



Legislative Assembly of Alberta

The 29th Legislature
First Session

Standing Committee
on
Legislative Offices

Friday, December 11, 2015
9:04 a.m.

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Standing Committee on Legislative Offices

Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND), Chair
Sweet, Heather, Edmonton-Manning (ND), Deputy Chair

Connolly, Michael R.D., Calgary-Hawkwood (ND)
Cooper, Nathan, Olds-Didsbury-Three Hills (W)
Horne, Trevor A.R., Spruce Grove-St. Albert (ND)
Jabbour, Deborah C., Peace River (ND)*
Kleinsteuber, Jamie, Calgary-Northern Hills (ND)
McIver, Ric, Calgary-Hays (PC)**
Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W)
Shepherd, David, Edmonton-Centre (ND)
van Dijken, Glenn, Barrhead-Morinville-Westlock (W)
Woollard, Denise, Edmonton-Mill Creek (ND)
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* substitution for Heather Sweet

** substitution for Calgary-Greenway

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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 Auditor General Participants

Loulou Eng	Senior Financial Officer
Ruth McHugh	Executive Director, Corporate Services and Office Accountability

Office of the Chief Electoral Officer Participants

Keila Johnston	Director, Information Technology and Geomatics
Kevin Lee	Director, Election Finances
Drew Westwater	Deputy Chief Electoral Officer

Office of the Child and Youth Advocate Participants

Bonnie Russell	Director, Strategic Support
Jackie Stewart	Executive Director, Child and Youth Advocacy

Office of the Ethics Commissioner Participants

Lana Robins	Lobbyist Registrar and General Counsel
Kent Ziegler	Chief Administrative Officer

Office of the Information and Privacy Commissioner Participant

LeRoy Brower	Assistant Commissioner
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[Cortes-Vargas in the chair]

The Chair: Now I'm going to call this meeting to order. Welcome to this meeting of the Standing Committee on Legislative Offices. I'm Estefania Cortes-Vargas. I'm the MLA for Strathcona-Sherwood Park, and I'm the chair of this committee.

I'd like to ask that the members and those joining the committee at the table introduce themselves for the record, and then I'll call on the members on the phone lines to introduce themselves.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. van Dijken: Glenn van Dijken, MLA for Barrhead-Morinville-Westlock.

Mr. Nixon: Jason Nixon, MLA for Rimbey-Rocky Mountain House-Sundre.

Ms Eng: Loulou Eng, senior financial officer from the office of the Auditor General.

Mr. Saher: Merwan Saher, Auditor General.

Ms McHugh: Ruth McHugh, executive director, office of the Auditor General.

Ms Woollard: Denise Woollard, Edmonton-Mill Creek.

Mr. Horne: Trevor Horne, Spruce Grove-St. Albert.

Mr. Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Mr. Kleinsteuber: Jamie Kleinsteuber, MLA, Calgary-Northern Hills.

Mr. Shepherd: David Shepherd, Edmonton-Centre.

Ms Jabbour: Debbie Jabbour, MLA, Peace River. I'm dressed up like this because I had to do royal assent this morning, not because I really want to look this way.

An Hon. Member: You look great.

Ms Jabbour: Well, thank you.

The Chair: And on the phone lines, just so you know, Debbie is dressed up in Speaker gear. That's what you're missing. You can go ahead and introduce yourself.

Mr. Cooper: Nathan Cooper from the wonderful constituency of Olds-Didsbury-Three Hills.

The Chair: Thank you. I'd just like to note for the record that Ms Jabbour is substituting for Ms Sweet.

The meeting materials were posted on the committee's internal website last week. If anyone requires copies of these documents, please let our committee clerk know.

Before we turn to the business at hand, a few operational items. The microphone consoles are operated by the *Hansard* staff. Please keep all cellphones and BlackBerrys on silent and off the table as these can interfere with the audiofeed. Audio of the committee proceedings is streamed live on the Internet and recorded by *Alberta Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

If we can turn to our agenda, for the members' information I have an item for discussion under other business. Would a mover make a motion to approve today's meeting agenda, please?

Mr. Connolly: I'll make the motion.

The Chair: Mr. Connolly. All in favour? Any opposed? Thank you. The motion is carried.

We have a full day ahead of us, so we'll begin. For the record at the September 24 meeting the committee passed a motion to invite the officers of the Legislature to attend a future meeting to provide an overview of their respective mandates and operations.

The first office we're hearing from today is the office of the Auditor General, and I'd like to welcome Mr. Saher, Auditor General, and his staff to the meeting. Please go ahead with your presentation. If you can keep it to 35 to 40 minutes. For the last 20 minutes or so we'll accommodate questions from the committee members.

Mr. Saher: Okay. Thank you very much, Chair. Thank you, everyone, for inviting us here for this opportunity to talk to you.

Mr. McIver: Good morning.

The Chair: Good morning. Would you be able to introduce yourself for the record, please?

Mr. McIver: It's Ric McIver, Calgary-Hays.

The Chair: Thank you.

Just for the record Mr. McIver is substituting for Mr. Bhullar.

We're just about to introduce the Auditor General. He was just going to go into his presentation.

Mr. McIver: Okay. Thank you.

Office of the Auditor General

Mr. Saher: Okay. Thank you very much. Members of the committee who are here in person, we handed you a binder as you came in. In the binder is some material, but at the beginning is a sort of visual aid to help you as we work through our presentation. I apologize to the members on teleconference that you won't have that visual aid, but I think that you'll manage fine in listening to us.

We're here to talk about our mandate, and we hope to describe to you who we are, what we do, how we go about our work – in other words, our business – and close with why we believe it matters.

Just to set the scene again, we won't be discussing our business plan and our corresponding budget request today as we understand that you will be holding subsequent meetings to deal specifically with those matters. At that meeting we will discuss our last performance report. That's the office's performance report. We call it our 2015 results analysis. It's in your package if you care to look at it in advance of that meeting, that will be in the near future. We'll look forward to an in-depth review of our past performance as a precursor to our discussion with you of our business plan and our appropriation request going forward.

9:10

I'm now going to move right into who we are, so that's page 3 for those of you that have the document in front of you. At the highest level we are 150 legislative auditors.

I'd like to give you a little bit of history. I think it would be useful. You're all new members of the Assembly, interacting with a legislative audit office, in many instances for the first time – that's not universal, but the majority of you are – so I thought it would be

helpful if I gave you just a little bit of history of legislative auditing and comparative context. When new people join my office, I give them this little talk. I've had feedback on it. Some of it's quite good, the feedback, and some of it is: "Really? Did we have to be taken so far back into history?" Anyway, I'm going for it this morning. You'll get what I mean in a moment.

Legislative auditing was established in Athens, Greece, before 300 BC. There was a body of accountants trained specifically for the supervision and auditing of public finances. These expert auditors together with a 10-person elected group were responsible for the audit of managerial accounts. Of note, they paid special attention to the accounts of people leaving a public position which involved management of state monies. So way back then there was clearly a risk-focused approach to their work.

In the U.K., the senior of the Westminster parliaments, the first Comptroller General of the Exchequer was appointed by Parliament in 1314. This was the first audit body established in the Westminster parliamentary system. The National Audit Office today is an extension of that original appointment.

The legislative audit concept is much younger in the United States, where the Budget and Accounting Act of 1921 created the general accounting office. This was the first time in U.S. history that an organization independent of the executive departments gained responsibility for auditing executive branch financial actions. Today it's known as the GAO, the general accountability office.

The concept of parliamentary control over the public purse and at the same time establishing a strong independent Auditor General was adopted in Canada at a very early stage of our development, in the 1870s. The basic principles of control over supply and audit by the parliament as a countervailing power to the governor and his council continued the Westminster model in Canada.

In Alberta the origins of the provincial audit office date back to the founding of the province, in 1905. The Provincial Auditor was for many years a part of the Treasury function, performing a pre-audit of all expenditures, examining and approving every payment. In 1978, under the guidance of the then Treasurer, Merv Leitch, the office of the Auditor General was established under the provisions of a new Auditor General Act.

That's my abbreviated history. I could in fact, if anyone is interested, give you the longer version. But, really, what I was trying to do was to set the context of legislative auditing. It has a long, long pedigree. Essentially, it's practised all over the world, and certainly every province of Canada has a legislative auditor, an Auditor General. Of course, you'll all be aware of the Auditor General of Canada, who, incidentally, is responsible for audit activity in the territories.

I want to talk a little bit about independence, and I'm going to do that by just letting you know how we view, how we describe our independence. Often people say to me, "Merwan, you're independent." I say, "Yes, I'm independent." And then I know that they're searching for: "Well, can you demonstrate that? Can you prove it?" This is the technical way in which I deal with that matter. Our independence from those we audit ensures that our work is objective, and by that I mean: based on facts, not preconceived opinions.

The independence requirement is symbolized through the appointment of the Auditor General by the Legislative Assembly and our liaison with the Assembly through this Standing Committee on Legislative Offices. A primary element of the relationship is the Assembly's prerogative to authorize financing of the office's operations. The point I'm trying to make is that we are independent of those that we audit. The proof of our independence, in my opinion, can only be observed in our product; that is, by looking in

at what we produce and those looking in taking a view: "Is it objective? Is it, in fact, based on fact?"

Our client – this is an important point. Many people assume, because they have an understanding of auditing in the private sector, that our client would be the entities that we audit, and I'm at pains to make clear that that's not the case. You are our client, the 87 MLAs and, through you, at my latest count 4.3 million Albertans. You are our client, and I think it's very important that those looking in from the outside understand that our client is not the government of Alberta; our client is the Legislative Assembly. That's you. My independence and the independence of my colleagues are symbolized through your appointment of the Auditor General and then your oversight of the funding that the office requires to carry out that independent role.

I was appointed the Auditor General in April 2010. Soon after, at a formal ceremony in the Legislature Building I swore the oath of office. That oath – I'm not going to recite it today – has in it two key words. Those two key words are "faithful" and "impartial." Faithful means trustworthy and dependable, but it also means true to fact. Impartial means not prejudiced and fair. That requires not having a preconceived opinion. My staff and I can be faithful and impartial only because we are independent of those we audit. That independence allows us to be objective, providing reports to the Legislative Assembly based on facts, and I assure you that we will stick to the facts so that we execute the Auditor General Act in the way that the oath requires.

If you, those of you that have the visual aid, could now turn to page 3, what we do. As I've just said, the office of the Auditor General of Alberta serves the Legislative Assembly and the people of Alberta. Our mandate is to examine and report publicly on government's management of and accountability practices for the public resources entrusted to it. Under the Auditor General Act the Auditor General is the auditor of every ministry, department, regulated fund, and provincial agency. This responsibility includes universities, colleges, and Alberta Health Services, for example.

Our direction for the systems audit work that we do – we call it systems audit work because that's what it's called in the act. Other people call it value-for-money auditing, and across the community of legislative auditors in the world it's beginning to be called performance auditing. But I'll continue to refer to it as systems auditing as that's what it's called in the act. Our direction for systems audit work comes from section 19(2)(d) and (e) of the Auditor General Act. These sections of the act require us to report when accounting systems and management control systems, including those systems designed to ensure economy and efficiency, were not in existence, were inadequate, or had not been complied with.

Also, we're to report when appropriate and reasonable procedures could have been used to measure and report on the effectiveness of programs and those procedures are either not established or not being complied with. What the act is doing there is making a distinction between the role and the work of management and that of the auditor. It is not our job to assess whether or not programs are effective. It's our job to assess whether or not the government and its managers are doing that task which is an integral part of management: assessing. Is the work that you're doing achieving what it's supposed to achieve, and if it's not, what do you propose to do about it?

9:20

I'll just use this opportunity to acknowledge Merv Leitch, the Provincial Treasurer back in the late '70s. When he introduced what was then the bill for the new Auditor General Act back then, he explained it to his colleagues as follows. He used the building of a

bridge as an example, and I'm going to quote from *Hansard*. He said:

For example, the government engineers who built [the bridge] are obviously of the view that it was built efficiently, effectively, and properly. Should the auditor general get a different opinion, who's going to say which is right? We're going to need more engineers to check on the engineers of the auditor general, who were checking on the government's engineers.

He went on.

In our view, that is not the effective, efficient, or economic way to go.

To me, it was always intriguing how, in explaining the Auditor General Act, he began to use the words "economy," "efficiency," and "effectiveness" in explaining the merits of the act. Back then, believe it or not, economy, efficiency, and effectiveness were not words that were regularly used in government parlance. They weren't the language of auditors. There was a move then, when auditors across the world were being encouraged to do value-for-money work, and there was the Provincial Treasurer of the day using the new language of the act to explain the economy and efficiency and effectiveness of the act, in other words.

We think the preferable way is for the Auditor General to examine whether we have systems in place to ensure that we have gone about the business of building the bridge in an efficient, effective, and economical way. That's an appropriate role for the Auditor General to play, and the people on his staff can certainly do that.

We have two lines of business, two core businesses in the office of the Auditor General, two distinct lines: the work we do on auditing financial statements and the work that we do on looking in at government's management systems and processes, which we refer to as systems auditing. Periodically, at the request of an organization we audit, we may also provide research or give advice on a proposed course of action. We make our findings and recommendations public in Auditor General reports to the Legislative Assembly. Those reports are automatically referred to your sister committee, the Public Accounts Committee, and we work closely with the Public Accounts Committee to hold government accountable for implementing our recommendations. Once the government entity's management has acted on our audit recommendations, we carry out follow-up audits to confirm that the recommendations have in fact been implemented. Successful implementation is the return on investment of audit dollars spent to produce a recommendation.

I often say to my colleagues that, you know, others looking in would say: "Oh, well, producing the recommendation: that was onerous. That was difficult." Certainly, we don't take producing a recommendation lightly. But the difficult and more – well, I'll just call it difficult and complex work. It's often in the follow-up audit. As I say, that's the return on the investment and the audit dollars that produced the recommendation. Has this recommendation actually been implemented? Has the management group taken the time to – most importantly, do they accept that change was necessary? Have they, where necessary, redesigned systems and processes? Have they been able to transmit to those that work in that organization what the new way of doing business is? Has it been instituted? Has change, if you will, taken hold? Until we're satisfied that the change that we advocated for has actually happened, we're not prepared to tell the government that we think that our recommendation has been implemented, so our follow-up work is very important.

Ideally, implementation by management and the follow-up process should be completed within three years. We use three years as a rule of thumb. If a recommendation has not been implemented

within three years, it's an indication that perhaps there's a problem. The problem could be on our part: why haven't you got back to do the follow-up? Or the problem could be something with the management group in terms of their desire to implement or difficulty in implementing. But these are matters that we are discussing with the Public Accounts Committee in advising and helping that committee in supporting the work of the office.

So we approach follow-up audits with the rigour that Albertans expect from the office, and we will repeat our recommendations when government managers have not satisfactorily implemented them. The results of all of this are included in our reports to Albertans, and we'll talk some more about that when we come before you and discuss our past performance and our request for future funding.

I'd like to now hand over to Ruth, who is in effect the office's chief operating officer, and she's going to talk to you for a few minutes about our business.

Ms McHugh: Thank you very much, Merwan. Good morning, everyone.

For those of you with the visual aid, the slide that I'm going to refer to is the one on page 5, that's kind of a triangle depiction of our vision, mission, strategy, and our current goal. Our vision is to make a difference in the lives of Albertans by identifying opportunities to improve the performance of and confidence in the public service. We will do this by delivering the right mix of relevant and reliable audit products at a reasonable cost.

We believe that a mix of 30 per cent of our resources devoted to systems auditing and 70 per cent to financial statements auditing is best for Albertans. In arriving at this mix, we considered our paramount role as the auditor of all government ministries, departments, funds, and provincial agencies. Providing audit opinions on the financial statements of these entities is fundamental, and accordingly it calls for the majority of our resources.

Capacity analysis also indicates that the mix of 30 per cent systems auditing and 70 per cent financial statements auditing will provide a manageable number of valuable recommendations to the government, so in addition to considering our office's capacity for systems auditing, we consider the government's capacity to implement our recommendations when setting the 30-70 resource mix. As the Auditor General referred to earlier, Albertans see true value from our work when the recommendations are implemented; thus, we need to balance our work producing new recommendations with follow-up audits to see if the recommendations we have made have been appropriately and sustainably implemented. We're in the process now of fine-tuning the relative percentage of our resource allocation to establish a sustainable mix of 30 per cent systems auditing and 70 per cent financial statements auditing. Our goal is for this process to be completed by March 31, 2018, so our mantra with our people is 30-70 in three years. That's where we're heading.

We believe that performing more systems audit work aligns with Albertans' need to know whether government is using their resources wisely. A key output of our systems audit work is to identify where government can make improvements to important management systems. Systems audits can also identify waste; that is, dollars that don't contribute to achieving results. They help government managers deliver value for money. Our recommendations to improve economy, efficiency, and effectiveness become even more vital in times of economic constraint like we're in now.

Looking at the next page here, you'll see that our business revolves around what we call the three Rs: relevant, reliable, and reasonable cost. Our work must be relevant to the Legislative

Assembly and to Albertans, our work needs to be reliable – you must be able to count on our work – and we must manage costs in producing these relevant and reliable reports. Optimizing the concurrence – in other words, the degree and balance among these three sometimes competing objectives – helps us to focus our planning, our operational, and our evaluation decisions. Managing our risks through these three objectives also contributes to maintaining the credibility of our office within the government and with Albertans.

9:30

The next thing I want to talk about is our people. We are a people organization; 93 per cent of our expenses are incurred to ensure that we have the right people in the right roles doing the right work. Our strategy to deliver the right mix of relevant and reliable audit products at a reasonable cost directly leverages our core strengths. As legislative auditors we have a profound understanding of the environment that we're auditing, and we have a unique ability to communicate the complex technical matters that we encounter in an understandable manner so that we can effectively deliver our messages, conclusions, and recommendations and bring pragmatic approaches to what we're asking to be done to improve the public service. The right complement, therefore, of staff skills is critical for high-quality and cost-effective auditing. We know we must preserve Albertans' investment in their team of expert legislative auditors and that maintaining a workplace that recruits, grows, and retains skilled legislative auditors is vital to our success.

The next page that I want to talk about is our results management framework. We're pretty excited about this framework. We first published it in 2014. This is the framework by which we ask government to hold itself accountable, so of course we use the same framework to hold ourselves accountable. Our strategic and operational planning, our quality control, audit delivery, learning, and people development systems operate within this results management framework. It integrates three central processes: governance, oversight, and accountability for results. Just to plant this seed in your mind, this acronym, GOA – governance, oversight, accountability for results – is a coincidence. It doesn't actually refer to government of Alberta, which is also GOA. But now that I've planted that seed in your mind, I hope it sticks. Governance, oversight, accountability for results, government of Alberta: that's the marriage we're trying to bring about here.

Let's talk about governance. Our governance structure and processes bring together capable people and relevant information to achieve cost-effective results.

