there was the one in Winnipeg or Ottawa-Toronto, and one in Victoria.

Brad, do you want to comment on that one?

Mr. Odsen: Yes. Backing up just a bit, CCOIN is the Canadian conflicts of interest and integrity commissioners, who meet annually for three days, and it moves from east to west every year, back and forth, that kind of thing. Each year somebody different hosts it. This past year it was in Winnipeg. The lobbyist registrars and commissioners of Canada do the same thing, meeting in the fall and moving east to west. This past year it was in Victoria immediately following the Winnipeg conference. We, the lobbyist registrars and commissioners, also meet for a one-day intensive working session hosted by the federal lobbyist commissioner, Karen Shepherd, at her office in Ottawa, and that's in February. As I say, it's a one-day, fairly intensive workshop meeting, whereas the other ones are more directed at information sharing and bringing in academics, for example, or practitioners in the field to expand the knowledge base and the experiential base.

Mr. Ziegler: The other travel that we do is in the spring as well. We spend the better part of a week going down to do our annual interviews, our annual ethics disclosure interviews, with the WCB appeals commissioners and some of the members of some of the boards that are in Calgary as well. That's our other travel that we do.

6:45

Dr. Starke: Okay. Well, Chair, I have a second question I want to ask. But I'm just going to perhaps say to the committee that when you're considering travel this year, I'm going to encourage you to ask the questions of: is this conference or this thing that I'm planning on attending necessary, is it necessary for all of us to attend, and are there some ways that we can make all of this travel overall less expensive? I will tell you that this is an area of sensitivity for all people involved in government, and certainly this office or any of the legislative offices would not be an exception.

Ms Trussler: We'll do the best we can. I can tell you that when we go to Calgary, I've booked Kent into a very inexpensive hotel, and I'm going to stay in my daughter's basement. So we're doing everything possible to keep the expenses down.

Dr. Starke: I love to hear that sort of thing. I love to hear that. That is just great, and hopefully with those sorts of things we can realize some savings.

You had mentioned and I had kind of red flagged the increase with regard to rentals, so, you know, like I say, that is an explanation. I guess I have to share Ms Blakeman's concern with regard to the IT component and the platform for registering these lobbyists. I mean, sometimes I think that just because computer science is an area we don't understand, that doesn't necessarily give the right for the computer scientists to put one over on us with regard to cost. I'm always concerned with the unbelievable costs that we get in IT.

My second question – and I am getting to it – has actually more to do with operations, and this may be a very difficult thing to quantify. You know, I understand completely the time and the resources that you have with regard to registering lobbyists, and that's certainly within the act and the requirements. But do you have any idea how many unregistered lobbying entities – in other words, entities that are operating outside of the scope of the legislation – we have in our province?

Mr. Odsen: Thank you, Dr. Starke. No is the answer to that.

Dr. Starke: And that's fair – okay – but I would suggest and I'm going to just surmise that there probably are some. I guess my question is: what efforts, if any, are being made to ensure that they comply?

Mr. Odsen: As to whether there are any, there may be some. There would be few, I would think. If there are, they're probably organizations as opposed to consultant lobbyists. I think we've pretty well got everybody that's involved as a consultant lobbyist registered. Insofar as organizations go, it will primarily be, in my estimation, smaller types of organizations that either are unfamiliar with or unaware of the act for whatever reason or do not think that the act applies to them.

As to what steps can be taken to identify them, we don't have the resources within our office to be doing anything like that, so what we have to rely on is either Members of the Legislative Assembly or other public office holders contacting me and saying: "Hey. You know, I'm being lobbied by somebody here, and they're not registered." That has happened in the five years that I've been in the position. That's happened maybe four or five times. In every case when that has happened, I have immediately followed up with the identified individual. We've had a discussion. I would have to say, off the top of my head, that in three of those cases they ought to have been registered, and once the understanding was there, they immediately registered. The other two did not have to register under the act, so they did not.

Dr. Starke: Okay. Thank you, Chair.

The Chair: Okay. Perfect.

