



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Standing Committee
on
Legislative Offices

Friday, December 2, 2016
8:31 a.m.

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Second Session**

Standing Committee on Legislative Offices

Shepherd, David, Edmonton-Centre (ND), Chair
Malkinson, Brian, Calgary-Currie (ND), Deputy Chair

Cooper, Nathan, Olds-Didsbury-Three Hills (W)
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND)*
Ellis, Mike, Calgary-West (PC)
Horne, Trevor A.R., Spruce Grove-St. Albert (ND)
Jabbour, Deborah C., Peace River (ND)
Kleinsteuber, Jamie, Calgary-Northern Hills (ND)
Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND)
Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W)
van Dijken, Glenn, Barrhead-Morinville-Westlock (W)
Woollard, Denise, Edmonton-Mill Creek (ND)

* substitution for Debbie Jabbour

Legislative Officers

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

Office of the Auditor General Participant

Ruth McHugh	Chief Operating Officer
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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 Information and Privacy Commissioner Participant

LeRoy Brower	Assistant Commissioner
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Office of the Ombudsman Participants

Joe Loran	Deputy Ombudsman
Suzanne Richford	Director, Corporate Services

Office of the Public Interest Commissioner Participant

Ted Miles	Director
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Support Staff

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[Mr. Shepherd in the chair]

The Chair: All right. Well, I'd like to welcome members, staff, guests to this meeting of the Standing Committee on Legislative Offices. I'm David Shepherd, MLA for Edmonton-Centre and chair of this committee.

I'd like to just ask that members and those joining the committee at the table introduce themselves for the record – and then we'll hear from those on the phone – starting to my right.

Mr. Malkinson: Brian Malkinson, deputy chair, MLA for Calgary-Currie.

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

Mr. Lee: Kevin Lee, director of election finances with Elections Alberta.

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

Mr. Resler: Glen Resler, Chief Electoral Officer.

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

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

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

Mrs. Littlewood: Good morning. Jessica Littlewood, Fort Saskatchewan-Vegreville.

Mr. Kleinsteuber: Good morning, folks. Jamie Kleinsteuber, the MLA for Calgary-Northern Hills.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Ms Rempel: Good morning. Jody Rempel, committee clerk.

The Chair: Thank you.
On the phones?

Cortes-Vargas: Estefania Cortes-Vargas, MLA for Strathcona-Sherwood Park.

Mr. Ellis: Mike Ellis, MLA, Calgary-West.

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

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

The Chair: Thank you very much.

For the record I'll note the following substitution. Member Cortes-Vargas is substituting for Ms Jabbour.

Now, of course, before we turn to the business at hand, a few operational items. The microphone consoles are operated by the *Hansard* staff. Please keep cellphones and BlackBerrys on silent and off the table as they can interfere with the audiofeed. The 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.

All right. Moving on to the agenda, then, for today. Let's see here. We have the agenda in front of us. It's been posted. Does anyone have any issues to raise or changes to propose? Just a note that under other business there will be an additional brief matter related to an additional written submission received from another submitter related to the Child and Youth Advocate Act. If everyone is okay, then, do we have a member that would move a motion to approve today's meeting agenda as circulated? Thank you. Ms Woollard so moves. All in favour of adopting the agenda as circulated? Any opposed? Thank you. That motion is carried.

On to the adoption of the meeting minutes. This would be our meeting from November 4, 2016. Any errors or omissions to note? If not, do we have a member that will move approval of the November 4, 2016, minutes as distributed? Mr. Horne. Thank you. All those in favour? Any opposed? That motion is carried.

On, then, to our purpose for being here today, the consideration of the 2017-18 budget estimates for the legislative officers. We're reviewing those budget submissions. We have a very full schedule ahead of us. Hopefully, we will be able to keep everything running efficiently and effectively.

I'd like to call on our first officer who is here with us today, Mr. Resler, the Chief Electoral Officer. We'll ask him, then, at this time to begin his presentation. Mr. Resler, if you could keep your presentation to about 20 minutes, then we'll have sufficient time for questions from committee members. If you could begin by introducing your team when you're ready.

Office of the Chief Electoral Officer

Mr. Resler: Good morning and thank you. With me today making our presentation to my far left is Kevin Lee, our director of finance; Drew Westwater, Deputy Chief Electoral Officer; and Keila Johnston, director of IT and geomatics.