Oversight is the glue that holds our results management framework together. By applying good oversight, we will know if we're managing our resources cost-effectively in producing our audits. Our team of management leaders works toward achieving their oversight objectives and the pursuit of desired results by being vigilant and providing watchful care for the office's use of financial and human resources; by checking that our processes and systems are working well, including our system to ensure accountability for how effectively we use our resources; and by modelling and signalling preferred behaviours through mentorship and by example. To ensure that Albertans receive the value for money they deserve from our office, we follow a clear process of accountability for results. Our commitment to be accountable for results is reflected in our obligation to show continually improving results in a context of fair and agreed on expectations.

Our accountability-for-results process involves five steps. First of all, we set and communicate measurable results and responsibilities. You often hear the term "accountability" kind of bandied about, but we really want to focus on accountability for

results. I heard a quote recently: accountability is an inside job. So every individual needs to be accountable for themselves, but within an organizational framework it's important to set and communicate those measurable results and responsibilities. Next you need to plan what needs to be done to achieve those results. Then you do the work, monitor the progress, and then identify and evaluate the results and provide feedback for continued improvement. We are learning every day. We are a learning organization, and everything we learn gets fed into making us better in the next business cycle. We complete the process by publicly reporting on the results of our work.

That being said, I want to talk a little bit about our work. We concentrate on areas that will result in improved oversight and ethical behaviour. These underpin the success of any organization. We concentrate on the safety and welfare of all Albertans, especially the most vulnerable in our society, and we concentrate on the security and use of the province's resources. They belong to all Albertans and must be protected.

Our systems audits are objective and purposeful examinations of the performance of government organizations, programs, or activities. Systems audits are of two types. In a stand-alone systems audit we examine major programs or initiatives that the government entity undertakes to achieve its goals. The second type of systems audit is generally a direct by-product of the financial statements audit work that I spoke about earlier. Those systems audits are usually focused on operational areas that we've identified for improvement, such as governance, financial management, internal controls, and information technology.

On pages 10 and 11 of the visual aid you'll see an overview of the systems audits that we reported on in the last business cycle. Again, when we provide you with our results analysis report, when we talk about our new business plan, we can talk in more detail about these audits. Of course, at the end of our presentation we're happy to answer questions you have on them as well.

Now that I've spoken with you about how we go about our work, I'm going to hand it back over to the Auditor General to talk about why our work matters and how it helps you to do your job.

Mr. Saher: Thank you, Ruth. On page 12 we have some summary comments on the question of why it matters. In summary, systems audit reports provide information, findings, observations, and recommendations designed to promote answerable, honest, and productive public service and encourage accountability for results and best practices. We work to answer the question: does the organization have the processes and controls to accomplish its goals and mitigate its risks economically and efficiently? If we find that an organization could improve its systems and processes, we make recommendations to management. Our audit reports are addressed to the members of the Assembly and are used by your Public Accounts Committee in its work, probing whether the government is delivering its program cost-effectively. The recommendations we make are designed to encourage government managers to improve their systems and thereby improve economy, efficiency, and effectiveness for the benefit of Albertans.

I'll just close by saying that at the office of the Auditor General the purpose that inspires us is knowing that our work is making a difference in the lives of Albertans. To this end, our office is committed to continuous improvement.

With those comments, Chair, I'm going to hand it back to you, and I think we've just about kept within the time allocation. We'd be very happy to answer any questions that the members have.

The Chair: Thank you so much.

I'll open the floor to questions from members. We'll follow the general practice and rotate between government members and

opposition members. Please keep it to one question and one supplemental so that all members have a chance to speak. Does anyone have any questions?

Mr. Shepherd: Sure.

The Chair: Okay. On the phone lines: do we have any questions? I'll give some time for you to unmute.

Mr. Cooper: It was a very thorough presentation. No questions for me.

The Chair: Thank you.

If I don't hear anymore questions, then, David, go ahead and start us off.

Mr. Shepherd: Thank you. Thank you, sir, for joining us this morning. I appreciate the work that you do on our behalf, and I appreciate the presentation. As Mr. Cooper noted, it was very thorough, gave us some great information. But I was just curious. In terms of the responsibilities you have, you spoke about sort of, I guess, the history of the office and how this is something that is across jurisdictions in every province in Canada. I'm just curious if you could reflect a bit on how your role might compare with how it's set up in some of the other provinces across Canada. Is your office operating fairly similarly, or are there differences between how it's approached?

9:40

Mr. Saher: Yes. I'll make some high-level comments, and then perhaps Ruth can supplement. Essentially, every legislative auditor in Canada is operating under a similar mandate to do financial statement auditing and also to do what we call systems auditing, what others will call today performance auditing. The mandates are quite universal. The difference is the scope of the mandate. Let me give you an example. We are aiming to have our business organized so that we would devote 70 per cent of our resources to financial statement audits and 30 per cent to systems audit. It has to be somewhere in that range because of the very large scope of financial audits that we are mandated to do, being the direct auditor of every ministry department, all Crown corporations, essentially every entity, other than the school boards, that is consolidated into the financial statements of the province we are the auditor of.

Now, I think that that's great, and I think that those that created the mandate that way, back in the late '70s, did the right thing. In other jurisdictions the scope is different. I'll take Ontario, for example. Ontario has a set of consolidated financial statements audited by the Auditor General of Ontario, but the Auditor General of Ontario is not the auditor of all of the pieces of that consolidation. Many of the Crown agencies under their own legislation have the right to appoint their own auditor. I mean, essentially, they're Crown agencies – they're owned by the Crown – so the cost of that audit work will be borne by the citizens of Ontario, but it doesn't pass through the financial statements of the Ontario office.

I've answered this question on the phone. I would have a newspaper person, a member of the media, call me and say: "Mr. Saher, there's obviously something terribly wrong. You know, the office of the Auditor General of Alberta seems to be much larger than the office of the Auditor General of Ontario. Prima facie, something is wrong. Ontario is a much larger province." That's when I have to give this explanation that I'm trying to give to you. The size of the audit office is a function of the scope of work that the Auditor General Act has in that province.

In fact, if one looks in at the relative split in the provincial audit office in Ontario, you'll find it's almost a reverse, that they apply

70 per cent of their resources to value-for-money systems auditing and only 30 per cent to financial statement auditing. Many of those financial statement audits, as I said, are being done by other auditors within Ontario.

So I would say that that's something would be useful for your committee to understand as you look in at our operations and seek, quite justifiably, to compare them with other jurisdictions.

Ms McHugh: I think the only other thing I would add is that as legislative auditors we belong to an organization called CCOLA, the Canadian Council of Legislative Auditors. All of the provincial Auditors as well as the federal audit office come together, and we examine best practices, methodologies. We have an HR Committee. Most of us are CPA training offices as well, bringing in CPA students and training them.

I just wanted to share with you that we come together as a group and understand what we're doing and try to obtain synergies in the work that we're doing. So we stay in close touch with the work that's being done in the other provinces, and if I do say so myself, I think that you can be very proud of your Alberta office. We very often take a leadership role in CCOLA in bringing about best practices. That's just the other thing I'd like to add.

Mr. Shepherd: So . . .

The Chair: Thank you. Sorry. One supplemental. Then if you have another one, we can add you to the speakers list. Okay?

Mr. Shepherd: Absolutely.

Mr. van Dijken: Thank you very much for your presentation. Very thorough. I guess I'm trying to get an understanding of the guidelines that you use in your work. Now, you led towards the Canadian Council of Legislative Auditors. I'm familiar with internal audit, external audit functions within private corporations and that type of thing. I'm trying to get an understanding of how you see your role. Does it line up more with internal audit as compared to external audit? Is it a blend? What guidelines are in place to help you do that work, to understand what your true role is, to bring value back to Albertans?

Mr. Saher: Let me go first. For the work that is done in the audit office, any audit work we do – let me just use auditing financial statements – we're using the same standards that would be used in the private sector by any public accounting firm auditing its clients. We use the same standards that are used in the practice of auditing. Particularly, in our environment the primary reference point is Canadian public-sector accounting standards. We're well versed in those. Some of the organizations that we audit are using IFRS, international financial reporting standards. Those are the government entities that have a for-profit motive, purpose. Alberta Treasury Branches, for example: their financial reporting is prepared under that set of standards, and we're auditing to ensure compliance with that set of standards. We're using generally accepted auditing standards. These are the same standards that are used by auditors in Canada, whether they be in the public or private sector.

There is a distinction. I would differentiate our work from that of the government's corporate internal audit services. The government of Alberta has a division with that name with internal auditors. Many of the larger organizations that we audit have their own internal audit groups. Many of those audit groups are applying the standards of the internal audit community across the world. The fundamental difference is that although I believe every internal audit department that we interact with is independent, there is one

difference in that independence. Their work is done according to standards, but ultimately they are reporting their results to a management group. We as the independent auditors of the government of Alberta work closely with government managers, but our reports are directed to the Assembly. So there is that fine distinction, if you will, between an independent external auditor and the role and purpose of an internal audit group. The point I'm trying to make is that the standards used in our office are universally used by auditors, whether they're working in the public sector or whether they're working in public accounting firms auditing private enterprise.

Mr. van Dijken: Okay. That leads me to a second question with regard to one of the statements that was made in the presentation. When you're doing work with a department or an agency that you oversee, then you ask the question to the client: what are you going to do about it? You also bring forward recommendations. Albertans receive true value when we see implementation of your recommendations. Many times when we look at internal versus external audits – and I'm getting a sense that it's probably a little bit more of an external audit focus here because a lot of them would have their own internal audit focus.

My experience with external auditors is that they have their interpretation, opinion, and then internally there can be an interpretation as to proper focus, proper due diligence, and proper systems to control within. So if the recommendations are not implemented within, say, three years, as you said, then we get into a situation of: why not? Then it's back and forth. Sometimes it's where the recommendations are not seen by the client to be in the best interests of the entity.

I'd like to have a little bit of clarification. We need to understand whether or not you feel like your role is to actually get those recommendations implemented or to get to a point of interpretation that a discussion needs to continue and find some common ground in there to have good implementation.

9:50

Mr. Saher: Let me try to answer that by first saying that our experience with the internal audit groups operating within the government of Alberta is one where we are at pains to rely on their work when we can rely on it so that there isn't duplication. I just want to make that as an important point.

Internal audit groups now, in my opinion, are beginning to emulate, in a sense, the practices of external audit groups in terms of very close relationships with the audit committees of the entities that they are operating within. Those audit committees in a governance role, in my opinion, are changing the way that they believe. If an internal auditor is reporting that there is an opportunity for a change to take place – the internal auditor has made a recommendation – and if the oversight group is satisfied that that recommendation was fully discussed in terms of the auditor fully discussing it with the management group that is the subject of the audit and if the management group has accepted the recommendation, then we are finding that oversight groups, primarily audit committees, are insisting that management follow through on a commitment to implement.

I think that that's very progressive and good because if internal audit work is resulting in improvement, it essentially frees up resources from my office to tackle different areas so that Albertans are benefiting from the efforts, if you will, of internal auditors, that they are paying for, and also external auditors.

In terms of the matter that you raised, I interpreted your question as: how do we deal with differences of opinion? There's much due process before we get to public reporting. Every one of our

recommendations goes through a strict protocol of discussion with the government managers who are responsible for the area that we're auditing. I mean, we essentially are asking the question: "Have we got the facts right? Do you accept that our recommendation would in fact improve your operations? Is it implementable? If you don't believe that we have made a good recommendation, please tell us; please have a constructive dialogue with us and persuade us that we are in fact wrong." That's very much a part of our work. If in that exchange the government management group says, "Yes, we think that what you're bringing forward is useful, and we commit to implementing it," then we take that as a true commitment on behalf of the organization that there is a will to move forward. That's why on our follow-up work we will assume that the organization wanted to implement.

We're also practical. You know, in the course of a two-, three-year history of dealing with something, the environment changes. So we're not going to push to have something implemented if the circumstances have changed. That's part of follow-up auditing. I'm trying to assure you that in our work with the Public Accounts Committee, if we're telling the Public Accounts Committee – and those that we audit can come forward as witnesses and speak for themselves. If they've said, "We will implement," then we proceed on that basis. "We will implement" we take to mean: we accept that the audit office has made a good recommendation; it's practical; and were we to implement it, essentially, our chances of being successful will increase.

The Chair: Thank you.

Mr. Shepherd, I believe you had more questions.

Mr. Shepherd: Thank you. I'll just get back to my notes here.

The Chair: I'll just take this moment to double-check: do we have any questions on the phone?

I'll take silence as a no.

Mr. Shepherd: Okay. I was just wondering. Based on your work so far – you were just talking, I guess, about how you resolve conflicts if there are any between yourselves and the departments you're auditing. Have you found that in the work that you've been doing on behalf of the Assembly so far, there are any other obstacles that might be impeding your work in any way or anything that we could be looking at systemically that would improve your ability to do the work?

Mr. Saher: No. At this moment I don't have anything that's floating around in my mind that I would say: gosh, this is a tremendous opportunity for me to raise this and get the support of your committee. Truly, at the moment there is no matter that I consider to be impeding our ability to serve Albertans. You know, we'll come forward with a business plan in which you will see the challenges that we face from a business point of view in being successful, but these are not matters where we are, if you will, at loggerheads or fighting somebody to be able to move forward. These are just the natural challenges and trying to seek opportunities to do our work better.

I really appreciate the question you've asked because, I think, essentially as an oversight group you're saying to us here: is there any way in which we can help or that we need to help you? Just at this moment there's no matter that I believe I should bring to you as a committee in terms of an obstacle to the office of the Auditor General being able to proceed with doing its work on behalf of Albertans.

I will take this opportunity to say that I think we're very lucky to work with a public service that is a first-class public service. Public

service managers in Alberta get it. They get that we, funded by Albertans, are invited to come and look at their affairs. It's the privilege of using public resources. I think there's a general understanding that the privilege of using public resources comes with a price, and that's that you have to open up and allow your affairs to be looked at by an independent legislative auditor. Our presence is not resisted. I'm not going to go as far as saying that as we arrive, it's open arms, but it's collegial and it's professional, and that's how it should be. In rare instances where there are some problems, we will, you know, deal with those appropriately within the organization. If it was something systemic, I can assure you that we would bring that to your attention.

I want to thank you for asking that question.

Mr. Shepherd: Thank you.

The Chair: Thank you.

Seeing as we're at 9:57, I'm going to thank you for the presentation this morning and for answering the committee's questions. If there are any outstanding questions you wish to address or additional information you want to provide to the committee, please forward this information to the committee clerk. We'll be contacting your office once the dates are established to review the office's 2016-2017 budget estimates.

We'll take a few minutes to allow the next office to get ready and set up at the table.

Mr. Saher: Thank you very much.

The Chair: Thank you very much for joining us.

[The committee adjourned from 9:58 a.m. to 10:05 a.m.]

The Chair: We'll do a quick round of introductions for those at the table, and then I'll call on the members on the phone lines as well.

We're continuing with the presentations from the officers of the Legislature, who were invited to attend this meeting to provide an overview of their respective mandates and operations for the information of the committee.

I'd like to welcome Mr. Graff, the Child and Youth Advocate, and his staff to the meeting. Thank you for coming.

We're going to do the introductions first, so if you want to start us off.

Ms Russell: I'm Bonnie Russell with the office of the Child and Youth Advocate.

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

Ms Stewart: And I'm Jackie Stewart. I'm the executive director of child and youth advocacy with the office.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. van Dijken: Glenn van Dijken, MLA for Barrhead-Morinville-Westlock.

Ms Woollard: Denise Woollard, MLA for Edmonton-Mill Creek.

Mr. Horne: Trevor Horne, MLA for Spruce Grove-St. Albert.

Mr. Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Mr. Kleinsteuber: Jamie Kleinsteuber, MLA, Calgary-Northern Hills.

Mr. Shepherd: David Shepherd, Edmonton-Centre.

Ms Jabbour: Debbie Jabbour, MLA, Peace River. Good morning.

The Chair: Thank you.

And the members on the phone.

Mr. Cooper: Nathan Cooper, MLA for the wonderful constituency of Olds-Didsbury-Three Hills.

The Chair: We're just waiting for Mr. McIver. Okay. We'll see if he unmutes later on.

Okay. You have about 35 to 40 minutes, and then we'll have about 20 minutes for questions. Go ahead.

Office of the Child and Youth Advocate

Mr. Graff: Okay. Good morning, Chair Cortes-Vargas and committee members. Thank you for providing us with the opportunity to talk with you this morning. The purpose of our attending this meeting today is to provide you with an overview of the mandate and the work of the office of the Child and Youth Advocate. As well, we'll provide some highlights of our 2014-15 annual report and our 2016-2019 business plan. With me this morning, I'll just remind you, are Jackie Stewart, our executive director of child and youth advocacy; and Bonnie Russell, who is our director of strategic support.

Our presentation will focus on our mandate, provide an overview of our organization, and provide information about our programs. We'll also highlight some of our past years' accomplishments and some of our priorities moving forward. Jackie, Bonnie, and I will be taking turns in presenting. You already indicated that there would be time at the end for questions, so thank you for that opportunity.

The office of the Child and Youth Advocate became an independent office of the Legislature on April 1, 2012. Prior to that date the office of the Child and Youth Advocate reported to the Minister of Human Services and before that, to the minister of children and youth services. The children's advocate was first established in September of 1989. That makes Alberta the first province in the country to have a children's advocate.

The Child and Youth Advocate Act includes a preamble that sets the stage for the advocate's role, purpose, functions, and powers. It recognizes that children and youth are our greatest resource . . . [It] is committed to ensuring that the rights, interests and viewpoints of the most vulnerable children and youth in provincial government systems are considered . . . [and it] recognizes the importance of continual improvement in the provision of services to vulnerable children and youth.

Our office has a vision that the rights, interests, and viewpoints of Alberta's vulnerable children and youth are affirmed and acted upon. Our mission statement is that we represent the rights, interests, and viewpoints of Alberta children and youth who receive designated intervention services or who are involved with the youth justice system. Designated services include services provided to children and youth under the Child, Youth and Family Enhancement Act with the exception of adoptions, the Protection of Sexually Exploited Children Act, and the youth justice system.

I'll now ask Bonnie to proceed with the next section of our presentation.

Ms Russell: Thank you, Del, and good morning, Chair and members. The office of the Child and Youth Advocate has 66 full-time equivalent positions. We have an office in Edmonton and another one in Calgary to better serve youth across the province. Referring to our organizational structure, the provincial advocate's

office has two positions, which include the Child and Youth Advocate, Del; and his executive assistant.

Our office is comprised of four divisions led by an executive director or a director. Advocacy services and quality assurance have 25 staff. There are 12 advocates in the Edmonton office and eight advocates in the Calgary office, and we have five positions responsible for systemic advocacy, quality assurance, and research within our office.

In our engagement in education division we have a communications manager, three community and aboriginal engagement consultants as well as three public education staff.