We have Steve on the list. Go ahead, Steve.

Mr. Young: I have just a quick question. For contract services it's noted there that you have a base of \$45,000 in funding for investigations. If that's unexpended, is it carried over? I see a fairly consistent line there from \$111,000 to \$126,000 over a four-, five-year period but notice that it's a \$45,000 budget.

Mr. Ziegler: We've actually decreased the amount for investigations a slight amount, partially because Commissioner Trussler's background will allow her to do some of that work. But as I understand it – and I'll look to Mr. Odsen to add any further commentary – that baseline is just put in mostly as a safety valve. We don't know how many investigation requests we'll get in a year. If we don't get any investigations and we don't engage

outside legal counsel, that money is not used up. Then we don't take it in some other part. But in the last year we used that up. In this year we would just say that it should be there again as a safety net if we have investigations that require outside counsel. It's only for the investigations.

Mr. Young: So is that a pool that you have there?

Mr. Odsen: No. Your question was: is it carried over? The answer to that is no. It's not carried over. It's returned into the general revenues.

Mr. Young: Can you explain why it says \$111,000 and then you've got \$45,000 in the notes? Contract services with the two asterisks, which is \$45,000.

Ms Trussler: The \$45,000 is part of the larger number of \$125,000. It's just explaining what part of that number is made up of.

Mr. Young: Oh, it's a portion. Okay.

Ms Trussler: Whether or not we'll use it, I don't know. I know I had the same line in the budget when I was at AGLC, and we never used it in the six years that I was there. But we may have to. We may have to get a legal opinion on something or other.

Mr. Young: And that's what it is? It's legal contracted services typically?

Ms Trussler: Yes.

Mr. Young: Okay.

Mr. Odsen: Well, it could be investigative, too.

Ms Trussler: It could be investigative as well.

Mr. Young: Yeah. And it seems to me that some of these investigations involve technology. Is that becoming an area that you're having to get involved in?

Mr. Odsen: It hasn't so far.

Ms Trussler: It hasn't so far. But, you know, maybe we'd have something that's serious enough that we would have to have an inquiry, and then we might need counsel, and we might need to have a court reporter. It really depends on the nature of the investigation requests that come along during the year.

Mr. Young: If I can just make a general statement, when we're looking at a budget of, you know, fairly reasonable numbers and we're looking at the price of contracts for photocopiers, these are not big numbers here, but I appreciate your diligence on each item.

Thank you, Chair.

The Chair: All right. Opposition? No?

Now we have Richard.

Dr. Starke: Yeah. Thanks, Chair. One additional question. I'm curious to know whether in the breaking down of the expended costs over the year you do an accounting of what an individual investigation costs? Like, do you do it by investigation, and do you keep track of what each individual investigation has cost in terms of manpower and time on it? I guess, specifically, I'm curious to know because one investigation that I'm not seeing here – it would have been done under the Lobbyists Act, and it would have been filed in May 2013 – is the one pertaining to Mr.

Lougheed under the Lobbyists Act. I'm not seeing it in the annual report, and I'm just wondering if perhaps the investigations under the Lobbyists Act are not included in the annual report or why that is not accounted for.

Mr. Odsen: Are you sure you have the date right on that?

Dr. Starke: On May 6, 2013, it was submitted to the Speaker of the House.

Mr. Odsen: Then that was an oversight on my part. I thought it was the previous year. This is 2013-14.

Dr. Starke: That is correct.

Mr. Odsen: That was an oversight on my part, and I apologize.

Dr. Starke: Okay. I guess my question more specifically is: do you in your office do an accounting of the costs incurred by each individual investigation, or is that just sort of lumped into the overall operational cost of the office?

Mr. Ziegler: I'll take that one. It's all part of the overall cost. We can track how much outside contract services we've used, how much outside legal counsel we've used for a given one because they bill us by whichever investigation it pertains to. We can and do track that, but we don't track anything beyond that, in terms of the cost of an investigation, other than anything done by contract outside that pertains to that. So if there was a particular investigation, we could come up with a number to say that this is how much we spent on outside legal counsel for that investigation.