It's a pleasure to be here today and present our budget submission and estimates for the fiscal year 2017-18. As you can see from the documents that we have provided to you, our budget does not run on a standard annual cycle; rather, we run on a four-year election cycle. Differing electoral events will take place during each year, which can make budget comparisons difficult. The 2016-17 year was year 1 of our four-year cycle and will be the lowest budget that we will submit to this committee. Each subsequent year activities will increase, and the budget will progressively grow as we approach the next provincial general election. Today we'll review our overall budget request for 2017-18, provide you with a breakdown of the numbers, and discuss the variances to prior year amounts. To assist members with today's discussion, we have provided our 2015-16 annual report, our four-year business plan, and our 2017-18 budget submission.

Elections Alberta has four program areas: corporate services, elections, enumerations, and senatorial selection. There is no planned enumeration or senatorial selection in this year's budget. Therefore, I have provided you with the estimates for the corporate services and elections programs.

If you can turn to our budget submission provided to you, starting on page 1, looking at the first two columns, the budget-to-actual comparisons for 2015-16. That year was an election year, and the budget of \$32 million was not fully expended as a result of the early election call. Due to a lack of time we did not complete a provincial map and list review or a province-wide enumeration. In addition, the Election Act was not amended to allow tabulators or electronic poll books to be used in advance polls. Election supply inventories were purchased, and the returning officer staff training took place in the prior year to the election. As a result, all these factors resulted in an underexpenditure of \$10 million in the 2015-16 year.

The subsequent two columns: 2016-17 budget and forecast for that year is the current year, which is our base budget, which includes the cost of our permanent staff and office, referred to as corporate services in your documents. In addition, we budget for three by-elections annually. We continue to forecast the expenditure of the by-elections in the current year, and if they do not occur prior to March 31, these funds will be left unexpended. Overall, we're forecasting to be within budget in the current fiscal year.

Our budget figures are based on our core services that we provide annually in addition to the following assumptions that have a direct impact on our activities.

The Electoral Boundaries Commission has been established and will be completed in the fall of 2017. During a boundaries commission we contract additional mapping staff for a two-year period to assist with that workload.

The legislative review of the Election Finances and Contributions Disclosure Act is complete, and we're awaiting amendments on the Election Act. We are stressing that any amendments to the Election Act will need to be tabled by the fall of the 2017 Legislature. This will allow us time in 2018 to undertake a provincial map and list review, a provincial enumeration; to produce new election guides, forms, training materials; and to purchase the inventory prior to a spring 2019 election.

Our election recruitment of returning officers will commence with province-wide advertising in October 2017, with the process to be completed in February of 2018. As you are aware, returning officers are to reside in the electoral divisions in which they work; therefore, we have to wait until the boundaries commission is complete before finalizing any commencements. Once hired, returning officers are paid a monthly honorarium and will receive event training. In the fall of 2018 we will advertise, interview, and hire election clerks.

Once the boundaries commission has reported to the Legislature and the new electoral division boundaries are approved, we will have the 87 returning officers review and redraw approximately 6,600 polling subdivision boundaries across the province. The revised boundaries will be incorporated into our mapping software, and the 2.8 million electors will be reassigned to their new polling subdivision boundaries and electoral divisions through our map and list review process. This will need to be completed prior to an enumeration in August 2018. The enumeration, as stated previously, is scheduled for the fall of 2018, and all data entry will have to be completed before the end of the year; 2019 is the year in which the next provincial general election is scheduled.

8:40

Our final assumption: we are looking at a minimum wage increase of \$15 per hour by the next provincial general election, which will have a direct impact on the 18,000 staff that are hired to work elections.

Those are the main assumptions that we have used in formulating our budget estimates in 2017-18 and the targets in the subsequent two years, as shown on page 1.

If you can turn to page 2 of the financial handout, this document provides you with the comparison of the current year budget to the proposed 2017-18 estimates and the dollar and percentage change. We are showing an overall increase of 11 per cent, or \$688,000, in the 2017-18 year over the current year as a result of building towards the 2019 provincial general election. The bulk of the increase is a result of hiring 87 returning officers and completing a provincial map and list review. I would like to emphasize that the 2017-18 estimates, as stated in your handouts, do not include the costs that are associated with the impact of the Fair Elections

Financing Act as the legislation has not received royal assent prior to this budget submission. A supplemental budget will be provided at a future meeting.