Our investigations and legal representation division comprises three units: investigations has eight investigators; the legal representation for children and youth program has one program manager; and our intake services team comprises four workers, that support both our advocacy and legal representation for children and youth as well as general inquiries to our office.

Our strategic support division provides the internal support to the organization and includes 15 staff, that provide finance, information technology, facility services, and program support.

I'd now like to turn your attention to our budget estimates. The OCYA's 2015-16 voted budget is \$13,242,000. This represents a decrease of 2 per cent from our 2014-15 revised budget plus an additional \$275,000 that was approved by this committee in September to annualize salaries and benefits of the FTEs that were supported in the 2014-15 supplementary estimate. Our budget is allocated as follows: \$8.1 million is for salaries and benefits – this represents 61 per cent of our overall budget – \$3.4 million, or 26 per cent, is for legal fees and disbursements that are paid to lawyers that provide legal representation directly to children and youth. One million dollars, or about 8 per cent of our budget, is for contracted services covering investigation services, which include our expert panel members; other independent expertise that we require for investigations; legal and FOIP reviews; production and printing of our reports. It also covers IT operations, independent file reviews, and other expertise not available within the OCYA. We have 5 per cent of our budget, or \$724,000, allocated to travel to meet with young people, to provide advocacy services, or to conduct investigations. As well, this 5 per cent covers our insurance, rentals, equipment, IT purchases, and materials and supplies. Our strategic support division is responsible for, as I said, finance, IT, administration, facilities.

I'd like to share some highlights from our group. In August 2014 we co-located the two Edmonton offices into a single new office space at the 9925 building. We set up a new information technology data centre, that supports not only our office but as well the offices of the Ombudsman, the Public Interest Commissioner, and the Ethics Commissioner. We have enhanced the OCYA's occupational health and safety program along with implementing other health and wellness initiatives.

As we move forward, we will be providing a full range of human resource supports to our staff through a memorandum of understanding with Alberta Education to deliver these supports. We're working on implementing a human resource strategic plan that enhances our recruitment processes, addresses succession planning, and further develops leaders within our organization. We're also in the process of migrating the OCYA business applications out of the Human Services IT environment and into our new environment, and we'll be enhancing our business applications to better support quality assurance reviews along with implementing a more rigorous emergency response preparedness program.

I'd like to now turn it over to Jackie.

Ms Stewart: Good morning, Chair and members. The OCYA is responsible for providing services to some of the most vulnerable citizens in Alberta. With this in mind, the OCYA has dedicated staff and resources within our office to ensure that we are accountable and always working to improve the quality and the effectiveness of our services. We have an advocacy practice framework that guides our practice, and we have several quality assurance tools in place. For example, after a young person 12 years of age or older receives services from our office, they are contacted by an independent contractor to hear about their service experiences. We have standards for advocates and for lawyers, which are monitored for compliance. The results of this and what young people have to say about our services are included in our annual report and are posted on our website.

10:15

In the coming year we will continue to staff our quality assurance unit, and we will be reviewing the standards that we have had in place for several years as well as the OCYA's performance measures to determine their overall effectiveness. We will continue to participate with other provincial and territorial child advocates in the implementation of national child advocacy standards. With an ongoing focus on quality and with young people assisting us, we will continue to become better for those that we serve.

I would now like to talk about the work we do with respect to individual advocacy. We work directly with young people through a team of advocates to support young people in having their interests and rights affirmed and acted upon. Our advocates support young people to understand their rights and to exercise them. Advocates listen to young people, they hear their problems, and they work with them to try to find solutions. Advocates use their knowledge and understanding of rights to represent young people. Advocates help young people to identify and to express their interests and their viewpoints, and they help them to describe what's not working for them and what the situation would look like if it was working better.

In 2014-2015 a total of 2,526 young people were served through our office by individual advocates. Young people contact our office or someone contacts us on their behalf for a variety of reasons. For example, a young person may be unhappy in their foster home or wanting to visit with their family, and their caseworker has decided against this. Sometimes relatives, teachers, foster parents contact our office because they're concerned that a child's interests are not being considered in important decisions affecting a child or that their rights are not being respected.

We also reach out to young people. Advocates regularly go to youth justice centres to meet with young people to see if they need support. For whatever reason we become involved, advocates work for young people and only for young people.

The OCYA is also involved in systemic advocacy. Our systemic advocacy efforts aim to improve the circumstances for young people who are receiving designated services or who want to receive services. We define systemic issues as those that generally affect groups of children or young people and require a change to policy, regulation, or legislation to resolve the issues.

Examples of our systemic advocacy efforts include our office cohosting with the Mental Health Patient Advocate a mental health symposium to engage decision-makers on the issues. We've provided opportunities for young people to speak up to decision-makers at events like the Minister of Human Services' Child Intervention Roundtable on deaths and serious injury, and we encourage and support the child advocacy efforts of other organizations. We provide semiannual service reports to each child and family service region and to delegated First Nations agencies

as well as a provincial overview report to the Ministry of Human Services.

In the coming year we will continue to focus on identifying and implementing best practices in child and youth advocacy and, included with this, looking for creative and innovative advocacy strategies and exploring better ways to connect and gather information from younger children that we serve. We will also continue to work with designated services and increase opportunities for young people to be involved in systemic advocacy efforts.

I'll now turn things back to Del.

Mr. Graff: Thank you, Jackie. One of our office's responsibilities is to investigate systemic issues arising from a serious injury to or the death of a young person who's receiving a designated service at the time of the event if in the opinion of the advocate the investigation is warranted or in the public interest.

There have been two amendments to our act since it was proclaimed in 2012. On November 1, 2013, an amendment was made to the Child and Youth Advocate Act to enable the advocate to review the serious injury or death of a child 18 to 22 years old receiving support and financial assistance under the Child, Youth and Family Enhancement Act. Prior to that date we were not able to review that group. Then on May 14, 2014, additional changes were proclaimed to the Child and Youth Advocate Act, allowing the advocate to investigate systemic issues arising from the death of a child who at any time during the two-year period immediately preceding the death had received a designated service. The first amendment was initiated by my office. The second one was initiated by the government.

Continuing with investigations, I'd like to briefly describe the investigations process. It's a three-phase process. At the initial phase, which we call the examination phase, we review all serious injuries and deaths reported to our office. An investigator reviews the report along with electronic records that exist, and they make a collateral contact with someone who is close to the young person. If systemic issues are identified, the report moves to the assessment phase. During the assessment phase the investigator reviews the work done in the examination phase and reviews additional information from public bodies as well as additional collateral contacts.

If systemic issues remain present, that we don't have answers to those questions regarding systemic issues, we move the review process into the investigations level. During the investigative review phase further information is gathered. Individuals familiar with the young person are interviewed. Best practices are examined. We consult with the Child and Family Services Council for Quality Assurance regarding our terms of reference. We engage a panel of subject matter experts to assist in developing the findings and recommendations after we've gathered information about the situation. We provide the investigative review to the respective public body, to the Legislature, and to the public.

Under the investigative review phase I have the authority of a commissioner under the Inquiries Act, which means I can compel people to speak to me. As well, I have the authority to access any information required to fulfill my duties under the Child and Youth Advocate Act.

I'd now like to talk about the number of reports of deaths and serious injuries received by my office. Since the proclamation of the Child and Youth Advocate Act on April 1, 2012, our office has received 163 reports of serious injuries and deaths of children involved in the child intervention system. There were 140 deaths and 23 serious injuries reported. Through our investigative review reports we have made 44 recommendations. Recommendations

have been made to the Ministry of Human Services, the College of Physicians & Surgeons, the Alberta College of Pharmacists, and to Alberta Health.

As we move forward, we are working towards providing more timely and effective responses to reports of serious injuries and deaths. We are anticipating releasing 13 investigative review reports in 2015-2016. As well, we have increased the number of investigators by two and added a senior manager position to the team.

Jackie will now discuss our legal representation for children and youth program, or what we call LRCY.

Ms Stewart: Thanks again, Del. The LRCY program provides legal representation for young people receiving services under the Child, Youth and Family Enhancement Act or under the Protection of Sexually Exploited Children Act. LRCY does not appoint lawyers for young people involved in youth justice or in private custody matters.

In regard to the young people we serve 1,092 appointments were made by LRCY to LRCY lawyers, and 1,641 children received legal services through these appointments last year. The lawyers who represent these young people ensure that their legal rights are respected and that their voice is heard in court applications affecting them. We also provide training opportunities to the roster lawyers for ongoing professional development and in the area of child legal representation.

A review of the LRCY roster was done in 2013. As a result of this process we have put into place an interview process for all lawyers wishing to stay on the LRCY roster. The purpose of the interview is to determine whether the lawyer's philosophy about representing the child's rights, interests, and viewpoints align with the OCYA.

I'll now turn things back to Del to talk about engagement and education.

10:25

Mr. Graff: Thanks, Jackie. Through public education we focus on educating young people about their rights, about the importance of rights, how to exercise rights, and how the OCYA can assist young people. We also engage stakeholders to raise their awareness of the rights of young people and how to help young people realize their rights. This strengthens our presence in the community and creates a strong network for us to reach out into the community and raise awareness of the work of our office.

An example of our work includes delegation training, where we provide training to all caseworkers who are new to the child intervention system. This includes an overview of our office and advocacy and what it means to help people have their rights, interests, and viewpoints considered when decisions are made that affect them. Another example is what we call the delivery of Advocacy 101. It's a workshop that's provided to community members who work directly with vulnerable young people.

In 2014-15 over 193 engagement and education activities were undertaken, from things like School at the Legislature to booths at conventions to the delegation training I mentioned to advocacy training and many other events. As well, engaging youth in our organization is a priority.

One example of how we do that is the Youth Advisory Panel. The Youth Advisory Panel is made up of nine young people from across the province who meet quarterly to support our office by providing input, advice, and feedback to the OCYA. Members of the panel have participated in focus groups on special reports, they were on a panel at the LRCY conference, and they've participated in the mental health review.

Another example of engagement with youth is the friends of the advocate program, which is designed to support young people who are interested in being involved in the work of the office of the Child and Youth Advocate.

Moving forward, we will continue to raise awareness of the rights of young people and the OCYA services we offer. We will be recruiting new members to the Youth Advisory Panel, particularly members from rural areas, and we will expand the friends of the advocate to include the many adult stakeholders who are interested in the work of our office.

Along with our annual report and investigation reports, our office issues special reports focused on significant systemic issues. In 2013 we issued our first special report, addressing youth aging out of government care. We are currently working on our second special report, regarding the overrepresentation of aboriginal children in care.

Communications is a key engagement strategy with all of the people we serve but especially with young people. Last summer we launched a new logo for our office, and this past fall we launched a more child- and youth-friendly website, where young people can access information about our services. We're also very active on social media as it plays a huge part in how we connect with young people. I've learned how to tweet, and now I do so on a regular basis. We now have about 740 followers, and I would encourage all who are interested to follow us on Twitter.

In closing, I want to say that I'm very proud of the work of our office and the young people we are involved with every day. We are committed to continuing to assess, evaluate, and improve our services to ensure that the rights, interests, and viewpoints of Alberta's vulnerable children and youth are at the centre of all that we do.

Chair Cortes-Vargas, I want to thank you and this committee for the opportunity to talk with you about the work that we do. I hope that we have conveyed the importance of the direct services provided by the highly committed professionals in our office to vulnerable young people in Alberta every day.

Thank you, and we'll be happy to respond to any questions.

The Chair: Thank you very much for that presentation.

I'll open up the floor to questions from the committee. Again, we're going to follow the general practice, rotating between government members and opposition. I'd just remind everyone: one question and one supplemental.

Mr. van Dijken, I think you can start us off.

Mr. van Dijken: Thank you, Chair. Thank you for the presentation. It's important work that you are involved with in our province.

I'm looking in the annual report and dealing with systemic issues. On page 16 of the annual report I read, "While overall there has been progress, there continues to be a number of outstanding recommendations and ongoing systemic issues in Alberta's child intervention system." Then on the page previous, page 15, part of the activities and the goals of your office and of Albertans in general would be where systemic issues "typically require a change to policy, regulation or legislation to [help] resolve."

I guess my question to you is on the process in recognizing where the key inputs can be implemented in order to help address some of these systemic issues that have been identified. The process would be for your office, then, to get in contact with the public body that you're reporting to and to advise as to how best to proceed on either policy, legislation, or regulation. Is that the process that it goes through?

Mr. Graff: Generally what takes place is that when we complete a report, the outcome of that report is identification of a systemic issue. We then will make a recommendation to a ministry or to a public body about some change in the rules of the legislation or the regulation. We direct that towards a public body, and that public body then has the responsibility to look at the recommendation, consider it, and most public bodies do get back to us with what they intend to do. For example, we might make a recommendation to the Ministry of Human Services about changing one of their policies and implementing that change, and then we would expect them to provide us with updates about their activity.

Mr. van Dijken: With regard to that, you talked about your Youth Advisory Panel, nine young people, and then also about friends of the advocate. I'm just curious about the structure within those groups. You're at nine people right now, and you're talking about getting more involvement, expanding on that. Is there a structure in place with regard to those two bodies to help continue I'm going to say in a way that we have good flow going forward as opposed to having nine today, 18 next year, seven the year after? Is there a structure in place to help that Youth Advisory Panel to be able to be fairly stable moving forward, recognizing that it will be an evolving group?

Mr. Graff: Yes. There is a structure in place regarding the Youth Advisory Panel. The Youth Advisory Panel has been in place for some time and has been very stable and consistent. Part of the reason for that is that while young people come from different parts of the province, they're supported by what we call mentors from those communities that they come from. We have, for example, a young person who comes to the Youth Advisory Panel from Lethbridge, and there is a community agency in Lethbridge that provides support and has a mentor who comes with that young person to the meetings. They're not just a young person by themselves; they're a young person who has a mentor from their community to participate.

That helps in a number of ways, both in terms of the participation and, you know, having young people get to where they need to be, but also, when they're discussing issues, the mentor is a person that can help the young person and sort through some questions that they can bring to the meetings and all of that. The mentors are actively involved with the youth panel as well. While there are nine young people, there are also nine mentors, that are attached to those young people.

Mr. van Dijken: Good to know.

The Chair: Thank you.

Mr. Connolly, you have some questions?

10:35

Mr. Connolly: Yeah. Thank you very much for coming. As a youth, thanks so much for what you do. The advocate was created while I was in grade 12. Being 21 – I think it goes to 24 as to what qualifies as youth – I thank you very much.

My first question. I didn't see anything in the report or the PowerPoint about LGBT youth. As I'm sure you know, within the homeless youth 40 per cent say that they're LGBT. I was wondering what the advocate is doing to support LGBT. I didn't see it in the report – it might have been there, and I just missed it – and I didn't see it in the PowerPoint either.

Mr. Graff: A very good question. One of the statements that I make in the message from the advocate speaks to the fact that our advocacy work has included initiatives that are intended to make us

a more inclusive workplace, to enable LGBTQ young people to feel like they are part of our office and are welcome. We have had workshops for our staff from people with expertise in LGBTQ issues. We have had people with expertise tour our new office to say: here is how you can make your office more inclusive. We have also gone to the ISMSS offices and taken a tour of their space so that we could see first-hand what they view as an inclusive workplace. So we've done some work in that regard, but that's not to suggest that there isn't more to do. If we haven't specified sufficiently enough in our annual report, well, stay tuned; we will.

Mr. Connolly: What are you doing to deliver outreach within the LGBT community?

Mr. Graff: One of the things that we do currently is that we're part of a sexual health committee structure. That's a provincial structure, and it's, in fact, hosted at our office. That committee is intended to influence policies around issues with respect to sexual and gender minorities. Certainly, that's one of the highlights of what we do.

Mr. Connolly: Okay. Thank you.

The Chair: On the telephone, Mr. Cooper has a question as well.

Mr. Cooper: Thank you, Chair, and thank you for your presentation this morning. I have two quick questions, and just given the nature of calling in, I might just ask both of them and then take the response if that's fine.

The Chair: Yes. Go ahead.

Mr. Cooper: The first question is also around the advisory panel, and Mr. van Dijken and Mr. Connolly have highlighted some issues around that. My comment is that, specifically, you said that you were looking for more rural involvement. Given that I represent a fairly rural constituency, I'm just curious to know what the process might be for having perhaps a young person in the constituency of Olds-Didsbury-Three Hills either apply or be appointed or exactly how that might work.

Then my second question is around: at what point in time should someone contact your office? I'll use an example. I had a number of people contact me regarding a decision that the Department of Human Services made to change some issues around fostering to adopt and the adoption stream, and they had some concerns around that policy decision. Then, more specifically, at what point in time should a foster family contact your office? Is it, you know, if they disagree with a decision of the department? If you could just elaborate a little bit on that so I could have a better sense for advising people that might contact my office about when it would be appropriate for them to connect with you.

Mr. Graff: Okay. Well, thank you for those two questions. They're both very good questions, and I'd suggest that I'll respond to the first one and Jackie can respond to the second one.

With respect to the advisory panel, when we're recruiting new members, our normal course of action is to have discussions with those stakeholders whom we have relationships with in communities and say: are there young people that you think might be interested and who have had experience with intervention services, are there mentors who might be available to support those young people, and is there support in your agency or in your community for that to take place?

We have an extensive array of stakeholders that we're involved with because our advocates are out in the communities all the time. So when I speak to the need for rural participation, it's because

we've been challenged to identify that combination of young person, mentor, and community agency support for that person to participate. The largest area where we're looking for recruitment is in the northwest part of the province. That's really where our focus is going in the coming year, but certainly if there is interest from people in your areas where there is that combination of a young person who would like to make a contribution to our organization, a mentor who might be able to support that young person, and a community organization that would be supportive of that process, we would love to hear from them.

Jackie can respond to the second question.

Ms Stewart: In response to the question related to hearing from constituents about the change of government policy related to foster/adopt, we've also heard from concerned people. Our role, clearly, is to represent young people and their interests, so certainly if you become aware of a situation either because it's a change in government policy or regulation or whatever and you feel that it is affecting young people and that their interests may not be at the forefront, we would certainly be interested to hear about either those individual cases or just generally the issue. It's something that we, of course, are following within our office.

In response to the second piece, related to foster parents calling and being unhappy about decisions, we sometimes hear from foster parents as well, and sometimes the issue is really a foster parent issue. We will help them and perhaps guide them to where they may be able to receive support, but our interest, really, is focused on young people directly. When we hear from foster parents, we're really focused in on trying to figure out what relates to the child's interests versus what the foster parents' interests are. There are lots of supports for foster parents – we're aware of that – and we will definitely help navigate them to those supports.

Mr. Graff: The only other thing that I would add to that is that it's not unusual for us to hear either from MLAs or from constituency offices about concerns that people have, so I'd encourage you to call as well.

Mr. Cooper: Thank you.

The Chair: Thank you, Nathan.