Dr. Starke: But that would be the only component of the overall cost of doing the investigation that would be split out?

Mr. Ziegler: Yeah, because we don't bill our staff time out. Any other contracted services: we can track all that, and we do. We keep track of all the invoices.

Dr. Starke: Okay. Thank you, Chair.

The Chair: Okay. I have no more questions on my list. Going once, going twice.

Okay. Steve, go ahead.

6:55

Mr. Young: I'm going to put on my strategic hat here. I see you did a really good job in the annual report outlining the activity measures, and I know it's difficult. In terms of outcome measures like satisfaction or measuring the confidence, the whole point of the Ethics Commissioner office is to ensure some integrity and to build the confidence of the public. Have you thought about measuring that, whether in a survey either to the people that you're working with or the lobbyists or the public in general to say: "You know what? Year over year I think we're doing a better job, and we're building confidence"? Activity measures are just measuring that we're doing lots of stuff, and I'm hoping it will connect at some point. I know it's difficult to measure, the fact that we are adding to the confidence that people have in our government and our elected officials because of that process.

Ms Trussler: To do that sort of a survey, we would probably need a consultant, and then Dr. Starke wouldn't be very happy because of the expense of consultants. I have to tell you from my experience at AGLC that whenever government goes out to get a consultant, I think you get charged twice what anybody else would get charged, so I'm very skeptical of hiring consultants to do

things. There may be something we could do, that we could look at to see if in-house there's some way we could see if we're achieving our goals a little bit better. But to go out to the public to do a survey, we'd have to have expensive consultants, and that would be up to this committee, whether you wanted to increase our budget to do that.

Mr. Young: Far be it from me to say that we're not going to do another, you know, social policy kind of consultation with the entire province, but I just think there is some value even at a modest in-house level to close a loop in terms of some feedback, whether from the key stakeholder groups or maybe it's five people. I don't know. It just seems to me that there might be value in there for the office in terms of: are we doing better? I just put it out there because I always look at all of these reports in terms of: at the end of the day, what is this office trying to do? You can see that clearly in your vision and your mission and how you are going to do it with your principles, but how are we measuring that outcome? I recognize it's difficult, but it doesn't mean we shouldn't at least do it at a baseline, modest level.

Mr. Ziegler: Just the one thing I'd like to add to that is that I think we partially rely on the senior officials and the members that come in to see us and call and ask for advice because we do interact directly with all of you. We expect your feedback as we interact with you, and oftentimes we get it. I think that's part of our measure, the direct one-on-one, which we don't publicize, but it is, I think, how we measure some of it. But I agree; you've got a good point.

Mr. Young: Well, thank you.

Mr. Odsen: If I could add just one other comment to that. Jean Fournier, who is the former Senate Ethics Officer, in his last annual report talked about that somewhat. His view is that you can measure in a sense the success of officers – ethics commissioners, conflict of interest commissioners, those kinds of things – by the continual decline across Canada in all the different jurisdictions in the number of complaints about the conduct of public servants and the number of requests for investigations. Over the last 10 or so years since these kinds of things came into being, the whole atmosphere in many respects has changed dramatically. It is something that you have to do by inference, no question. Nonetheless, he was quite convinced and made quite a compelling argument that that's really one of the best things you can look at in terms of the outcome of achieving greater ethics in government.

Mr. Young: Well, I think we're seeing an evolution of greater compliance because of the awareness and the efforts of your office. If there is a reduction in the number of complaints, then maybe MLA Starke has a point.

The Chair: Okay. Thank you, Steve, for that.

Thank you, Ms Trussler, Mr. Odsen, and Mr. Ziegler, for your presentation this evening and for responding to the committee's questions. For your information, the committee decisions on the officers' budgets will be sent out next week.

We'll move on to other business. Any other items for discussion?

If not, the date of our next meeting is Friday, December 5, from 9 a.m. to 4 p.m.

Can I get a motion to adjourn, please? Jeff. Thank you. We are adjourned.

[The committee adjourned at 7 p.m.]