If you can turn to page 3 of the handout, I'll discuss our corporate services budget. The corporate services program is the only area that will remain constant over the four-year election cycle and which we can directly compare from year to year. Corporate services provides for all permanent staffing at Elections Alberta. We have 23 full-time staff responsible for the general administration, operations, finance, IT, GIS and mapping, and the register of electors maintenance. For 2017-18 we are projecting an increase of \$14,000 for corporate services. Under manpower there are no changes from last year. Staff are hired under the Alberta Public Service Act, and all staff fall under the salary freeze in 2017-18. There are no cost-of-living or merit increases. Under supplies and services we have two line items projecting increases. Taking a look at insurance, our coverage is provided through Alberta risk management, and they have advised that the rates will increase by \$3,000. Looking at materials and supplies, we are budgeting an \$11,000 increase in our software costs, attributed to software that will support the boundaries commission, our map and list review, and the data servers. To summarize, our total increase for corporate services is \$14,000.

If you could turn to page 5 of our package, with the exception of a general election year we budget, as I stated earlier, for three by-elections, whether one is held or not. If no by-elections are called, the funds are left unexpended. Under manpower there is no change. Supplies and services we are increasing by \$674,000 over last year's budget, and there are three areas that are associated with this increase: by-elections, returning officer recruitment, and the provincial map and list review.

First, the increase in the by-election costs are based on the actual costs expended in the 2016 Calgary-Greenway by-election. There is a \$105,000 increase in advertising. This line item has been previously underbudgeted as actual costs for advertising for a by-election are \$65,000 each. Under the Election Act we must advertise in newspapers of general circulation. There are three separate ads specifying the information listed in the proclamation, a listing of candidates and their official agents, and polling place locations and hours. In addition, we now utilize online and social media advertising. Advertising during elections is legislated, and there is an opportunity to reduce this cost by 20 per cent if our recommendations for legislative changes to the Election Act are implemented.

Under rentals we're looking at a \$28,000 increase for by-elections, and rentals will include the cost of the returning officers' office space, furniture, and polling places. There's a \$3,000 increase in telephone expenses, a \$10,000 increase in election officer payments in order to comply with the new minimum wage standards, and, finally, an increase of \$8,000 in election materials and supplies. This amount will vary depending on the inventory levels in our warehouse.

Secondly, the province-wide recruitment of the 87 returning officers. This will cost an additional \$89,000 and is broken down as follows: \$29,000 for recruitment travel across the province, \$40,000 pertaining to advertising the positions, and \$20,000 for human resources recruitment services and returning officer fees once they have been hired.

Finally, once the boundaries commission is completed and all 87 returning officers are hired, they will be tasked with reviewing the over 6,600 polling subdivision boundaries and redistributing the 2.8 million electors within those new boundaries. This is estimated at \$431,000 in contract services.

Again, the net increase for the election program change is \$674,000. When we consolidate our corporate services and by-

When we consolidate our corporate services and by-election programs, we are looking at an overall increase of \$688,000 over the previous year. The total budget request for 2017-18 is \$6,356,000.

We'd be pleased to answer any questions that you may have.

The Chair: Thank you, Mr. Resler, to you and your staff, for the presentation this morning.

At this point, then, we'll open the floor to questions from committee members.

Mr. Kleinstaub: Mr. Resler, I want to thank you very much for the hard work that you put into all of this this year and, certainly, for being fiscally responsible given the state of the economy at the moment. One of the questions I had, though, was on pages 23 and 24 of the business plan. You make mention of what I would call educational research. Number 3 on page 23 mentions the goal to provide two workshops on the political contribution process to those that are interested. As none were requested, are these organizations aware that you can make these requests?

Mr. Resler: We hold conversations and meetings with most of the political parties, and we do offer our services to them. Usually we'll attend and we have attended this year conventions for political parties. As we approach a general election, those requests increase, and we'll have multiple requests by parties to attend candidate forums and conventions for the political associations. So, yes.

Mr. Kleinstaub: Okay.

Mr. Nixon: Mr. Chair, can I be on the speakers list, please?

The Chair: Certainly.

Did you have any follow-up there, Mr. Kleinstaub?

Mr. Kleinstaub: Yeah, sure. Also, I was just wondering: on page 24, number 3 makes mention of the development and delivering of outreach programs, with a goal of 25 sessions per year and 22 taking place in 2015. I'm just curious. Where in your budget are these funds allocated for this education programming? I don't quite see it here.

Mr. Resler: The outreach programs are disbursed throughout, in several line items. We participate in conventions for school boards as far as outreach activities and education programs and co-ordination with Alberta Education on democratic programs. We have just updated our building future voters program, which is approved by Alberta Education, and that's for grades 6, 9, and 12 in the schools. The one thing that we're doing this time around is that we've developed an online portion for that building futures program, and that'll be released within the month. Several items that we are looking at: we have a travel component as far as attending school boards; we have membership costs as far as the costs associated with setting up a booth at their conventions. So there are several items throughout, and then we also have the School at the Leg. program, so one of our staff members will participate in that also.