Mr. Connolly, I believe you had some more questions.

Mr. Connolly: Yeah. Under the stated challenges and opportunities in the business plan the OCYA acknowledges the disproportionate number of indigenous children in care and in the justice system. What steps is the advocate's office taking to address this issue?

Mr. Graff: We're taking a number of steps. One of the steps that we've taken and that has been in place for some time is that we have individuals who are in positions that we call aboriginal engagement consultants. They are people who help build bridges between our organization and aboriginal communities, First Nations and Métis communities in particular, in the province. That's something that we've had in place for quite some time, and we're very actively engaged in trying to develop the relationships, et cetera, for our work in those communities.

When I first arrived here, one of the first tasks I had to do was to complete an annual report, and I wrote, I thought, a very direct message about the overrepresentation of aboriginal children in government care. I was surprised to see that there was not a lot of attention applied after I did that, with all of the public and the media, et cetera, around that issue.

More recently we have decided that we need to advance a special report on the overrepresentation of First Nations, Métis, and Inuit

young people involved in the child intervention system. The goals of this special report – and it's in progress right now – are to improve aboriginal young people's and families' experience and outcomes with child intervention, to push aboriginal child intervention to greater levels of practice excellence, and to collectively influence government and others to change their relationship with First Nations and Métis people regarding child intervention.

10:45

We want to do that in a number of ways. We want to learn about improving child intervention systems from the aboriginal young people and their families who have experience with the system. We want to also learn from caregivers and other stakeholders who work with this population and who support these aboriginal children and families in the child intervention system. We want to review the current literature that can help articulate how to improve outcomes for aboriginal children and families regarding child intervention. Finally, we want to identify what works from the perspective of the users, those people who have experience with the system, and find out what those program areas are so we can do more of that.

To date we've met face to face with about 600 people. We've done that through focus groups, through our website and people being able to complete a survey on our website. We've got a telephone number that people can call and talk with us individually. We've also done one-on-one interviews with people who aren't comfortable with any of those other measures for us gathering information.

We're working towards the release of this special report by the end of this fiscal year, so we're hopeful that by the end of March that report will be completed. It's one of the measures that we can bring forward to say that we need to have attention to this issue, and the attention needs to be significant and serious in terms of what takes place, with our recommendations following that report.

Mr. Connolly: Great. Thank you.

One further question related to that one. The business plan also states that indigenous leaders have expressed a need for a different kind of relationship with the advocate's office. Can you explain how the advocate's office is undertaking this?

Mr. Graff: Well, in fact, that was what I was referring to when I was speaking to the engagement that we've been working at. Those leaders made those comments when we went to them to ask: how do you see our relationship needing to change? They identified the need for us to participate with them in a new way, and that means engagement. What they described is: "It doesn't mean engagement just when there's something wrong. Come to our communities and participate with us when there's not something wrong." Our staff have been doing an awful lot of that, and we've seen tremendous progress in that regard.

Mr. Connolly: Excellent. Thank you.

The Chair: Thank you.

Mr. van Dijken, you had more questions?

Mr. van Dijken: Yeah. Thank you. Going through the annual report, I see that in most of the performance measurements that are being implemented or that are being utilized, the office is pretty much knocking it out of the park, like, very much meeting the measurements. When I look at performance measures that are typically being met 90 to 100 per cent, sometimes I question whether or not the metric is valuable and if the right metric is in place to help improve going forward. You did mention in your

discussion that you were meeting with other peer groups throughout the country to help learn from others. I believe it's very important that we are able to learn from others' best practices, find out what works, what's not working. The wisdom of the many is far greater than the wisdom of a few. I'm able to learn from you. I'm able to learn from the rest of the Members of the Legislative Assembly. We all can work towards a civil society that improves on an ongoing basis. I guess I'm just wondering. You have your national child advocate standards. Do you also learn from international standards, learning from what's being learned internationally as well as from other jurisdictions in Canada?

Mr. Graff: Good question. One of the comments I'll make has to do with the metrics and whether or not our standards are appropriate. In Jackie's portion of the presentation she indicated that we were going to do a review of the standards, and that's really to try to address that very question: are we using the right standards, and are we setting targets at the right level so that we can be challenged to improve more over time?

With respect to the second question certainly my office has been actively involved at the national level in terms of the establishment of child advocacy standards for children's advocates across the country. I'm the vice-president of the Canadian Council of Child and Youth Advocates, and through that role I raised the issue of national standards some time ago. Over the past year and a half all of the provincial and territorial advocates in the country have been working towards a set of national standards. At our last conference, in September, just this past September, we ratified a set of national standards for child advocacy across the country.

In preparing for that work and doing the research that precedes that kind of change, we looked at what international standards exist for child advocacy, and I was a bit surprised to see how little there was from other nations in terms of advocacy standards that would apply to children in the kind of work that we do. In fact, the most comprehensive child advocacy standards exist in the United Kingdom, and those were, I think, from 2002. So for Canada to have ratified a national set of child advocacy standards this past September I think is a significant accomplishment for that group.

The Chair: Thank you.

Do you have another question?

Mr. van Dijken: Yeah. Just to go further on that, if we see that internationally we're not seeing a lot of standards being set, would it be fair to assume that they're not seeing an issue? We're seeing an issue. Is it that the others are not being proactive and we're more proactive? If you could comment on that.

Mr. Graff: I would suggest that it reflects a distinction in the way that child advocacy is thought of in different nations. In fact, there's, as you may know, a significant difference in the way that child advocacy legislation happens just in our own country. The fact that the Canadian Council of Child and Youth Advocates came together and were able to find enough like-mindedness to bring forward a set of national standards is unusual. It's likely because of the differences in other countries, in terms of their child advocacies, that it's not been done before.

The Chair: Thank you.

Mr. Connolly, have you more questions?

Mr. Connolly: Yes. Just a couple more. I have a couple of questions about your goals in your business plans. Goal 2 in the OCYA business plan states that the advocate's office will seek to "ensure that the voices of young people are heard in the youth

justice system and that their views are considered in processes and policies that affect them.” How are you planning to achieve this goal?

Mr. Graff: I’ll let Jackie comment in a more specific way, but one of the things that I can say is that when we began with the new mandate in April 2012, one of our struggles was: how do we engage with the youth justice system when it’s not a system that’s familiar to us nor are we as an advocacy organization familiar to them? There was a fair bit of developmental work that was required before we even knew what we needed to do to engage.

I’ll let Jackie talk about kind of the specifics of what we’ve done since that time.

Ms Stewart: In fact, our history was that typically we received phone calls from young people or people around them, and with the youth justice population that absolutely wasn’t the case. What we learned fairly quickly was that we needed to reach out to them. As a matter of course, now we have advocates that go out regularly to the centres. For example, in Edmonton we go out every two weeks. We have two advocates that meet with young people that are in the centre and talk to them about what their issues are, what’s going on. Through that process of learning and meeting with young people within the centres, we’ve heard more and more about what their issues are and what advocacy needs they have and also what they need to have addressed within the centres in terms of changes of policy and programming.

It’s been a learning experience for us, and it’s really been led by speaking to young people. Some of the centres have youth advisory panels, so we connect with them and teach them about advocacy practices so that even within the centre the youth can advocate for other youth that are there.

Mr. Connolly: Excellent.

My second question. Goal 5 of the OCYA business plan speaks to the investigation of issues arising from the serious injury or death of a child. The 2016 targets for completing and reviewing such investigations represent a push for significant improvements over the last actuals, in 2014-15. Again, how does the OCYA intend to accomplish this goal?

10:55

Mr. Graff: One of the challenges of my office materialized from the change in our legislation with the second amendment that took place. That virtually doubled the number of reports that we received within a one-year period. Because of that, we needed to focus our resources in a particular way, and where we focused our resources was at the very front end of that investigative review process that I outlined. Our energies were put into identifying whether or not there were systemic issues arising and whether or not we needed to move them forward. To do that with that large of an increase meant that we were going to slow down.

I’ve spoken with this committee a couple of times about the question of: what is the impact when you don’t have the resources to meet the demands? You know, would it mean that we’re not able to fulfill our mandate? I would say: no; of course we’re going to fulfill our mandate, but it will slow us down. I think that the measures outlined in the business plan that you’re speaking to reflect that slowdown. We are now in a recruitment process to look at having some more investigation capacity; we’re in the midst of that. We’ve also articulated how we’re going to be able to move from that very first kind of bulk of business around doing that initial examination to managing the whole process. We’re redistributing our resources back to where they’re most needed, so they moved to the very front end. That made us slower in terms of our ability to

meet our targets, and now we’re redistributing as well as adding resources to it.

That would be, I think, as clear a response as I can provide at this moment.

Mr. Connolly: Thank you.

Mr. Graff: Thank you.

The Chair: Thank you.

I don’t see any more questions.

Thank you very much for the presentation. It was really nice to have you come in this morning to answer the committee’s questions. If there are any outstanding questions you wish to address or additional information you want to provide to the committee, please do that through the committee clerk. We’ll be contacting your office once the dates are established to review the office’s 2016-2017 estimates. Thank you very much for coming today.

Mr. Graff: Thank you very much.

The Chair: We’ll just take a few minutes to set up for the next office.

[The committee adjourned from 10:58 a.m. to 11:04 a.m.]

The Chair: All right. We’re going to start the next round of reviews.

We’re just going to do a quick round of introductions for those at that table, and then I’ll call on the members on the phone lines.

Karen, if you want to start us off.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. Nixon: Jason Nixon, MLA for Rimbey-Rocky Mountain House-Sundre.

Ms Clayton: Jill Clayton, Information and Privacy Commissioner of Alberta.

Mr. Brower: LeRoy Brower, Assistant Information and Privacy Commissioner.

Ms Woollard: Denise Woollard, MLA, Edmonton-Mill Creek.

Mr. Horne: Trevor Horne, Spruce Grove-St. Albert.

Mr. Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Mr. Kleinsteuber: Jamie Kleinsteuber, MLA, Calgary-Northern Hills.

Mr. Shepherd: David Shepherd, Edmonton-Centre.

The Chair: Those on the phone lines?

Mr. Cooper: Nathan Cooper from the wonderful constituency of Olds-Didsbury-Three Hills.

The Chair: Okay. I’m Estefania Cortes-Vargas. I’m the chair of the Legislative Offices Committee.

For the record, at the September 24 meeting the committee passed a motion to invite the officers of the Legislature to attend future meetings to provide an overview of their respective mandates and operations.

I’d like to welcome Ms Clayton, Information and Privacy Commissioner; and Mr. Brower, assistant commissioner, to the

meeting. Please go ahead with your presentation, and if you can keep it to 35 to 40 minutes, then we'll have 20 minutes to ask questions from the committee members. Please go ahead.

Office of the Information and Privacy Commissioner

Ms Clayton: Sure. Thank you very much. Chair, members of the committee, I appreciate the opportunity to be here this morning. I'm just going to take my watch off here so I can keep track of the time. I really appreciate the opportunity, in particular, to have a few minutes where we can actually talk about what the office does. I know that often we meet once a year for one hour, and there's not a lot of time to get into a lot of detail about what the office is up to and some of the issues that are in front of us. I'm hoping that we'll have lots of time for questions. I definitely will keep to my 35 minutes of presenting time.

Today we have an overview slide. This is what I'm proposing to talk about: a little bit about the three access and privacy laws that I have oversight for; a little bit about our office and what we're seeing in terms of just the mandate but also what we're seeing in terms of cases that come to the office; some of the current issues and challenges that we are dealing with; and a little bit about what we're planning to do to address some of those issues and challenges in the upcoming years. Then, as I said, we'll have time for lots of questions, I hope.

I'm not sure how familiar everybody in the room is with access and privacy laws in Alberta. There are three. The oldest or the most mature is the Freedom of Information and Protection of Privacy Act. Most people know that as FOIP or the FOIP Act. We are in fact celebrating 20 years of the FOIP Act this year, so October 1 was the 20th anniversary. We actually had a right-to-know event here in this building. We had about 150 people out to join us in celebrating 20 years of access to information and protection of privacy legislation in the public sector.

This law applies to the public sector. The terminology that is used in the act is "public bodies." Public bodies include government departments; boards and agencies; schools and chartered schools – I won't go through everything on the slide – but also local government bodies, so municipalities, police services, housing management bodies, universities, all of those that we used to call MUSH sector: municipalities, universities, schools, hospitals in addition to various levels of government.

The second act that I have oversight for is the Health Information Act, and that is stand-alone health information legislation. Alberta was one of the first, I believe, to have stand-alone health information legislation. Many other provinces have that now as well. The Health Information Act came into force in Alberta in 2001, and the terminology that we use under the Health Information Act is that the act applies to custodians. Again, there's a long list on the slide there, prominently including Alberta Health, Alberta Health Services, Covenant Health – those are three large custodians, of course – nursing homes, members of regulated health professions as named. There's a long list of regulated health professions that have been added to the HIA and more to come in the future, but right now that would include physicians, pharmacists, nurses, predominantly.

We also have the Personal Information Protection Act, which is access and privacy legislation that applies to provincially regulated private-sector businesses in the province, and that includes corporations, partnerships, and nonprofit organizations but only to a limited extent. I can explain more about that if anybody is interested. Unions are covered, private schools. Professional regulatory associations are covered and any individual who is acting in a commercial capacity. Alberta's Personal Information

Protection Act is very, very similar to the legislation that's in British Columbia. Both of those laws were enacted and are substantially similar to federal legislation. The federal Personal Information Protection and Electronic Documents Act would apply in Alberta if it weren't for the fact that Alberta introduced its own substantially similar legislation in 2004.

11:10

What all of these laws have in common is that they are about both the protection of privacy, and they are about access to information, but there are significant differences. FOIP is what we call authority-based legislation, and what that means is that the purposes for which a public body can collect, use, and disclose publicly are set out in the legislation. A public body can collect personal information where it's authorized by law for a law enforcement purpose or where the information relates directly to and is necessary for an operating program. So consent, for example, doesn't factor into that.

The Health Information Act is also not consent based but allows for the collection, use, and disclosure in what's often referred to as the circle of care. Health professionals that are involved in providing care and treatment can access health information of their patients, and that information can be shared between care providers and other custodians under the act. The Health Information Act is essentially established to facilitate the sharing of health information within the health sector for specific purposes, that are in fact set out in the legislation. Again, treatment and care are examples of that.

The Personal Information Protection Act, PIPA, is different from the other two in that it is consent based. Basically, under PIPA a private-sector organization generally – generally – has to obtain consent to collect information, and it has to be for a reasonable purpose and to a reasonable extent, so you can't collect this much information if you only need a smaller amount.

As I said, all three acts are also about access to information, but, again, they differ. The Freedom of Information and Protection of Privacy Act is about access to information and gives individuals or entities, gives applicants a right to access any information that is in the custody or control of a public body. It's not just personal information; it's any information: minutes, contracts, e-mails. They don't have to be about me as an individual, but I can still request and receive access to any record. The concepts there are custody and control: information that's actually held by the public body or controlled by the public body. Of course, there are specific and limited exceptions to access, and those are all set out in the legislation.

Under the Health Information Act an individual has a right to access only his or her own health information, and usually that would be diagnostic, treatment, and care information, and that's true also under the Personal Information Protection Act. It's not a general right of access to all information held by a private-sector organization. You have a right to access information that's about you, so think of customer information, financial information held by a financial institution, employment information. We get a lot of complaints and requests for review that have to do with employees and workforce issues.

In addition to just a general statutory framework to protect privacy and to provide access to information, all three of these laws are also based on a number of other principles, which you see listed on the slide in front of you. Very briefly, they are around accountability. This means that there has to be somebody who is responsible, sort of the contact person for co-ordinating the access and privacy program and for ensuring compliance with the legislation. Commonly, in a public body we're talking about a FOIP co-ordinator. In a private-sector organization we're talking about a

privacy officer. Accountability also means that there have to be policies and procedures and training and awareness in place.

All of the acts also have provisions around safeguarding. If you're collecting personal or health information, there's a legal responsibility to safeguard that information, to make sure that you have appropriate administrative, technical, and physical safeguards in place to protect that information.

Accuracy is another basic principle of privacy law. Whether you're a public body or a health custodian or an organization, you have a responsibility to make sure that personal or health information that you have is up to date and accurate.

Retention is another basic principle. You're retaining information only as long as is necessary for the purposes for which you collected it. We've seen some fairly significant breaches through the office, where information that could have been destroyed wasn't destroyed, is kept on old servers. That can become a liability from a privacy point of view.

A right of correction. You have a right to make a request that accurate or incomplete information is corrected. Again, you have that right to access it, and often what we see is that someone will make a request for access to information, receive the information, and say: "Well, that's not right. You're making decisions based on inaccurate information about me." But there is a right established in the legislation to request a correction.

Finally – and this is where I and my colleagues at the OIPC come in – one of the other fundamental principles of access and privacy law is that there is oversight, there is independent review of the decisions that are made by public bodies and custodians and organizations. I'll talk a little bit about what we do, and then hopefully the role will become a bit clearer.

As you know, I'm an independent, nonpartisan officer of the Legislature. We have two offices. We have an office in Edmonton, and we have an office in Calgary. We have 42 FTEs, about 40 staff at the moment. The bulk of staff are here in Edmonton. We've got about 10 people in the Calgary office. Our mandate, of course, is province-wide, so when we're conducting our operational duties, investigating complaints or reviewing records, we are all over the province.

We are a quasi-judicial oversight body. I'll explain a little bit about what that is and how that actually differs from some of the other officers of the Legislature. We have primary responsibility for complaints and requests for review. This is sort of the bulk of what we do in the office.

What that means is that if somebody has made, for example, a request for access to information to a public body and they've received a response from that public body and the public body has said either, "I'm going to give you some records but not all of the records," or "I'm not going to give you any records at all," that applicant can come to the office and ask us to review the response to that request for access. What we do is look at what was requested and what records were found to be responsive, and we review the exceptions to access that have been claimed. We have an informal process and then a formal process, that I'll talk about a bit more. Through the informal process of what we call mediation, in about 85 per cent of cases we're able to arrive at either releasing more information or the public body will release more information.

That's what a request for review is. You've made a request for access to information, you're not happy with the response that you've received, whether from a public body or a health custodian or an organization, and you want an independent party to look at the response you received, to say either, "Yes, that's appropriate," or "No, that's not."

We also accept complaints. A complaint is when somebody is not satisfied with the collection, use, disclosure, or safeguarding of

their personal information. They might come to us and say: I was trying to purchase something, and the private-sector organization asked for the name of my first-born child, and I don't think that they need that information. It's not a great example, but that's an example of a collection problem.

A lot of complaints that we get in the private sector – I've already mentioned workforce, workplace privacy issues. An employee has been diagnosed with an illness, for example, a health problem, and that information is spread throughout the organization. They may experience some discrimination as a result of that or believe they're experiencing discrimination as a result of that. The sharing of health information in the workplace is actually a very common sort of complaint we receive. Also: complaints about surveillance of employees – keystroke monitoring, video surveillance, that kind of thing – collecting too much information about employees. Those are examples of complaints. Again, an individual can come to us, and we will open an investigation and determine whether or not there's been a contravention of the legislation.

11:20

As I mentioned, the majority of cases that come to our office: we resolve about 85 per cent of them through a fairly informal process, lots of back and forth with the parties involved, to try to arrive at some sort of resolution. But we also have a next stage process, and this is where as a quasi-judicial oversight body we hold inquiries. If a matter is not resolved through informal mediation and investigation, we have a team of adjudicators that will hold an inquiry, and that is a much more formal process than mediation and investigation. Often the parties are represented by legal counsel, they make submissions, rules of procedural fairness are strictly followed, and ultimately the adjudicator will issue an order. The order is a binding order. It can be filed in the Court of Queen's Bench. So I have the ability to compel or order compliance with the legislation. There is no appeal of an order issued by an adjudicator. There is a right to ask for a judicial review, and then the courts might get involved at that stage of the game.

So about 85 per cent of what we do is through the informal process, about 10 per cent actually ends up being resolved through issuing an order, and then a smaller percentage of that would end up in the courts for review.

Actually, one more thing I'd just like to say about that sort of oversight role is that primarily we are a review body, so we don't make decisions in the first instance. We are the independent party that reviews the decisions that are made by others. This is commonly something – we'll get requests to provide advice and recommendations, and I have a legislated mandate. I can provide general advice and recommendations, but we don't ever say to a public body, for example, "Here's what you must do," because then we're not able to be in the position of being the independent review body. If it's our decision, then we can't be independently reviewing it. We're primarily a review body when providing that oversight function.

I do have powers under all three statutes also to support an education and outreach mandate, so we do have the ability, as I just said, to provide general advice and recommendations. If somebody comes with a question, we'll say: "Well, look at this section of the act; look at that section of the act. We've published guidance on a particular matter. Have a look at the FAQs; have a look at the guidelines we've put out."

I have a mandate also to conduct research, and we've produced a couple of reports, in particular this year: one on government information sharing, particularly across the public, private, and health sectors, and another one on the idea of deputizing the private sector, so legislating private-sector organizations to collect

information ultimately with an end goal of getting that into the hands of government or law enforcement, for example, which is a trend that we've been noticing. That's part of the education mandate.

We do publish a lot of guidance. This year we published some guidance just recently on bring-your-own-device programs in businesses. We published some guidelines for police services that are interested in new technology around body-worn cameras for their police officers. We've recently published some guidance on cloud computing. We published some guidance, some little postcards, for individuals about knowing their rights under Netcare. So you can go and ask to see a copy of how your information has been disclosed under Netcare and who has accessed your information under Netcare.

In addition to that oversight function and the education function, I also do want to mention that one of the things that Alberta is a leader on is reviewing privacy impact assessments. There's a mandatory provision in the Health Information Act that requires health custodians, in particular, to submit privacy impact assessments to our office before going forward with a new administrative or technology initiative that affects how health information is collected, used, and disclosed. Those have to come to us beforehand. We've reviewed upwards of 4,500 PIAs in the 10 years since the Health Information Act has been in force.

I will also mention, very specifically, the breach reporting provisions under the Personal Information Protection Act. Alberta is the first jurisdiction to have introduced mandatory breach reporting provisions in the private sector. I have the ability under those new provisions – they're not so new anymore: 2010 – to require an organization to notify individuals who have been affected by a breach, where that breach is a real risk of significant harm that could result from it. I'll talk about what we're seeing in terms of self-reported breaches on the next slide.

Just to give you a flavour of what's been happening in the office. You know, feel free to look very closely at all the numbers if you like, but I think what I would point out in particular is the jump in the total number of cases open between 2011-12 and 2012-13. That was a significant boost for the office at the time, and it's been sustained ever since, so it wasn't just a brief spike. It has maintained as a trend, if you will. I'll talk a little bit about what that meant for the office. It's very interesting. For many, many years, 20 years for the office but certainly for the 10 years that I have been with the office, the case numbers don't tend to change a whole lot. Sometimes there are spikes. Sometimes there aren't. But the breakdown in the cases have been fairly stable. But that jump in 2012-2013 was mirrored by a significant shift in the kinds of cases that came to the office. The details on that are in the next slide.

Total cases closed, just so you have an idea of what comes into the office and, you know, just the volume of cases. This includes everything from requests for time extensions to review, decisions about fee waivers to requests for review to complaints, PIAs. That's the total.

I mentioned the adjudicators issuing binding orders, the total number of orders that we've issued for the last few years, the total number of judicial reviews. Again, I'll mention, because I'm not sure everybody always understands, that we don't bring judicial reviews. We issue the order, and one of the parties can apply to the courts for a judicial review of the order.

Self-reported breaches: that's what "SR breaches opened" is. You'll see there's a fairly significant trend going on there and a big bump in the last year in particular.

The number of breaches that we've closed. Interestingly, if you look at the year-to-date column – so that's the first six months of the current fiscal year, so we're definitely on trend to see some

significant increases for all of those stats. The number of cases open: we're predicting a 14 per cent increase this year. Cases closed: 7 per cent increase. An 18 per cent increase over the self-reported breaches that have come to the office.

That's just a snapshot of where we're at right now and what we've seen over the last couple of years.

I've put this slide in because I think it's useful for you to see how long it takes us to resolve matters. There's a fairly significant change in our stats in the last reporting year, so 2014-15. That change has to do with how we focused our resources in the last year. Over the previous couple of years we had developed a backlog of cases. In part that's because, as I mentioned, there was a significant spike in 2012-2013. What that spike relates to is that a significant number of access-related cases came into the office. For many years there had always been sort of a, you know, fairly – the breakdown of privacy-related cases versus access-related cases had been fairly stable. In 2012-2013 in Alberta we saw this very, very significant spike in access-related cases. As a result, as an office we had to prioritize because those were time sensitive. So we put a lot of emphasis on prioritizing time sensitive, access-related cases in particular, and that meant we were putting complaints into abeyance because we just couldn't deal with all of it. We had to prioritize.

What we did in 2014-2015 is concentrate a lot of resources on getting rid of that backlog. So what you see is a significant percentage of older files in the office that we closed. We did that by making some fairly significant changes to the structure of the office. We changed up the way the teams were organized. We have tried to reduce inconsistencies in our processes and worked very hard on being more efficient in how we do things and introduced some new processes around triaging complaints, some new ways of communicating the results of complaint investigations and reviews so that it takes less time and it's easier for applicants and complainants to understand the reasoning behind decisions.

11:30

In the end, we closed significantly more cases than we had closed the year before, but more importantly we closed a lot of those older files, and the processes that we introduced to deal with that backlog have been very successful. The complaint triage process, for example: by the time it gets to the triage manager, we're turning those files around, on average, in about three to four weeks. We're much happier with that, and you can see in the year-to-date numbers that we're starting again to see the shorter time frame. I'm really pleased that we've dealt with our backlog in that way. The trick is to keep that up, and we're still looking at processes and how we can do things better and faster and more efficiently but soundly.

Some other case-related trends. I'm getting short on time. I've mentioned this already, the significant increase in cases opened over the last couple of years, but more important perhaps is just the shift: access-related, FOIP-related cases; a 39 per cent increase in the total cases; 43 per cent in RFRs. I won't go into those any further just in the interests of time.

Key statistics. Again, this is from last year. The other ones were trends, what we've seen over three years. This page of key statistics is showing, again, that we've been very successful in closing complaints. We've seen a very significant increase in the number of self-reported breaches to the office. Last year we had reported on the number of cases to excuse fees. That's gone down, so that was just a spike. We've seen a decrease this year. Anyway, I can answer further questions about that.

I'd like to get to some of the issues in the time that I have left, current issues before our office. Here's what we're facing in particular, legislative reform. As you'll know, over the last couple

of years or a few years ago the government of Alberta at the time announced a review of the FOIP Act. There was a consultation process, lots of submissions. The submissions that I made, in fact two submissions, are available on our office website. There were also changes, legislative reform changes to the Personal Information Protection Act made last year to deal with a constitutional infirmity around balancing freedom of expression with the protection of privacy. That was a change last year, and there were some changes to the Health Information Act last year around mandatory breach reporting. Those changes are not in force at this time. That's been a significant issue. We've been making submissions and looking forward to seeing some of those changes and trying to prepare for some of those changes over the last couple of years.

Another very significant issue is, as I've mentioned already, the increase in self-reported breaches. There's close to a 40 per cent increase in the number reported to our office last year. We just this week released a report on the readiness of the health sector to deal with new requirements under legislation to report breaches to my office, to the minister, to affected individuals. So we're seeing a lot of data breaches.

In particular, we're seeing a lot of offence investigations, not just a contravention of the legislation but an intentional, wilful contravention of the legislation. Usually that's a snooping case, somebody who has access to Netcare who's going in and looking up friends and relatives and that kind of thing. Three of our investigations this year have resulted in charges being laid. We announced the third one just a couple of weeks ago. We've had successful prosecutions in Alberta on this issue. Offence investigations are hugely time consuming because we put the case together, turn it over to the Crown, and it's got to stand up in court. The last successful prosecution resulted in criminal charges as well and had to do with someone altering a response to a request for access. That's really something we're seeing a lot of.

We're also seeing a lot of information-sharing initiatives; again, sharing information across the public sector, the private sector, and the health sector. I am one hundred per cent in favour of the right information being shared with the people who need it to provide programs and services, but there are lots and lots of complexities associated with information-sharing initiatives, especially if it's across sectors. You've got the three acts, that I've talked about, coming together, governance issues, transparency issues. Who's responsible if there's a breach? How do individuals know what's happening to their information? If they don't know what's happening to their information and who has it, how do they make complaints? How do they ask for access? Who do they go to? Lots of issues with information sharing.

Lots of issues with transparency and accountability as well. Open government, open-data movements, simultaneous disclosure of FOIP requests, proactive expense disclosure, salary disclosure: all issues that we're seeing a lot of. They all come with privacy issues associated with them also, so we try to provide advice, to do reviews, to publish reports, to consult. We're seeing a lot of that. And, of course, technology: it's very, very challenging to keep up with technology.

Some of the challenges for the office. I've already talked about effective and timely resolution and what we're doing to try and improve there and become more effective; proactive oversight, to get ahead of these issues. Again, I've talked about some of the guidance that we put out, like on body-worn cameras for police services that are thinking about going that route. The guidance points out all of the access and privacy issues that they need to be thinking about. It's not a simple decision to make.

Positive collaboration with public bodies. We've highlighted this in a number of places in the annual report from 2014-15. This has become a very, very significant challenge for us, to get the information that we need in order to do our job. In particular, we're seeing challenges. We request records so that we can review them to see whether or not exceptions to access are claimed properly, and we don't get the records, and we end up in court. We've requested records for certain investigations, and we get redacted pages, solicitor-client privilege. It's impossible, in my view, to do the job that we're supposed to do as the independent review body if we can't get the information that's required. That has been a significant challenge for the office, particularly in the last year. We have quite a number of cases that are before the courts. It costs everybody a lot more money, everybody has to be legally represented, it delays access to information, and it delays timely resolution.

Staff training and expertise. We've shifted around the structure of the office. We've introduced a new case management system. We've got a bunch of new processes, and keeping on top of technology is a challenge. Just making sure that staff feel supported and that they're able to do the job in the new environment we've created and are able to respond to the environment out there with what comes to the office is another challenge for us, that we're working on.

We've translated that into the goals and key strategies that are outlined in the business plan. We've tried to be a little bit more focused this year, very specific about what it is we're hoping to focus on and to address. The first goal is around reaching a state of enhanced access to information and protection of privacy through our interactions with stakeholders: again, advocating for open and transparent and accountable government; legislative reform, participating in that; proactive compliance reviews, promoting proactive disclosure.

We're working on a strategy to address breaches and offences because, again, that's a significant issue for the office. It's taking a lot of time and resources. We have to figure out how we're going to deal with that.

Guidance on access and privacy implications of information sharing: we are consulting; we're proposing to host a workshop to get at some of those issues.

Training, education, and guidance, of course, for stakeholders.

Our second goal is around working more to develop relationships with Albertans. I mentioned that we had produced the Netcare: Know Your Rights document not too long ago. It's harder to reach Albertans. Often Albertans aren't interested in accessing privacy issues until they're affected. Somebody who's experienced identity theft or fraud generally gets why it's important to protect information, but sometimes until you're affected personally, it's a little bit more challenging. So we're working on how we're going to interact with and engage with citizens a bit more.

We're working on a couple of projects, including supporting a research project that's about educating youth to make sure that young people understand some of the privacy issues with online activities, for example.

11:40

That should actually say: "Research and consider options to establish an access and privacy advocate role within OIPC." Sorry. That was a typo on the slide. There are other boards that have advocacy positions. We don't advocate, because we're the neutral, objective third party. We don't take sides in an oversight matter. It's all about: is this authorized under the legislation or not? But we recognize that it's complex. We've seen models with other organizations, so we're interested in looking at what that might look like, if it looks like something for the office.

Our third goal: again, focusing on efficient, effective, and timely processes. We've made a lot of progress, but there's still some way to go to cement some of what we've put in place and also to address some of the other areas of the office where we have some pressure points.

We're working on new policies and procedures that will support staff.

We've had a lot of requests to move to a paperless office, so we're definitely interested in moving forward on that, but there are access and privacy issues associated with doing that. We have to lead the way on that. We can't just, you know, walk right into that. We're looking at the early stages without putting any personal information that comes to us at risk.

Finally, our fourth goal is around our staff. As I've said, we've got a lot of new processes. We've got a new case management system in place. I want the teams to be talking to each other more than they had been, than the way the office was previously structured. I think that we've come a long way on that, but there are still lots of opportunities to facilitate that communication, to develop meaningful performance measurements given the new roles that everyone has in the office.

We're working on that this year and looking for training and awareness opportunities. It's very tough to keep on top of new technology. Every day something else comes out, and we could get calls on it, and we do. The media calls: what do you think about this new technology? So we have some challenges there, but we're working to make sure that there is regular training and awareness for staff.

I'll leave it at that.

The Chair: Thank you. You had a lot to cover.

I'll now open the floor to questions from the committee. Again, we'll just go back and forth between the two.

Mr. Nixon, if you could start us off with a question and a supplemental, and then we'll switch over.

Mr. Nixon: Thank you, Chair. Thank you, Commissioner Clayton, for your time. I enjoyed your presentation. I have a few questions about your mandate and whether we need to strengthen it. I will ask them in the parameters the chair has laid out as far as asking a question and a supplemental. With the question I'm about to ask, I'm looking for two stats or two numbers if you have them. I'll let you know what I'm looking for, and I'll ask the question if that works for you. I'm curious: how many court cases are currently going on between your office and the government of Alberta? Of those, how many relate to requests from the opposition; i.e., the Wildrose or the NDP when they were recently in opposition? Where I'm going with that, Commissioner, is that we've heard stories that the current NDP government is fighting a request that they originally made when they were in opposition. Is that true?

Ms Clayton: I think we reported a stat. I'll give you the information that I can. If it's not the stat that you're looking for, I might not have it. I'll go back, and we'll get it for you. The number that I believe we reported in the annual report 2014-15 is that we currently have eight court cases involving records that we haven't been able to get access to because a claim of solicitor-client privilege or some kind of privilege has been made. That's eight cases that are in front of the court on that issue. We've been asked to review a response to an access to information request, and we can't get the records to see whether or not the exceptions have been properly claimed.

Of those eight cases, three of them are Alberta Justice, one of them is Alberta Health, three of them, I believe, are police services, and one is a private-sector organization. I'm trying to think who the

applicants are. In some cases – yeah, I'll have to get back to you on that because I'm not entirely sure. We definitely do have one case which is an investigation and not a request for review, but it's an investigation that I initiated on my own motion in 2014, I believe. We were asked by a number of parties, including the New Democrat opposition at the time and the Canadian Taxpayers Federation, to look into how the government of Alberta responds to requests for access made under FOIP and whether or not political interference was causing delays.

We opened an investigation to look at whether or not there are delays and, if there are delays, what the cause of those delays might be, whether it's political interference or a lack of resources or not enough staff or whatever the issue might be. In the process of that investigation we asked for records and received heavily redacted records, blacked-out pages. I issued notices to produce to a number of government ministries so that we would have access to that information to complete the investigation, and that's currently in front of the courts.

I should mention that there is another case involving my office and the University of Calgary, which involves solicitor-client privilege and records that have been claimed to be privileged. We haven't been able to review those records or to receive information about those records to verify that claim. That matter has gone through various courts in Alberta. I eventually sought leave to appeal that case to the Supreme Court of Canada. That appeal was granted. The leave application was granted in October. It looks like we're going to be in front of the Supreme Court in April of next year.

The other matter that I mentioned, the investigation of how government is responding to FOIP requests and how they're processing them, was going to be heard in the courts in February, and I understand now that that will be delayed pending the Supreme Court's decision. Had that matter been heard in February, that would be 21 months after I initiated that investigation, which, to my mind, is just not acceptable.

Mr. Nixon: If I get an opportunity later, I might ask another question about that.

For my supplemental what I'm looking for in regard to your mandate on that question is, you know: is there an issue with how Alberta Justice interprets the FOIP Act? We know on our end that they almost never answer our FOIPs. They fight us through every stage of that. I guess what I'm asking is: is there any of that which flows from your mandate not being broad enough or properly defined, Commissioner?

Ms Clayton: Well, my position in front of the courts and going up to the Supreme Court is that the language in the legislation gives me the power to compel production of records. My legislated mandate is to review whether or not exceptions to access have been properly claimed. One of the exceptions to access is solicitor-client privilege. We do not release documents; we review them to see whether or not the claim of privilege has been properly applied.

An interesting stat from some of the cases that have been before the office, if you look at the orders that have been issued since the office came into force, is that about half the time public bodies get it right, and about half the time they don't. So when we can't see records where privilege has been claimed, I'm very reluctant to accept – well, I don't see how we can accept a claim. If there's not enough information to convince the adjudicator that the privilege is properly claimed, I don't know how we can issue a decision that is trustworthy, an independent decision, to whoever the applicant is or the party.

What we've seen over the last couple of years is a very significant increase in the number of cases where privilege has been claimed and, again, a very significant trend where the records are not provided. I appreciate having an opportunity just to clarify that the Court of Appeal in Alberta has said that I don't have the ability to compel the production of solicitor-client privilege records. The Court of Queen's Bench said that I do. So there is an issue. The Supreme Court has said it's of national significance. They're going to hear it. So there's something that needs to be resolved there.