8:50

Mr. Kleinstaub: Okay. Great. Thanks.

The Chair: Thank you, Mr. Resler and Mr. Kleinstaub.

Mr. Nixon, you have a question?

Mr. Nixon: Yeah. Thanks, Mr. Chair, and thanks to Mr. Resler and staff for being here. I do have a question. Because you do budget

off a full election cycle, which makes complete sense – you've explained that to us very well, both now and in the past. But given the legislation that would be expected to likely make it through the Legislature before the end of the year, do you have any idea of the increase or, you know, the estimate of what you're going to have to come back to this committee with to be able to accommodate the large number of changes that will come out of the bill?

Mr. Resler: The Fair Elections Financing Act has several key changes that we're looking at as proposed. The legislation has been tabled. From the legislation itself we're looking at the regulation of nomination contests, which we're estimating to have an impact of about a 250 per cent increase in the volume of registrations and financial reviews that we currently perform.

There's the introduction of spending limits for parties, candidates, nomination contests, and third parties, and that will result in expanded financial reporting and review requirements.

We're looking at the aggregate contribution limit, which will require an ability to data match contributors across all political entities and political events in a calendar year.

We're also looking at the regulation of third parties between electoral events. With the definition of political advertising to include issue advertising, we feel this will capture a broader reach of individuals, organizations, unions, and advocacy groups, so that will increase our workload and also the quarterly reporting for third parties.

In order to accommodate the significant increase in volume of those registrations and financial reporting, we'll be looking at implementing an electronic reporting system and hiring, we're estimating under the current legislation, if nothing is amended, four permanent staff. So there will be costs for recruitment. We'll be delivering information sessions across the province. We'll contract with an audit firm for assistance in developing reporting standards and guide development and defining system specifications in consultation with the political parties.

There are several other items as far as, you know, supplies, forms, guides, probably an increase in our legal counsel as a result of investigations, and capital funds for development of a registration and financial reporting system.

Based on what we see in the proposed legislation, we're estimating the costs in the 2017-18 year to be approximately \$1.2 million, but that'll be further defined once the legislation is finalized and we present to this committee.

The Chair: Thank you, Mr. Resler.

Any follow-up on that, Mr. Nixon?

Mr. Nixon: I guess I'm just curious. Given the four-year budget cycle and that this committee is going to be asked to increase the budget, obviously, because of the legislation that's moving through the House, should we just not deal with it all at once? I guess I'm just questioning whether we bothered – “bothered” is the wrong word. But why would we go through all this if in just a few weeks we're going to have to do it again?

Mr. Resler: Directed to me?

The Chair: I apologize. I was just conferring with counsel.

Your question, then, Mr. Nixon, is whether the committee would have the option of choosing to defer a vote today on the budget before us so that we would be able to consider this more fully once we see the direction the legislation might take.

Mr. Nixon: Yeah. I'm just throwing it out there. Why would we not just get the whole package together? Clearly, there are going to

have to be significant changes. That legislation would significantly change the responsibilities of the Chief Electoral Officer's department. I recognize that. I've read the legislation like everybody else. We're weeks away from that. I'm just kind of curious why we wouldn't just try to get this all dealt with in one fell swoop instead of trying to deal with this two or three times.

The Chair: I understand, Mr. Nixon.

Perhaps we can have a comment from counsel as to what our options might be, then, in the consideration of this particular budget today.

Ms Rempel, would you care to provide a comment?

Ms Rempel: Sure. Thank you, Mr. Chair. Certainly, it is at the committee's discretion how it chooses to handle this matter. Obviously, the legislation is before the House at this time – and it is public information – but nothing has been passed at this point, so there's certainly the possibility that things will be changed or amended.

What the committee could choose to do today is to make a decision on the information that they have and pass a motion accordingly. If things change, if you wish to revisit the matter perhaps at our January meeting once we know what the legislation looks like in its final form, we could invite the Chief Electoral Officer back to clarify any changes that might come about because of that, and then the committee could make a further decision at that time. Because of the annual budget cycle, of course, you know, there is a tight timeline on making these decisions, as there is every year, with this budget information. Again, it is ultimately at the committee's discretion what they are most comfortable doing with regard to this issue.