11:50

I think what is disturbing to me is that over the course of almost 20 years that the office has been in existence, we very, very seldom had to compel the production of anything. The records were voluntarily provided. So it's only become an issue tracking back in particular to 2014-15 but starting in around 2012. As I mentioned, in 2012 we saw a very significant shift in the kinds of cases that came to our office. If you were to look at our annual report for 2012-13, I believe one of the issues and trends that we highlighted was that shift in access-related cases. You'll maybe all recall a lot of interest in expenses and proactive disclosure of expenses. That translated to a significant number of requests for access made to public bodies about how taxpayer dollars were being spent and a significant number of cases that ultimately made their way to our office, where we were reviewing those kinds of cases.

I think there has been a shift in how the government of Alberta looks at records and looks at my office, as I said, and our independent review powers. But it is going in front of the court on the U of C matter.

Mr. Nixon: Thank you, Commissioner.

The Chair: Thank you.

Ms Jabbour, you had some questions?

Ms Jabbour: Yes. I just want to say at the outset that I really appreciate the work your office does and the outreach and the education that you're doing because I think most Albertans really don't understand the complexity of what goes on with our information and privacy. Thank you so much for that.

I'm quite concerned. I mean, our government is committed to openness and transparency, so I find it really concerning that you're saying that you are having these ongoing issues and the challenges with public bodies and the release of the information and, you know, what you've detailed. We'll be watching the Supreme Court decision with great interest, obviously. I'm kind of curious if you had any other thoughts of other ways, maybe, that your office could better achieve a positive collaboration with these public bodies so that these roadblocks aren't increasing, the way they seem to be, and if you had thoughts on ways that perhaps we as the Legislative Assembly could help support you in that process.

Ms Clayton: I appreciate that question. I think that, you know, there is certainly some additional work that we can do, that I can do. I've had some productive meetings with ministers. I've had some challenges meeting with other ministers, particularly, I think, early days of a new government. I think there are some positions that have become entrenched in previous years that I take a different view of. For example, we have over the last few years repeatedly spoken with government about my power to comment on the access and privacy implications of proposed legislative schemes and programs. What we find happens – it's very inconsistent – is that we're not always consulted on new legislation, for example, that has significant impacts to privacy for Albertans. It's hard to say with a new government what the go-forward is going to be at this

point, but I know we've really had some challenges over the last couple of years. There have been – it's very spotty, so consultation in some places, not so much consultation in other places.

If there's a message that I could put to all of you in the room right now, it's that we are very, very happy to be consulted. Please talk to us. We have the ability to provide confidential consultations on proposed legislative schemes. I understand that there's wariness about sharing draft legislation, concern about that. To my view, the language in the legislation is quite specific. I can comment on proposed legislative schemes. It's very helpful if we get to see the wording of proposed legislation. What we will do is point out where there are issues. I think that's very helpful.

I think that we've seen some changes in the last little while – I'll say over the last year, year and a half – where, for example, we put out a paper on information sharing, as I mentioned, a research paper that talks about all kinds of issues associated with information sharing. Human Services had invited me to come and speak to their executive group, and I went and talked about that. I've talked with some of the other departments about, as I said, doing some sort of workshop or a couple of days of workshops around information-sharing issues. One of the things that I hate to hear is that privacy laws get in the way, and then somebody is hurt or harmed or, you know, something tragic happens, because privacy laws don't get in the way of sharing information when someone's health and safety is at stake or ongoing care in a community.

So I find that interacting and having those consultations helps to increase awareness of the legislation and how information can be shared. Then people understand the legislation better, and it stops the spread of misinformation, perhaps. I think, as I said, a message that I would like to have out there is that we are available to consult. We can provide general advice and recommendations, and we can comment on draft legislation or proposed programs. I'd be very happy to speak to any groups that you want to pull together, executive groups or staff.

We invite people to the public events that we hold like the right-to-know events. We're hosting Data Privacy Day on January 28. That's an international event. We'll be doing events focusing on breaches this year, providing workshops for breach response, breach management. Come. Tell other people about the event.

I think the message would just be that we're very open to that sort of thing. We would really like to have that kind of collaborative relationship.

Ms Jabbour: That's helpful. Thank you.

Just out of curiosity – and I know in the past you haven't hesitated to speak up when legislation has come out where you've had some concerns – has there been anything that perhaps we have missed with legislation coming out that you feel that, had we consulted with you in advance, you know, we could have maybe avoided potential problems?

Ms Clayton: Not in this last session, that I can think of. You would have seen a letter had there been something.

Again, the preference is to make those comments before it goes public. I don't want to be commenting on something that is public, but I definitely will if I think that there are significant concerns.

We did two days ago put out the report on, you know: how ready is the health sector for mandatory breach reporting? The answer is that the large custodians are very ready, have robust privacy management frameworks in place, privacy breach response management frameworks. The regulated health professionals not so much, perhaps. But one of the recommendations that I made in that report is that as the regulations are developed to support the amendments that were made to the Health Information Act, we

would very much like to be consulted and to see the specific wording. So I'm hopeful that that will happen.

Ms Jabbour: Thank you.

The Chair: Do you have any more questions?

Thank you very much for your presentation today and for answering the committee's questions. If there are any outstanding questions you wish to address or additional information that you didn't get to in your presentation and you want to provide that to the committee, please forward that to the committee clerk.

We'll be in contact with your office once the dates are established for the officers' 2016-17 budget estimates.

Ms Clayton: Okay.

The Chair: Thank you very much for coming.

Ms Clayton: Thank you very much.

The Chair: Members, we are going to break for lunch. It's going to be in the Boreal Forest Room. We'll be returning at 12:45 sharp as the office of the Ethics Commissioner will be next.

Thank you.

[The committee adjourned from 11:59 a.m. to 12:45 p.m.]

The Chair: We're going to call the meeting to order. We're going to be continuing with presentations from the officers of the Legislature, who are invited to attend this meeting to provide an overview of their respective mandates and operations.

We'll do a quick round of introductions for those at the table, and then I'll call on members on the phone lines. I'll start off. I'm Estefania Cortes-Vargas, and I'm the MLA for Strathcona-Sherwood Park and chair of the Legislative Offices Committee.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. van Dijken: Glenn van Dijken, MLA, Barrhead-Morinville-Westlock.

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

Ms Robins: Lana Robins, lobbyist registrar and general counsel, office of the Ethics Commissioner.

Ms Woollard: Denise Woollard, MLA, Edmonton-Mill Creek.

Mr. Horne: Trevor Horne, MLA for Spruce Grove-St. Albert.

Mr. Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Mr. Kleinsteuber: Jamie Kleinsteuber, MLA, Calgary-Northern Hills.

Mr. Shepherd: David Shepherd, Edmonton-Centre.

Ms Jabbour: Debbie Jabbour, MLA, Peace River.

The Chair: And those on the phone lines?

Mr. Cooper: Nathan Cooper from the wonderful constituency of Olds-Didsbury-Three Hills.

The Chair: Any other ones? All right.

I'd like to welcome Mr. Ziegler and Ms Robins from the office of the Ethics Commissioner to the meeting. Please go ahead with your presentation. If you could keep it to about 30 to 40 minutes.

The last 20 minutes will be used to accommodate questions from the committee members.

Office of the Ethics Commissioner

Mr. Ziegler: Thank you, Chair. First, on behalf of Commissioner Trussler please allow me to extend her sincerest apologies for not being able to attend today. She is on a vacation that was planned over a year ago, but even on vacation she is in contact with our office on a daily basis. But she does extend her sincerest apologies for not being able to be here with you.

That said, thank you for inviting our office to come and speak with you today to provide you with a better understanding of who we are and what we do. As you are aware, our office covers two pieces of major legislation, the Conflicts of Interest Act and the Lobbyists Act. The Conflicts of Interest Act was last amended in December 2014. I'm not going to go into a lot of detail around the amendments, but I will highlight a couple of the major changes from previous versions.

One of the major changes was an extension to the cooling-off period and the antilobbying restrictions, where they moved them out from six months to a year. Previously they were six months. Now they are a year for ministers and political staff when they leave their roles and for designated office holders, which are senior officials in government.

The amendments also added the financial disclosure requirement for political staff. Previously political staff did not have to report to our office. Much like you do, now political staff have to report. Certain political staff, of a management level and above, roughly, now report to our office and provide the same disclosure that members do and the same disclosure that senior officials and designated office holders provide as well.

The amendments also created the requirement for a blind trust for certain designated office holders as well, which was new. Previously only ministers needed to provide or have blind trusts. Now certain designated office holders are required to establish them as well under certain circumstances.

The last one that I'll mention on that one, in terms of the amendments to the Conflicts of Interest Act: at the same time as the Conflicts of Interest Act was amended, there was a code of conduct created for staff who work in Premiers' and ministers' offices. It was Order in Council 502/2014. That order in council created a code of conduct for political staff to govern their conduct while in their respective roles, and that still is part of the contract agreement for all new staff coming into government in those roles as well. That has not changed as far as we know.

At the same time as the Conflicts of Interest Act was changed, as I mentioned, there were changes to the Lobbyists Act. Lana will highlight them for you in her piece, which will come up in a couple of minutes.

Our office has been in existence since 1992. In that time we have had four conflict-of-interest commissioners. Commissioner Trussler, who, again, sends her regrets for not being here, is the commissioner, as you well know. To my left is Lana Robins. She is both the lobbyist registrar and our general counsel for the office. Heidi Horne, who many of you will deal with or hear from whenever you have questions or submit your disclosure requirements, is our executive assistant and our front of the house. And there is myself, the chief administrative officer. We'll go into details about some of the positions in a little bit.

With respect to our budget each year we operate at around a million dollars as our annual expense. However, last year we asked for an additional \$200,000 for the lobbyist system, which this committee agreed to put into our budget for this year. I'll explain a

little bit more about what we're doing with that funding in a bit, but for this year our budget was approved at \$1.153 million. Last year our budget was \$953,000, and that's pretty standard for us, at around just under the \$1 million per year cost.

Typically speaking, 75 per cent of our budget pertains to conflict-of-interest costs and for running the conflict-of-interest side of our operations. About 25 per cent of the budget covers lobbyist registrar costs. It's difficult to put an exact number on that because Lana is both the lobbyist registrar and general counsel, so how do we apportion her time and her costs? It's a little difficult that way, but that's a general idea, so you get a rough idea of where our money is being spent.

In terms of who is subject to our mandate, we have the 87 Members of the Legislative Assembly and recently, as I mentioned, 56 political staff. These are mostly chiefs of staff, press secretaries, and other senior assistants or advisers in political ministers' offices. That number does fluctuate, but I think we're now at around 56. We get an update regularly from corporate human resources with any additions to those political staff lists.

Under the Public Service Act there are approximately 43 designated office holders. That is what they're referred to as now. These are deputy ministers, one for each of the ministries, and some other senior government officials such as chairs and CEOs of certain agencies, boards, and commissions. In total, right now we have 43 of those individuals.

Under the Lobbyists Act we currently have 542 users registered in the system. As we've broken it down here on the slide, that's about 200 consultant lobbyists and 300 org lobbyists. Lana will explain that terminology for you in a little bit. In total, we have 517 registrations in the system, which means there are 517 either consultant or org lobbyists who filed notices to lobby certain government offices.

Now, our annual report, I think, has been distributed to you, or the link was shared with you. It is on our website, and if anybody has any questions about our annual report or its contents, I'd be happy to discuss them at the end of our presentation. We have posted our annual report now, so it's up there for everybody to see.

What we do generally, if I can summarize it in four major points, is on this slide. Annual financial disclosure, which you're all familiar with, is the bread and butter of our operations, and it's much of what our activities pertain to. We look at investments for everybody to make sure that any committees they sit on are not conflicting with any holdings they might have or investments they might have or with any information they might be privy to as a government member, more particularly so for ministers, who will have more access to certain inside-government information, but we provide the same level of scrutiny for everybody.

We also provide conflict-of-interest advice, as many of you are aware, around codes of conduct, gifts that you may receive. We also provide advice to agencies, boards, and commissions. They develop their ethics and conduct codes, and they will often come to us and ask us for advice on what they should have in there and what shouldn't be in there. We do provide advice on that as well.

With respect to codes of conduct we provide advice to government of Alberta employees under the public service code of conduct. It's overseen by the Public Service Commissioner, but on occasion they do come to us and ask us some questions around the application or interpretation of that code. We also provide advice on the code of conduct for political staff as well.

We give postemployment advice primarily to ministers and designated office holders and political staff as those three are the ones that are most likely to be faced with a situation where they're moving out of a government position and into a position where there may be a conflict of interest or where they may have had

significant or official dealings with an organization which they wish to move to. We do assess those ones as well.

We also do, upon request, conflict-of-interest screening for potential appointments to high-level government positions, including the appointment of certain agencies, boards, and commissions, where somebody wants us to make sure that the individual being appointed doesn't have any conflicts that are apparent before they are appointed.

Now I'm going to pass it over to Lana. She'll talk to you a little bit about the Lobbyists Act, and then I'll pick it up again.

12:55

Ms Robins: Okay. I'm going to start with providing you just some general information about the Lobbyists Act. Broadly defined, lobbying is to communicate with a public office holder, and that includes MLAs; department employees; employees, officers, and directors of prescribed provincial agencies; and government board or committee members. It's communicating with them in an attempt to influence their decisions, and that's specifically their decisions relating to legislation, programs, policies, directives, guidelines, grants, or financial benefit.

There are two types of lobbyists under the Lobbyists Act. There are consultant lobbyists and organization lobbyists. Consultant lobbyists are lobbyists who are paid by clients to lobby on behalf of the client, and organization lobbyists are in-house employees, officers, or directors who are engaged in lobbying on behalf of the organization itself. All lobbyists must be paid to qualify as a lobbyist. Volunteers are exempt under the act.

Once a person qualifies as a lobbyist under the act, they have certain obligations, depending on whether they're a consultant lobbyist or an organization lobbyist. Consultant lobbyists must file a registration within 10 days of entering into an undertaking to lobby on behalf of their client. An undertaking is an agreement to lobby on behalf of the client. They have to file a registration for each undertaking entered into, so many consultant lobbyists have multiple registrations in our system. On the other hand, for organization lobbyists the most senior officer for an organization must file an initial return for the organization, and then they have to file a semiannual renewal every six months to update that registration, so an organization will only have one registration in our lobbyist registry.

There are, however, some exemptions under the act, that I wanted to bring to your attention, for organizations. An organization is only required to file a registration if it has one or more employees that engage or will engage in at least 100 hours of lobbying on behalf of the organization annually. This is what we call the 100-hour threshold. If they do not meet this threshold, they are not required to register under the act.

There is also an exemption under the act for certain nonprofit organizations. A nonprofit organization, association, society, coalition, or interest group would only be required to register if it's constituted to serve certain purposes, including management, union, or professional interests, or if a majority of their members are profit-seeking enterprises. It's kind of a complex definition, but there are situations where many nonprofits are not required to register even if they are actively lobbying. However, if a nonprofit is not exempted from registering, the 100-hour threshold still does apply to them as well.

I'm going to talk a little bit about a lobbyist registration itself. What types of information do consultant lobbyists and organization lobbyists have to include on their returns? The act details all of the specific information that they have to include. I'm not going to go through all of that, but I will highlight some key categories of information that they have to include. We would ask them to

include background information on the firm or organization, the names of the lobbyists engaged in the lobbying activities, the name of the department or prescribed provincial entity that is being lobbied, the subject matter and details of the lobbying activities, and, for consultant lobbyists only, they have to also include the undertaking start date and the undertaking end date.

All registrations are searchable by the public from the website, and organization lobbyists and consultant lobbyists will often contact our office regarding their registrations whenever they require assistance. The questions we receive fall into three main categories: account-related questions for such things as changing senior officers, primary contacts on the account, to create new accounts, to get their password sent to them; the second category is for advice and assistance on completing their registrations, including their initial returns, notices of change, semiannual renewals, and notices of termination – those are the different types of registrations – and the third category is to report or receive assistance regarding technical difficulties that they are having either with their registration or with the system. At this point the vast majority of our calls are with regard to technical issues that users are experiencing with the system.

We also are involved in interpreting the act. We get a lot of calls from lobbyists asking for general advice with regard to how certain sections are interpreted or just general questions regarding the act. Some examples of advice requested include advice with regard to whether a specific organization is required to register under the act, whether certain activities qualify as lobbying activities, reporting funding in a registration, how much information they need to include in their registration, what a prescribed provincial entity is. There's a list in the regulations, but we do get that question quite often. What is the 100-hour threshold, and how is it applied? How to complete their registration properly based on the different roles of individuals in their organizations. We've received some questions about whether or not, if they're lobbying a municipality, they need to file a registration.

With regard to compliance enforcement, working with lobbyists to assist them in understanding their obligations under the act and the functions and processes of the registry are key elements in our proactive approach to achieving compliance with the act and reducing the amount of enforcement required. For example, we found that changing the content of our automated e-mail notifications appears to be assisting lobbyists in understanding their obligations under the act. We've also been cleaning up inactive accounts, and we've recently removed some of these accounts from the system after following up with organizations.

However, the Lobbyists Act was enacted six years ago. It's no longer new legislation. Lobbyists should now be well familiarized with the legislation and their obligations under the act, and in future we will be placing a greater emphasis on enforcement of the provisions of the Lobbyists Act, including the designated time periods to complete required filings and the requirement to register. Compliance going forward would largely involve assessing administrative penalties for late filings, and our office also has the ability to conduct investigations for breaches of the act as necessary.

Just to conclude, I'm going to talk about some highlights from our annual report. There was an approximately 10 per cent increase in registered users in this past year from the previous year. In terms of website activity we've had a 17 per cent decrease in the number of visits although the number of pages actually viewed has increased. The top five subject matters for lobbying this past year, starting with the most popular: environment, then energy, health and wellness, finance, and economic development. The bottom five

subject matters for lobbying, starting with the least popular: social programs, culture, seniors, forestry, and housing.

Mr. Ziegler: Now I'll just walk you quickly through these slides here. I won't go into a lot of detail on them because you can read through them. We included them just to give you quick description of some of the other functions of our staff. We are only a staff of effectively 3.4 full-time equivalent people.

We've got Heidi, who is our main reception. She does all of the front-of-house kind of stuff and does help out with some of the budget paperwork that goes around when we pay bills and that kind of thing. She's also administrative support for all three of us.

Lana, as I mentioned, takes care of the lobbyist registry. She takes care of all questions coming into it, provides legal opinions for the office and all legal services that we need as we go through our day-to-day application of the Conflicts of Interest Act. We'll talk a little bit more about her involvement in the procurement of the new lobbyist registry system in just a minute.

Myself, I take care of most of the other little administrative functions in the office, including senior financial officer, chief risk officer, HR co-ordinator, that kind of thing. As you all know as well, I sit in the meetings with the commissioner as well after we review your files and go through those.

Commissioner Trussler, as you know, meets, though she also reviews all your files beforehand, before we meet with everybody. She also does all the screenings with all the designated office holders and the political staff that we've gone through as well. So that is our general year in a nutshell, basically going through everybody annually, meeting some 200 folks, and going through their disclosure statements and every single investment that they have to make sure everything's all good.

Some of the major accomplishments that we wanted to highlight in our presentation today. Since Commissioner Trussler has come on, we have redesigned our website, brought it up to date in terms of compatibility with other browsers out there. The old site had been up since 2010, so it was getting a little outdated. We've updated all of our forms and brochures with the changes to the new legislation, that passed last December, as well.

Previously members could not submit their disclosure forms electronically. We now allow and are enabled to allow you to submit them electronically. As we've mentioned, I think, in other cases we don't want to have an online repository of your filings because leaving that online for you to log in and access them could create some security risks for you. While it is a little more cumbersome to e-mail or hand-deliver them, we find that it's a little more secure, and generally speaking, most of the people we deal with agree with that.

We also have gone through and done a major cleanup of our file room to make sure that everything was in accordance with our records management policy as well.

1:05

Now, for the lobbyist registry piece, since Commissioner Trussler has come on and since Lana has come on as well, we've been improving the processes for streamlining and efficiency and making the lobbyist registry more usable and more friendly and getting it up to date.

Part of that, as we discussed in the fall with this committee, was getting a new registry built up. We had hoped, as we had told you, to partner with Saskatchewan to share costs on that project. However, because of the process that Saskatchewan followed with their RFP, we were advised that partnering with them could put us in breach of the New West Partnership trade agreement, not necessarily but could. To be on the safe side, our office chose to

withdraw from that RFP process rather than risk finding ourselves in breach of an interprovincial agreement. That, as a result, has delayed our process for procuring a new lobbyist registry, but the process was still good because we were able to see from that process what systems and options were out there, and we're now fairly confident that we can build the system within what we had proposed to the committee originally.

Our current plan is to release an RFP very soon and continue with that work although because of the delay and not being able to partner with Saskatchewan due to the potential legal ramifications or difficulties, we now likely won't see the registry be up and running until fall, perhaps. October or November is what we're shooting for. We'll start work on it this year; that is our hope. We'll get it under way, but most of that \$200,000 that we had allocated for that won't get spent this year, so you'll see it next month, when we come for budget approval, being added back on for next year to finish off that contract, whatever we don't get done this year.

Some other significant points, keeping in mind the time. The number of persons reporting over the last couple of years has significantly increased. Our staffing complement has remained the same although we now see an additional, probably, 30 to 40 per cent increase in the number of people that we review. Our advice requests are up considerably. In fact, we're almost at the current forecast. With the questions we get from all the new staff and from all the new members, we probably are going to be doubling the amount of advice we've given in the busiest year since 1992, so it's been a busy year for us. Even though we have a small team, we're still able to keep up with that demand. We take pride in the fact that we're usually able to get back to anybody within 24 to 48 hours when they ask for advice, so we are pretty nimble that way.

We'd also like to just point out that Commissioner Trussler is the first Ethics Commissioner who's had legal training and adjudicative experience. That has helped our office considerably in terms of managing some of our costs because we don't need to go outside for legal assistance as much. Previous commissioners did not have a legal background, so there was a good chunk of the budget that went to legal consulting fees. We don't have that expense now, so that's helped us cut some costs, which we have been able to then use or plan to use for our lobbyist registry.

Currently the commissioner is a .7 FTE, but she is working, in her estimation, at a .8 position. She's always on call even when she's on vacation. As I mentioned, I'm in daily contact with her even though she's on vacation. In August of this year, as you guys may recall, Commissioner Trussler did send a letter to the committee requesting a reclassification of the salary range of her position from salary range C to salary range D for senior officials. She was told when she was hired that the classification and time requirements, which were a .7 when she started, might require review after one year; hence, her request.

As you're aware, to date no response has been issued yet, but we'd like to share that the British Columbia ethics commissioner was recently both reclassified from a part-time position to a full-time position and has also been tied to a federal judge's salary as well in terms of remuneration. Given the economic environment in Alberta, however, the commissioner felt it inappropriate to ask for both an increase to the full-time equivalency rating and the salary, but one or the other, she thought, was a reasonable reconsideration. So if the committee is not prepared to consider the reclassification in terms of remuneration, then it should be moved to a .8 FTE, in her opinion.

Our office is of the opinion that salaries of the legislative officers should somehow be tied to the salary of a judge of a provincial court, which they've done in B.C. and which federally is done as

well. In this way, when the salaries of the legislative officers move up, they all move at once, and there's not an individual change of salaries. That might help to not politicize the salaries of legislative officers, as we saw this fall. If you tied it to a benchmark and it moved with the benchmark, then there would be little debate around it, and it may not be that same issue.

That's the end of our presentation in terms of what we've got on paper. We'd be happy to answer any questions you may have at this time.

The Chair: Okay. Thank you.

I'll open the floor to questions from the committee members. We'll follow the general practice, as we've been doing before. We're going to rotate between government members and opposition members. Again, one question, one supplemental. Anyone want to start us off?

Mr. Horne: In, I believe, your mission statement you talk about the importance of instilling a sense of integrity and confidence in the public. Is there any way to quantify or keep track of that?

Mr. Ziegler: I'm not sure there's a way to quantify or put numbers to that piece. I think the best that we can do is the evidence in the number of staff or people that we go through and do financial disclosures for, to say that we review all of these individuals, and the advice that we provide under the acts. They are probably the two best metrics, I think, that we could look at, the number of staff that we look at and the advice that we provide, because, as you guys all know, as the committee knows, most of the advice that we provide is extremely confidential. We only provide it back to the member or the person who's asked. We don't comment publicly on anything or almost anything in terms of that advice or anything that may pertain to a person that's subject to our acts, so it's difficult to really put metrics to that.

Mr. Horne: Okay. Further to that, there's also been a spike in requests for investigation, or there was. Was that around any specific event or development, that triggered that increase?

Mr. Ziegler: No. I think that partially stems from a difference in the way we're now recording requests for investigation and the new commissioner having a different way to consider requests coming in. We consider an allegation or a request a request even if it's unfounded, so our statistics do show a lot of requests although they may not be legitimate. Previously we didn't record them that way; only the founded requests were shown. Now you will see an increase because of the way we record statistics, but we want to keep track of how many requests we're getting for investigations just generally. I wouldn't say that it's anything in particular.

Mr. van Dijken: Thank you for your presentation. Just with regard to the project for replacing the registry, now that we hear that the partnership that was being considered before is no longer viable, where are we at in getting to some type of resolution on the time frame? You say: October, November. How far are we into it, and do we have any better idea now on total costs of that system?

Mr. Ziegler: I would say at this point that probably within the next week or two we'll post the RFP on the Alberta purchasing connection. We're just finalizing the RFP now, making sure that we have all of our contracts and the schedules that we need attached to that. For that RFP – I'll let Lana clarify if I'm wrong – I think we close submissions on . . .

Ms Robins: I think it's the 19th of January.

Mr. Ziegler: . . . at which point we will take a week or two to screen and review them, and then we'll begin contract negotiations. I think we hope to start by the first week of March . . .

Ms Robins: That's right.

Mr. Ziegler: . . . with actual kickoff work, and the deadline that we've put in the RFP is October 31 for going live. Those are subject to variables out there.

I think that in terms of what we'll see for costs, we're really hoping that we'll see what Saskatchewan saw in terms of costs, and I think that's what we're relying on. I think we're also hoping that there will be some Alberta vendors that could bid as well if they want, but we'll still go with the best overall proposal in terms of cost and value and the service that we think the system they are offering provides. So by fall, I think: like I said, October 31 is what we've put in the RFP for a go-live date.

Mr. van Dijken: Thank you.
No further questions.

The Chair: No further questions?

Does anyone else have any questions? If on the phone you have any questions, don't be worried to interrupt.

Mr. Horne: Okay. In the conclusion of your report you comment on a shift towards an increased emphasis on enforcement. Are you projecting any budgetary impact from that or any shifts in that?

Mr. Ziegler: You're referring to the lobbyist piece there?

Mr. Horne: I believe so, yes.

Mr. Ziegler: Yeah. I'll let Lana answer that one.

1:15

Ms Robins: No, I don't see any significant impact on the budget. It's more a process of making our systems more efficient and developing and streamlining processes to put systems in place. As registrations come in late, we have a system where letters are sent out. It's more of a process thing. I don't see any direct impacts on the budget relating to that piece.

Mr. Horne: Okay.

Mr. Ziegler: I guess the only thing I'd add to that piece is that as part of the cleanup of the registry that we've undertaken, we've had to send registered letters to a fair number of lobbyists, which probably cost us about \$500 to \$1,000 in postage alone, which we've never incurred before because we've never done a mass cleanup like that. So minor costs if anything.

The Chair: Thank you.

Are there any other questions? On the telephone lines?

Hearing none, thank you for your presentation today and for answering the committee's questions. If there are any outstanding questions or any additional information you want to provide to the committee, please do that through the committee clerk. We'll be in contact with the office once the dates are established for the reviews of the officers' 2016-2017 office budgets. Thank you very much for joining us today.

Mr. Ziegler: Thank you, Chair and members.

Ms Robins: Thank you.

The Chair: We're going to take a break.

[The committee adjourned from 1:16 p.m. to 1:42 p.m.]

The Chair: I'm going to call the meeting to order again. We're going to do a quick round of introductions for those at the table, and then I'll call on the members on the phone lines if they're there.

I'm Estefania Cortes-Vargas. I'm the MLA for Strathcona-Sherwood Park and the chair of the Standing Committee on Legislative Offices.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. van Dijken: Glenn van Dijken, MLA, Barrhead-Morinville-Westlock.

Mr. Lee: Kevin Lee, director of finance for the office of the Chief Electoral Officer.

Mr. Resler: Glen Resler, Chief Electoral Officer.

Ms Johnston: Keila Johnston, director of IT and geomatics at Elections Alberta.

Mr. Westwater: Drew Westwater, Deputy Chief Electoral Officer.

Ms Woollard: Denise Woollard, MLA, Edmonton-Mill Creek.

Mr. Horne: Trevor Horne, MLA, Spruce Grove-St. Albert.

Mr. Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Mr. Kleinsteuber: Jamie Kleinsteuber, MLA, Calgary-Northern Hills.

Mr. Shepherd: David Shepherd, Edmonton-Centre.

Ms Jabbour: Debbie Jabbour, MLA, Peace River.

The Chair: All right. Thank you.

Do we have anyone on the phones? No? Okay.

I'd like to welcome Mr. Glen Resler, Chief Electoral Officer, and his staff. Mr. Resler, please go ahead with your presentation. If you can keep it to 35 to 40 minutes, then we'll take the last 20 minutes for questions.

Office of the Chief Electoral Officer

Mr. Resler: Good. Thank you and good afternoon. We appreciate the opportunity to meet with you today and to provide you with a briefing on our office. First, I'd like to discuss who we are – our mission, vision, our legislation – touch on the Canadian Charter of Rights and Freedoms, look at our stakeholders, and provide you with a background on our organizational structure.

Elections Alberta is not part of the government of Alberta, nor does it report to a minister. We are politically neutral. We are an independent, nonpartisan office of the Legislative Assembly. We report annually and submit our budget to the Legislative Assembly through you, the all-party Standing Committee on Legislative Offices. It is our mission to deliver effective, nonpartisan services that meet the electoral needs of Albertans, and our vision is to ensure Albertans have confidence in an easily accessible electoral process.

Our office is responsible for the interpretation and administration of three main pieces of legislation: the Election Act, the Election Finances and Contributions Disclosure Act, and the Senatorial Selection Act. We also have administrative duties under the Electoral Boundaries Commission Act, which, as discussed in a previous meeting, occurs after every second general election, when

the electoral division boundaries are redrawn to accommodate voter population shifts. The act prescribes the timing and the method for an independent commission to follow when reviewing and recommending changes to the electoral division map in the province.

The act also directs the Chief Electoral Officer to provide support and assistance to the commission during a redistribution. The next review is scheduled prior to the next provincial general election, and Alberta Justice is currently reviewing this committee's motion and our recommendation to move the timeline for the commission one year forward.

The Election Act governs the administration of the Alberta electoral process. It establishes the framework under which individuals exercise the right to vote and to seek office in the Legislative Assembly. The Election Act creates the position of the Chief Electoral Officer as an independent officer of the Legislature, and it also creates the office of the Chief Electoral Officer, in which we operate under the name Elections Alberta.

It identifies the positions of, qualifications for, and duties of elections officers who conduct elections. It determines the process and qualifications for being nominated as a candidate. It establishes the qualifications for being an elector and a process for identifying and registering electors.

It also establishes a process for sharing information about electors with candidates and parties seeking office, sets the rules relating to where electors may vote, establishes requirements for publishing information about an election, the process for voting, and a variety of mechanisms by which electors exercise their right to vote, whether it's in-person voting, advance voting, special ballots, or mobile polls.

It also regulates the process for counting ballots, including the scrutinizing of the process and the announcement and publication of the results. It provides a mechanism for judicially recounting the ballots and a mechanism to challenge the validity of an election. Finally, it establishes offences and penalties in respect of the conduct of elections.

Our role under the Election Act is to support the Legislature and the democratic process in Alberta, and we do that by conducting open, fair, and impartial elections in compliance with the legislation. We guide, direct, and supervise the 87 returning officers in the performance of their duties. When a general election is called, in substance, a series of 87 separate elections are conducted at the same time within the electoral divisions by those returning officers. They require the assistance of 18,000 election officers across the province, staffing over 7,000 polling stations located in over 1,500 locations. There is a huge amount of infrastructure and coordination in order to carry out the election.

We ensure the fairness and the impartiality on the part of the election officers. We provide guidance and directions to the political parties and candidates; for example, by providing lists of electors, maps, guidelines on signage and advertising, providing all-candidate meetings with the returning officers after the close of nominations. We also serve in a regulatory role to achieve compliance, and we provide Albertans with information about the election process and the democratic right to vote.

Part of my role as Chief Electoral Officer is to ensure that the election infrastructure is well maintained at all times, that our office is election ready, that election officers are prepared to perform their duties in a professional, efficient, and knowledgeable manner, and that the integrity of Alberta's electoral system is protected.

The Election Act does not cover municipal or school board elections.

The Election Finances and Contributions Disclosure Act contains the rules on electoral financing. It governs the three levels of

political activity: political parties, constituency associations, and candidates. It looks at the registration process, the ability for constituency associations and parties to fund raise between elections so that funds can be used for pre-election spending and transfers to candidates. It defines who can make contributions to whom and how much.

We register and report the activities of third-party advertisers. Any individual, corporation, or group placing political advertising during a provincial election period is required to be registered under the act as a third-party advertiser. Registration is required if they spend or plan to spend \$1,000 or more or if they have accepted or plan to accept \$1,000 or more in contributions for the purpose of election advertising.

We also play a part in leadership contests. Elections Alberta must be notified of all leadership contests, and all contestants participating must register with our office. Disclosure for a leadership contest is similar to that of a campaign. The act legislates the reporting and public disclosure of contributions and financial statements, and it specifies the various enforcements and remedies when someone fails to comply.

1:50

The Senatorial Selection Act prescribes the conduct of Senate nominee elections, which may be conducted in conjunction with municipal elections, provincial elections, or as stand-alone events. These elections select Senators-in-waiting. The names are submitted to the Queen's Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling Alberta vacancies. Three Senators-in-waiting were selected in conjunction with the 2012 provincial general election. Since 2012 two have been appointed to the Senate. The next scheduled vacancy for Alberta is in 2018. This specific piece of legislation does have an expiry date of December 31, 2016.

I would be remiss if I didn't mention the Canadian Charter of Rights and Freedoms. While elections may touch on several guarantees under the Charter, two in particular have attracted judicial attention, the freedom of expression and democratic participation. These Charter values underlie the way society looks at elections and the way we balance competing interests that inevitably arise in the course of elections. Because the Charter is a constitutional law, Alberta's Election Act, Election Finances and Contributions Disclosure Act, and the Electoral Boundaries Commission Act are to be interpreted to be consistent with the Charter.

The Charter states:

2. Everyone has the following fundamental freedoms: . . .
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.

Freedom of expression is a crucial aspect of the democratic commitment, ensuring that participation in the political process is open to all persons. Freedom of expression comes into play in elections, especially with matters of voting, campaigning, and political advertising, including third-party advertising and political contributions.

Section 3 of the Charter states:

- Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Section 3 is about more than just the right to vote or the right to run as a candidate. The Supreme Court has said that it is about meaningful participation in democracy.

We serve a large number of stakeholder groups in the province. Our key stakeholders include Alberta residents; political

participants, including your volunteers; returning officers and other election workers; federal, provincial, and municipal election administrators; this committee; our data providers; and the media. Each of these individuals and groups must be considered when decisions are made regarding changes to legislation or policies and procedures, where a change to accommodate one group may have a negative impact on another.

To provide you with an example, it might be a positive change for electors to have polls open at 7 a.m. and close at 9 p.m., but to another group, the election workers, this would have a negative impact because of the longer working hours, which would be, for them, from 6 a.m. to 11 p.m., which, practically speaking, is a 17-hour work day. So it's very important for us to balance the needs of all our stakeholders when we amend legislation and review our policies.

Taking a look at our organizational structure, as can be seen on this slide, our core team consists of a relatively small group compared to the 18,000 election officers we employ on election day. Our three main functional areas are operations, IT and geomatics, and finance, and there are 21 full-time employees on staff. Under the Election Act the appointment of the returning officers expires four months after election day of a provincial general election. In addition, the act restricts the appointment until two years after a general election. Therefore, the 87 returning officers are appointed and working for approximately two years of every four-year election cycle.

We are always asked: what is it that you do between elections? Is the election office part-time work? I can assure you that there is a considerable amount of work that goes on and needs to be done between elections. We are clearly not a part-time organization. For example, although the election was back in May, we are still doing a cleanup of the register of electors and have an additional 18 wage staff performing data entry cleanup for a couple more months.

To provide you with additional background on our operations, we'll now touch base on our day-to-day activities, our ongoing activities between elections.

At the bottom left on the screen: our GIS, or mapping data, is made up of two primary components, mapping data and address data, both of which are overlaid on the provincial electoral division and polling subdivision boundaries. Our address data contains physical addresses cross-referenced to electoral divisions and polling subdivisions. Looking at the blue box on the top left, we update the GIS data through land titles; Alberta Environment and Parks; through municipalities; AMDSP, which stands for Alberta Municipal Data Sharing Partnership; and recently we've partnered with Alberta Health Services to access their 911 addressing data. The difficult part in compiling and maintaining a provincial address data set is the unfortunate fact that Alberta does not have standardized addressing. Each municipality is able to establish their own standards, and this is especially difficult in rural Alberta and can be seen in the different 911 addressing of each municipality.