Mr. Nixon: Mr. Chair, if I could, just one more follow-up. Then I guess my question is to the Chief Electoral Officer. If there is a significant need that is going to harm or reduce his ability to do what he has to do between now and January – that's what I'm trying to establish. If this committee was to decide to say, "Let's just deal with this all at once and get it done," given what we know is coming – we don't know the final product, but we do know that there are going to be significant changes. That's my question to him so that we would know, when we're trying to decide what to do, if we, you know, one way or another would cause a significant negative impact to his department.

Mr. Resler: The legislation as proposed is retroactive, so we're already working on the legislation, anticipating its passage. We already have a detailed budget. Just to provide you the exact figures, should you decide to include the supplemental, the current estimate as shown on your documents is \$6,356,000. The supplemental is \$1,169,000, for a grand total combined of \$7,525,000. That includes total manpower of \$345,000, which is four staff; some travel, \$13,000; advertising, \$4,000; contract services, \$289,000; materials and supplies, \$28,000; and also includes a capital item of \$490,000 for development of a registration and financial reporting system. It's up to, you know, the committee's pleasure as far as whether you want to include that or not.

The Chair: Thank you, Mr. Resler.

Mr. Nixon: Mr. Chair, I apologize. What we're talking about – maybe I wasn't on the speakers list. I just want to make sure I understood those supplementals that the Chief Electoral Officer just presented. It's my understanding that his estimate, you know, best guess, anyway, would accommodate what we expect to come out

of the Legislature, that we would not have to deal with this again in January if we looked at that.

Mr. Resler: Correct.

Mr. Nixon: What do you think big picture?

Mr. Resler: Some of the costs that I provided to you are one-time costs. In the future years, although those are one-time costs as far as system development, what I'm projecting is a base staffing as far as what the minimal staffing is that we feel is required. In subsequent years we'll be hiring additional staff on a temporary basis, so when events are occurring, we'll bring in temporary staff for up to a year or two, and that'll absorb some of that same fiscal amount.

9:00

The Chair: Thank you, Mr. Resler.

Mr. van Dijken, you had a question?

Mr. van Dijken: Yeah. Taking into consideration the fact that the Elections Alberta CEO has already done a fair bit of preparation with regard to the impact of the legislation of Bill 35, I would suggest that the timelines are not going to be impacted severely with being able to be prepared in the budget cycle and that we move forward with this budget approval at a time when we know the outcomes of the legislation before the House, Bill 35. I don't think we're impacting the budget cycle severely. It would take a decision, and we are meeting in the middle of January – I know it's not necessarily on this – so we would be able to make a decision at that time. It's probably a good idea to see a finalized document at that time. I don't think it would be prudent for us to add the supplemental at this time because we don't know the outcome of the legislation. But I do not think we're going to have a detrimental impact on the budget cycle by postponing it to the middle of January.

The Chair: Thank you, Mr. van Dijken.

Of course, to remind the committee, the actual decision point on this is coming up later this afternoon, and we'll have the opportunity for discussion on which direction we may wish to take in making that decision at that time. Presently our focus is on the opportunity to ask any questions. We might need to clarify that discussion and consideration later today while we have Mr. Resler in the room.

Mr. Malkinson.

Mr. Malkinson: Thank you very much. Just following up on Mr. van Dijken's point, if we were to make a decision on this in mid-January, when we have our meetings, would that work for your timelines as far as being able to have your budget finalized in time to Treasury and having time to look at the finalized version of any changes to the electoral act that may be approved or amended?

Mr. Resler: As far as the approval of budget estimates I am fine with that. I am proceeding with activities in order to accommodate that because the legislation is retroactive. I have to act now in order to prepare for it, so I will be tendering some contracts. By the time the acceptance or the review process for that occurs, that will take place after a subsequent budget meeting, so I won't have any commitments at that time.

Mr. Malkinson: Perfect. Thank you.

The Chair: Thank you, Mr. Resler.

Mrs. Littlewood.

Mrs. Littlewood: Sorry. We've kind of skipped past where I was, so just go ahead, Mr. van Dijken.

The Chair: All right. Mr. van Dijken.

Mr. van Dijken: Yeah. Thank you. With regard to timelines and presentation to Treasury – correct me if I'm wrong – essentially the office will be presenting to this committee. This committee has to meet a timeline to have it in budget estimates. So it's really: is it going to fit our timeline? I could be completely wrong on that, but I think it's the committee that will be presenting to Treasury.

Ms Rempel: Thank you, Mr. Chair. Yes, you are correct. We will be transmitting information to Treasury. If we made the decision in early January, so potentially at one of those two meetings on the 16th or 17th – we could add some time to deal with this issue again if that's the will of the committee – we would be able to have everything completed on time.

The Chair: Thank you, Ms Rempel.

Do we have any other questions from members?

Mr. van Dijken: It's just for my own clarification with regard to the four-year plan. You may have covered this already, Mr. Resler, but when we look at contract services going into the third year and then into the fourth year, I realize we're getting into the time frame where we're scheduled for an election kind of thing. Could you break down those two numbers, the \$15 million and the \$13.9 million, essentially why that kind of gets split into two years? Is that a lot of preparation before an election as opposed to where it would land all in one fiscal year?

Mr. Resler: Part of the issue that we encounter is that we do not have a fixed election date. We have an election period. We don't know whether it's going to be held in March 2019 or whether it's going to be April/May of 2019, so we have to budget the elections in both years. We will not be expending the \$80 million in both years. We'll only be expending an election budget once, but we don't know when that's going to be. As far as forecasting, we have to accommodate both. The amount is lower in 2019-20 because if the election is held in the final year of the budget, there will be costs associated before, in preparation, that won't be expended in the following year.

Mr. van Dijken: Thank you.

The Chair: All right. Members on the phones, any questions?

Okay. Hearing none – there appear to be no more questions in the room – and with that, then, I'll just thank you, Mr. Resler and your staff, for the presentation this morning, for responding to our questions. For your information the decisions, I guess, on the budgets before us will be sent out early next week.

Thank you.

Mr. Resler: Thank you very much. Have a good Christmas, everyone.

The Chair: Okay. Given that we do have, then, about 20 minutes before Ms Clayton is scheduled to arrive, if it's the will of the committee, perhaps we could move forward and just discuss the item we currently have under other business. Are there any objections to doing so? Thank you.

We'll move ahead quickly to other business. A quick update, then, on the progress of the RFQ to find an auditor for the office of the Auditor General. Just to keep it brief, I can advise that an RFQ has been prepared on behalf of the committee to identify a firm to

audit the office of the Auditor General under a five-year contract. That RFQ is going to be posted on the Alberta purchasing connection during the week of December 12, 2016. Applications will be accepted until 2 p.m. on January 20, 2017. Once we've considered the responses to the RFQ, then our committee will need to make a decision on which firm we would wish to go with. I'm confident we can make a decision before the end of February to ensure that a contract will be in place in time for the beginning of the next fiscal year.

Do members of the committee have any questions regarding the RFQ or the processes outlined? Excellent.

Moving on, then, to a topic of discussion, something on which we will need to have a vote, as I mentioned earlier, we did receive a late written submission and an offer to present from the Child and Family Services Council for Quality Assurance in relation to our review of the Child and Youth Advocate Act. A copy of this document was distributed to committee members earlier this week for consideration. Though we recognize that the deadline for submissions on this review has passed, if it's the will of the committee, we could choose to accept this submission now and include it as part of our review. If we should choose to include it as part of the review, we also have the option of adding the council to our list of stakeholders that we're inviting to make presentations to the committee on the oral presentation dates of January 16 and 17.

I'd open up the floor, then, to any comments, questions, suggestions in regard to the acceptance of this late submission.

9:10

Mr. Malkinson: Perhaps we could get leg. services just to kind of explain what happened with the submission so that we have a bit of context for this decision.

Ms Rempel: You're wondering with regard to it being received after the submission date?

Mr. Malkinson: Yes, and what the process would be for that.

Ms Rempel: Well, we're not quite sure why it came in late. There seems to be some kind of miscommunication. We were contacted by this organization because they were checking the committee's website and did not see their submission on there, so they followed up with us. It had not been received, so they've sent it in now. Now we are at the next step of the process, where it's at the committee's discretion whether or not it wishes to receive it. If the committee does go ahead and accept it, then it would go through the same process as anything else. It would be posted on the public website. The research staff would start including any comments or information from the submission in the various summaries that they provide to the committee and so forth.

Mr. Malkinson: Okay. Thank you.

The Chair: Any other members have any thoughts, questions regarding the submission?

Mr. Cooper: I don't see a significant downside to including it. Clearly, if they contacted and said, "Hey, we didn't see our submission; what happened?" you know, it's likely that they intended to do it appropriately, and perhaps there was some challenge with the technology involved to get it uploaded. I don't see a major negative to accepting the submission, but of course I'm at the will of the committee.

The Chair: Thank you, Mr. Cooper.

Any other members have any questions, thoughts?

If not, is there a member that would like to move a motion in regard to whether we wish to accept it?

Mrs. Littlewood: I would move that the Standing Committee on Legislative Offices accept the written submission from the Child and Family Services Council for Quality Assurance as part of its review of the Child and Youth Advocate Act.