As you may be aware, we also no longer throw away our list of electors after each election. Alberta's legislation is similar to jurisdictions across Canada requiring a permanent register of electors. What varies is the information we have access to in order to update our register of electors. In addition, the quality of the data from the different data sources will vary, as will the format in which data is captured. So there is a lot of massaging of the data taking place behind the scenes. By legislation the list of electors contains the elector's first, middle, and surname; addresses, including postal codes; telephone numbers; and a unique identifier for the elector. That is the information that we share with you as one of the groups of the political entities, that you can use for electoral purposes and also for MLAs for use in their constituency offices.

The register of electors contains the same information as the list of electors but also includes additional data that can assist Elections Alberta in data matching with other databases. This will include date of birth, gender, and other unique identifiers from different data sources. For example, Elections Canada would also have elector IDs. We can collect information directly from the elector or from any public body defined in the FOIP Act for the purpose of revising the register. Elector information is updated using data from sources listed in the bottom blue box on that slide.

Elections Canada is a source of new electors and addresses, and we have the ability to move electors electronically within the register. Under the Election Act we are able to reciprocate the data sharing with Elections Canada. The next two boxes, motor vehicles and vital statistics, are received from Service Alberta. The motor vehicle data set provides access to new addresses and changes to personal information such as name changes, deceased, moves within and outside of the province. Vital statistics provides us a source for the deceased. Alberta Health data serves as a source for visual cross-reference and verification of data. We are looking to improve upon the information that's been provided by Alberta Health to make it more useful to us. Canada Post data provides us with data from their mail-forwarding program and also allows us to determine if an address is mailable, with the ability to correct it. We also validate mailing addresses in order to obtain reduced postage rates for province-wide mail-outs.

We also receive information directly from Albertans through our enumeration process; during elections; and by going online to our website through our self-serve elector registration system, and we call that Voterlink. That's the circle you see in the top right-hand corner. Albertans are able to register to vote, and current electors are able to update their name and address information. Once submitted, the data is validated prior to being accepted into the register of electors.

As you can imagine, there's a considerable amount of intelligence behind the scenes that enables us, through matching processes, to continuously update the register. We estimate about 20 per cent of electors require their data to be updated on an annual basis. In the 2014-15 fiscal year we made over 494,000 updates through our data sources, as shown on the slide. We added over 88,000 new addresses, over 228,000 new electors, approximately 150,000 elector moves or updates. We confirmed 8,300 electors' information, and there were 54,000 deletes for deceased and duplicate data.

2:00

If you haven't seen it yet, we rolled out a new website this year. In addition to improving the visual aspect of the site, we have improved the public's ability to search for contributors to political entities. We continue to offer the public a search mechanism to determine who is their MLA, and we're about to roll out an improved Voterlink site, which is also linked to the home page of the Legislative Assembly. Both of these can be used by your constituency office staff to assist Albertans calling in.

I'll provide you with a quick demonstration on how Voterlink works. The purpose of Voterlink is to allow voters to register for the first time or to change their existing registration information. Voters require an Alberta driver's licence or an Alberta identification card in order to register. The use of government ID provides a mechanism in order to validate the person. Only 80 per cent of electors have a driver's licence, so this means that we're unable to accommodate 20 per cent of our stakeholders. Currently, we ask these users to contact our office directly for assistance in registering.

To improve access to the self-registration process, we have held discussions with Service Alberta. In British Columbia they have implemented a B.C. identification card, and we are hoping this initiative will be rolled out also in Alberta. Currently Service Alberta has an online digital identity called MyAlberta digital ID, and that's to be used in accessing online programs and services across government. Having an ID card that is provided to all Albertans would allow every elector to have government-issued identification with smart technology embedded into the card, but an Alberta ID card would be several years away if implemented. In the interim we are requesting that legislation be changed to allow Albertans to use their personal health number to be used for authentication purposes in addition to the driver's licence card.

Let's get started with Voterlink. First, we would click on: am I registered to vote? The person would be asked to complete three fields of information: last name, date of birth, and postal code. You'd hit the Search button. I find out that I'm not registered at an address with that postal code, so in order to continue the process, I'm advised that I require an Alberta driver's licence or ID card. I proceed by selecting: register to vote.

Because I'm registering to vote for the very first time, I have to make a declaration that I am an eligible elector, that I'm a Canadian citizen, that I have been resident in Alberta for the preceding six months, and that I'm over 18 years of age; 16- and 17-year-olds are allowed to preregister, and when they turn 18 years of age, their names will be placed on the list of electors. I click on the Next button to continue. This is where you enter your driver's licence operator number and your name exactly as it appears on your licence.

You are then asked to enter your physical address information. Because there are several formats of addresses, we ask which format you have. Again, this is very important, especially in rural Alberta. If we only have your mailing address, we cannot tell you where you vote because we cannot link a mailing address to a physical location on the ground in order to identify your polling subdivision and, potentially, your electoral division. This also means that if you don't have a physical address, you will not receive a voter information card prior to election day informing you where to vote. In this instance I live in the country, and I have a rural address, so I'll select the second Next button.

I'm asked which type of rural address I have. Is it a 911 address or a legal land description? I select the first button. I enter my 911 address. Because not all 911 addresses are mailable, I'm asked if the mailing address is different from my physical address and enter my postal box information. I'm then asked to confirm the accuracy of the information typed in, select Confirm, and a confirmation screen comes back, stating that the information has been received and asking if there are any other electors in the household that wish to register. Those other additional members would also have to provide a driver's licence or ID operator number for authentication purposes. That's the simple process of self-registering on our website.

Continuing with our day-to-day duties, under the Election Finances and Contributions Disclosure Act our duties include examining all financial statements and quarterly reports that are filed with our office. In a regular year there are about 400 party and constituency association financial statements to review. There would be another 1,500 quarterly reports, and in an election year our workload increases with another 412ish candidate financial statements. We regularly provide advice to political entities and their volunteers, and we work collaboratively to resolve issues or errors with financial reporting. We ensure compliance with the legislation, including conducting investigations of the financial

affairs and records of political entities based on complaints received or under my own initiative.

We publish financial statements and quarterly reports on the website, and at the end of the year I prepare a report on the activities of the office under the Election Finances and Contributions Disclosure Act, that is tabled by our chair in the Legislature. The report will also include recommendations for legislative changes.

Our outreach activities include attending political party conventions and putting on sessions for constituency CFOs and their presidents. We participate in the School at the Legislature program. We attend conventions such as the Alberta Teachers' Association and the school board teacher conferences. Here we discuss our building future voters program, which can be used by grades 6, 9, and 12 social studies students. This civics education program was approved by Alberta Education for the social studies curriculum and is available in both English and French. There are also elector and media inquiries.

This next slide illustrates other organizations or group that we engage. Our outreach program is critical to ensure that Albertans are informed of their right to vote, to create public awareness, and to remove any administrative barriers that may exist.

We have also strengthened our relationship with the civics organization in the delivery of the student vote program. This program engages future voters. Previous student vote programs were funded by federal sources, Alberta Education, and the Alberta Teachers' Association, and we became a partner this last election. As seen on this slide, the program has grown from 385 schools in 2004 to 877 schools in 2015. Student participation for grade 6 and high school students has increased from over 63,000 in 2004 to over 92,000 in the 2015 provincial election. In the federal election that followed our provincial election, the numbers had surpassed a hundred thousand students. This program has successfully grown with each electoral event.

The program significantly increases the students' knowledge of the electoral process, interests in civics participation, and a sense of voting as a civic duty. Studies have shown that the family engagement process by these students has resulted in a higher voter turnout by their parents and family members. These students talk to family members at home to discuss issues, local candidates, and parties as part of the program. Sixty-one per cent of the parents reported an increase in their own political interest and knowledge as a result of their child's participation in the program, of which 20 per cent of the voting parents reported that the student vote program positively affected their decision to vote.

Prior to the federal election this year I attended democracy boot camps in both Edmonton and Calgary, where over 300 teachers were engaged in discussions on how to roll out the program. Their enthusiasm to engage the students on the importance of civic participation was inspiring to see. Our students are our future voters.

2:10

Taking a look at the service plan that was provided to you, it was originally submitted to the standing committee last year based on the assumption that the provincial general election was to be held in the spring of 2016. As you're aware, the general election was called one year early. As a result of the early election call we did not hold a provincial enumeration, and our map and list review was restricted to approximately 20 of the 87 electoral divisions. We concentrated on the high-growth electoral divisions and updated the polling subdivision boundaries accordingly.

In the service plan we reported to you the activities of the last year, including measures resulting in the 2015 provincial general election. Since our key activities are structured around the

provincial general election, we will be providing this committee with a new service plan next year that will be based on a general election in 2019 and will include a four-year electoral cycle instead of the current three-year plan that you see before you.

The new service plan will focus on the key election preparation activities. We have a short time period between elections in which we are able to design, build, and implement improvements to our processes. System development is key in the first two years postelection. We are developing online training modules for election workers. We are looking to automate poll books, incorporating the use of vote tabulators for use in the advanced polls, the ability to provide vote-anywhere capacity to better serve electors, automated special-ballot administrative processes, and the ability to file candidate financial statements online.

We'll be providing administrative support to the Electoral Boundaries Commission and will be required to implement those new boundaries. We'll be looking at legislative amendments that will require all our forms and guides to be updated prior to an electoral event. Staff recruitment is based on the new boundaries. For example, under the legislation returning officers are to reside in their electoral division. Until the boundaries are finalized, we're unable to commence recruitment.

A complete review of the maps and list of electors will need to be done, province-wide enumeration, engagement in education activities, and, finally, the administration of a provincial general election. The next three years will be very busy.

To provide the committee with some clarity on the annual report that you received, it falls under the Election Finances and Contributions Disclosure Act. You will receive one of these reports annually. I will issue a separate report under the Election Act after each electoral event, so when you review the reports, they are limited to the activities that fall under each piece of legislation. The report detailing the activities of the 2015 provincial general election will be released in the new year.

Highlights of the 2014 annual report that was provided to you include a renewed focus on financial compliance by political entities. We had 60 deregistrations of political entities as a result of incomplete filings. We worked with the political parties and the constituencies to ensure that all the filings were complete and accurate, and most of these entities have since been reregistered by our office.

We continue to work with the Wildrose Party to finalize the party's 2014 annual and by-election financial statements.

We held four by-elections in October 2014, and both the vote tabulators and the voter assist terminals were successfully tested. We look forward to implementing this technology on a province-wide basis.

We held two leadership contests in 2014: the Progressive Conservative Association of Alberta and the Alberta New Democratic Party. We completed 29 investigations. In 13 of these there were no breaches of the act. The remaining 16 investigations: violations occurred, most of which were a result of overcontributions by individuals and associated corporations. This resulted in over \$21,000 in overcontributions that were returned to the contributors, seven letters of reprimand, and \$3,500 in administrative penalties issued and received.

Also included in the report are our recommendations for legislative changes. The legislation requires substantive update, and the recommendations have been presented to the Select Special Ethics and Accountability Committee.

Looking at our financial statements, we exceeded our budget by approximately \$841,000. This expense was attributable to the early election call and the need to purchase inventory, hire staff, and perform training. We did anticipate the possibility of an early

election, and on July 3, 2014, we met with this standing committee to request supplementary funding of \$2.1 million for an early election call to take place, which we thought was going to happen right after the leadership contest. This committee approved the funding request and forwarded the motion to the Finance minister to process the supplementary funding. But since there was a call for four by-elections in October, we did not expect the early general election call, and the supplementary funding request was not processed by Alberta Finance.

As a result, we went over budget, and the deficit was funded as an encumbrance on our current 2015-16 budget, which included the full funding for the provincial general election. So, in essence, we received an advance of the funds to cover off the additional expenses.

This concludes my presentation. Are there any questions from the committee?

The Chair: Thank you.

I'll now open the floor to questions from the committee members. Again, we'll follow the general practice of rotating between government members and opposition: one question, one supplemental.

Anyone want to start us off?

Mr. Horne: In the cases where proper financial statements and accompanying documents are not submitted on time or at all, does your office have the necessary legislative tools in order to compel political parties to produce those documents?

Mr. Resler: For the most part, I would say yes. We have provided recommendations to the other committee, the special committee, on recommended changes. The administrative penalty process is somewhat cumbersome. I think I have to issue about four letters before I get to the stage where I'm issuing a penalty, so it's several months down the road.

As far as the financial filings, I'm looking to implement immediate penalties, so mandatory penalties. It could be – I can't remember what the dollar amount is now – you know, if it was \$500, a \$500 mandatory penalty for not filing, that type of thing. That's the only thing that we'd be looking at.

Mr. Horne: Okay. You kind of touched on this, but can you speak to any outstanding issues before you that are still awaiting resolution, and is there any risk of deregistration?

Mr. Resler: There's always a risk of deregistration for any outstanding issue. Under the legislation I'm not able to provide detailed information. We work with the political entities, whether it's a constituted party, and we try to come to a resolution. We know and understand that in most instances we're dealing with volunteers, and the volunteers are changing, sometimes on an annual basis. There's an education process. We try to work with them to ensure compliance. If we are not getting co-operation, then we look at deregistration, and then we also would look at administrative penalties, depending on the scope and scale of the errors.

Mr. Horne: Okay.

The Chair: Any other questions? Mr. Kleinsteuber.

Mr. Kleinsteuber: Thank you. Thanks for joining us here today. We've had five by-elections and a general election within the last year, and the annual report before us, understandably, only reflects the four 2014 by-elections. Has your office learned from this experience, and what have you done to streamline your processes?

Mr. Resler: Streamlining processes: we're pretty much tied to the legislation. The legislation is very prescriptive. I have very little flexibility in updating most of the processes that exist, and one of my key recommendations for legislative change is to provide that flexibility, where we want to look at automation, where we want to look at different staffing capacities – instead of having, you know, two staff for every polling station, set it up like a banking-style operation, where you stand in one lineup and you go to the first available table – where we're able to add flexibility, modernize, use technology, use the tabulators in counting to save two hours of staff time. All of those instances I'm unable to process because the legislation doesn't allow it.

We learned what we'd like to change. That's what we do. You know, it's a continuum. It's a learning process. There's a lot of training involved. You're always dealing with a situation where you never know when the election is going to be called, so you have to be prepared at all times. It takes some effort, and you have to be organized and prepared for it. It's always a learning position, and you see something new every election.

2:20

Mr. Kleinsteuber: Okay. One supplemental there, too. I think you touched on it a little bit earlier, but how has this unusual strain of elections affected your overall budget? I think you mentioned that it might follow through with the next year.

Mr. Resler: The budget: we won't be impacted. Obviously, we budgeted for a full electoral event. We budgeted for enumeration, which didn't occur, for the additional map and list review, which didn't occur. Normally we would budget for three by-elections in a year, in a nonelection year. In 2014, although we had four by-elections, they were all called at the same time, so there are efficiencies to be gained from that rather than holding them individually, whether it's advertising or just the training aspect of it. We were able to come in pretty much, for the four by-elections, at the cost of three, so that worked out quite well.

With the general election we normally would not budget for any by-elections that close at that time. It did occur, but because we didn't perform all those other functions, actually I think we're already estimating returning \$8 million of our election budget because those other activities didn't take place.

The Chair: Okay. Are there any other questions?

Ms Jabbour: I have a question. I had the privilege, actually, prior to the 2008 election, of working in your office for a while, both before the election and during and a little bit after, working on the database and getting some of the names and all that, so I understand how complex that process is. I'm glad to see you've updated the website. I think that's a huge step forward. But you're talking about doing a provincial enumeration, and this is really important, especially given the Electoral Boundaries Commission coming up. We have to have an accurate voters list. Are you exploring any, you know, more effective or efficient ways of getting this enumeration done? It seems to me it always was very awkward and had some challenges.

Mr. Resler: It definitely has challenges. For the enumeration process in some areas we have over 35 per cent no contact, so even getting in contact with electors is difficult. It is more dangerous. We are on the list, as far as the WCB, with the number of claims that we submit as far as injuries with staff performing those duties. What we're looking at is changing the process as far as moving to a mail-based enumeration process. We'll set up a call centre. We'll set up data entry areas. We'll do a mail-out, obtain information, whether

they want to go online and enter the information, whether they want to call the call centre or mail the information back. We'll have all methods by which they can contact us.

We'll also target certain enumeration areas. When you look at high-growth areas – so new condos, new subdivisions – potentially the inner city, where it is a little more difficult to obtain information, those would still be targeted in the manual process. Otherwise, the information as far as from our other data sources is critical in updating the information. That's where we look at, you know, especially Elections Canada, depending on when their election is. We share information back and forth. We get the information from Revenue Canada, through them, and the different data sources, so that makes a big difference.

Ms Jabbour: Just a quick follow-up. What had surprised me at the time was to learn that if you missed your enumeration, you were just automatically taken off the voters list. Have you looked at ways to maybe change that? I know that created a lot of issues for people.

Mr. Resler: Yeah. We do not remove anyone from the list if they weren't contacted in that sense. It's a living list now, so that process has changed. The reason for the delay with our election report and providing members with the lists of electors postelection: we're in the process of a significant cleanup of the data. In the past, actually, electors weren't being deleted from the households. We had instances where I saw 20 electors at a household, and there were only two people residing there, so it's a list creep. Every time someone does a declaration saying, "I live here; I want to be added onto the list," they just added it to the address and never cleaned up the data underneath it.

For some of the electoral divisions we're looking at, the list of electors may have been 20,000 people on polling day, and you had 2,000 new declarations completed, but the number at the end of the day may even be less than the 20,000, that type of thing. So there's a lot of duplication. There's a lot of cleanup going on. That just improves the integrity of the data and is more useful to you. If you're using the list of electors for addresses for mail-outs, newsletters, that type of thing, or even for contacting for campaigning purposes, you don't have the embarrassment of poor data.

Ms Jabbour: Thank you.

The Chair: Thank you.

Are there any other questions?

Well, thank you very much for your presentation today and for answering the committee's questions. If there are any outstanding questions that you wish to address or additional information that you want to provide, please forward this through the committee clerk. We will be contacting your office once the dates are established to review the officers' 2016-2017 budget estimates.

Thank you very much for joining us.

Mr. Resler: Thank you very much.

Have a wonderful Christmas, everyone. Enjoy time at home, a nice break.

The Chair: Yes. Thank you for coming early, too. We really appreciate that.

Mr. Resler: Thank you.

[The committee adjourned from 2:27 p.m. to 2:33 p.m.]

The Chair: I'd call the committee back again. I would like to ask the members to move a motion to continue discussions in camera, please.

Mr. Shepherd: So moved.

The Chair: All in favour? Any opposed? Motion carried.

[The committee met in camera from 2:33 p.m. to 3:04 p.m.]

The Chair: Okay. We're back on the record.

Item 5 on our agenda: members will be polled once the dates are established for the review of the officers' 2016-2017 budget estimates.

I'm going to invite a motion to adjourn.

Mr. Connolly: So moved.

The Chair: Mr. Connolly. All right. Thank you very much for coming.

[The committee adjourned at 3:05 p.m.]