The Chair: Okay. Thank you, Mrs. Littlewood.

We have a motion on the floor, then, to accept the submission. Any comments, questions from members?

If not, I'll call the question. On the motion as presented by Mrs. Littlewood, all those in favour, say aye. Any opposed? That motion is carried.

That brings us to the end of any items under other business. I would propose, then, that we may as a committee wish to just simply take a break and return at 9:30 with Ms Clayton. Any concerns from members with that? All right. Let's take a break.

[The committee adjourned from 9:14 a.m. to 9:30 a.m.]

The Chair: All right. Thank you, members. I trust everyone had an opportunity to refresh themselves. We have the opportunity to come back on the record now.

In the room with us now we have Ms Clayton, the Information and Privacy Commissioner, and her staff. Thanks for joining us today. It's great to see you. We've set aside 20 minutes for your presentation, and then I'll open the floor to questions from the committee members. If you'd like to begin by introducing yourself and your staff, and then we'll let you proceed.

Office of the Information and Privacy Commissioner

Ms Clayton: All right. Well, first of all, good morning to everyone on the committee. My name is Jill Clayton. I'm the Information and Privacy Commissioner. I'm joined here today by LeRoy Brower. LeRoy is assistant commissioner with the office. I'll try to be, well, for sure within my 20 minutes, maybe even shorter than that.

To start with, I won't spend a lot of time talking about the office but maybe just a quick reminder that as Information and Privacy Commissioner we have oversight for three access and privacy laws in the province. That's the Freedom of Information and Protection of Privacy Act, the Health Information Act, and the Personal Information Protection Act. We have 42 FTEs. We've been operating with 40 of those filled and offices in Edmonton and Calgary.

As a quasi-judicial oversight body a lot of our work involves regulation and enforcement for compliance with the three statutes. That includes investigating complaints and reviewing responses to requests for access. We also review privacy impact assessments for new information systems and how information is collected, used, and disclosed. We receive self-reported breaches and also issue notification decisions. We have an adjudication unit, which is a formal inquiry process that results in binding orders. We have an education and awareness mandate, so we host events throughout the year to inform the public and also provide guidance to the regulated stakeholders and other stakeholders. We also provide advice and recommendations and consultation on proposed legislative schemes and programs as well as draft legislation. We also have a research mandate.

What we've seen over the last year: the slide in front of you shows some of the key statistics that we track. Clearly, we've had an increase in volume over the last few years. If you look at the year-to-date numbers, that's at six months into the current year.

When we project to the end of this year, we're looking at, certainly for total cases opened, a 30 per cent increase in the number of cases in the office. That's in one year. That's a 52 per cent increase over the years that are shown there. We're looking at a 20 per cent increase in the number of cases closed and certainly an increase in the number of self-reported breaches, both opened and closed, in the office. Those are some of our key stats that give an indication of just the workload, the volume in the office.

We also report on timelines. We've had some challenges since 2014-2015. That was the year we started to develop a real backlog. What we were seeing was a significant increase in cases and, within the office, some real challenges trying to resolve them in a short amount of time. To be more efficient, we introduced a number of process changes, including triaging and preliminary reviews, restructured the office to be able to deal with the increased volume. We have a new case management system that helps us to process files faster as well. But, again, it's been very challenging. We're seeing that the numbers are moving in the right direction after those process changes, but again, while we are actually closing I think our number is 48 per cent more files over, certainly, our projection for this year, 48 per cent more files than we did in 2012-2013, we've also seen a 50 per cent increase in volume over the same period of time.

A couple of other key statistics: these are from the annual report. Many of the stats on that slide are in the report, and I've already mentioned them, but a couple of things I'd like to draw your attention to.

The increase in the number of privacy impact assessments submitted to the office this last year: we saw a significant increase, and we're expecting that to go up even more. This is under the Health Information Act, and I'll talk about why that is in a couple of slides.

We've also seen a 60 per cent increase in requests for time extensions. That's when a public body is unable to meet the timelines under the act for providing a response. The public body can extend the timeline for responding by 30 days on its own but, after that, has to come to me for authorization for a further extension. We saw a 60 per cent increase in 2015-16; 82 per cent of those requests were from government ministries. I should say that this year we're already at 150, which is 50 per cent more than last year, so that's a really significant statistic for us and shows how the makeup of the cases in the office is changing.

Another statistic that's not on that slide but is contributing to increased volume in the office is the number of deemed refusals. A deemed refusal is when a request is made to a public body, a custodian, or an organization for access to information and essentially the applicant is not receiving a response. I talked about this a little bit in my annual report message this year for 2015-16. Again, what we were seeing in 2015-16 was a significant increase in the number of deemed refusals. That led us to modify our processes within the office to actually send those files directly to inquiry so that we could get to an order ordering, essentially, the public body or the private-sector organization to respond to the request.

I was concerned because at that point we had received 31 in 2015-16, 31 deemed refusals, and that was an increase of 41 per cent from the year before. So far this year we have received 54, so we're already up 74 per cent from the year prior. If we carry on at that rate, we're looking at 81, which is a 160 per cent increase over what I reported on in 2015-16. We still have four months to go. I'm a bit concerned that those are only the deemed refusals that have come to the office, that that's maybe just the tip of the iceberg. Applicants who haven't received responses don't necessarily come to the office and ask for a review.

Some of the trends and issues that we saw in 2015-16 and highlighted in the annual report: records management, in particular, and the duty to document. I think most of you will be aware of a report that we released in January which had to do with record shredding following the provincial election. Of course, this is not unique to Alberta, but it's interesting that we've seen similar reports and similar calls for a duty to document to be legislated. We've seen that in other jurisdictions across Canada.

We also highlighted breaches and offences, so again a very significant increase in the number of privacy breaches reported to the office. We saw an increase of 70 per cent in breaches reported under the Health Information Act. I think that that has something to do with proposed amendments that will make breach reporting mandatory under the legislation. I think the health custodians are anticipating that, and they've already started to report these breaches to our office. What is of significant concern to me is not necessarily those numbers, because it's helpful to have an understanding of the number of breaches that are occurring in the health section, but what is of concern is the number of offences. Last year we saw charges laid in four cases that we investigated under the Health Information Act. These are snooping cases, where individuals have knowingly gone in and accessed health information for a non health related purpose.

We also highlighted last year some global considerations, particularly because the private-sector privacy law, our PIPA legislation, was under review. There are some changes that have occurred in the European Union that could have some global effects on data protection and something to be concerned about and certainly aware of when we're looking at our private-sector law.

Also, delays in responding to access requests: again, I've spoken about that already a little bit, talked about some of our stats, and certainly we highlighted that in the 2015-16 annual report. That was of concern to me at the end of 2015-16. The trend has continued. That is still very much a concern for me.

We also talked a little bit about information sharing throughout the annual report. That's been an issue or a concern for me. We have heightened awareness around information-sharing initiatives. I always like to take the opportunity to encourage any stakeholders who are involved in information-sharing initiatives to please come and talk to us and consult with us. I understand that information sharing is important to provide programs and services, but it's also very important to make sure that the accountability in governance is set up, and transparency around those information-sharing initiatives is very important.

9:40

Some of our challenges going forward: I've mentioned volume of cases. We're certainly predicting significant increases yet again. The trend has been going up and up and up over the last few years. I expect that that will increase and possibly exponentially so, in part because of some of the other factors that are listed on that slide. Again, time extensions and deemed refusals: we haven't seen those slow down at all in the current year. In fact, we've already surpassed last year's statistics on both time extensions and deemed refusals, as I already mentioned.

Breaches and offence investigations: again, we're certainly on track to reach the numbers and surpass them from last year. In terms of offence investigations we've got probably half a dozen of those in the office right now, active offence investigations, and another 15 files that are flagged as potential offence investigations. We're hoping to meet and consult with the Crown prosecutors' office in the near future because obviously this has a huge impact on our ability to do other work. They're very time-intensive, resource-intensive investigations, and it has an impact on the Crown as well.

New authorized custodians under the Health Information Act. There are three classes of custodians, if you will: dentists, chiropractors, and optometrists. They're currently piloting access to Netcare, but to become an authorized custodian under the Health Information Act, they will have to complete privacy impact assessments and submit them to my office. We've talked to the colleges to try to get an estimate of what that might look like. They've told us that they're expecting over 2,300 privacy impact assessments from these new authorized custodians, which is a significant increase. Obviously, that's not all going to happen next year, but it certainly suggests that we're going to see a real spike in the number of PIAs submitted.

Mandatory breach provisions under the Health Information Act: those were passed in 2014, but they are not yet in force. They are awaiting regulations. We had heard that those regulations would be out, that the provisions would be in force in 2016. It looks like that might be 2017 now. Again, in anticipation of those breach provisions coming into force, we've already seen a 70 per cent increase in the number of breaches reported by health custodians. We have spoken to some of the large custodians. We have an estimate on numbers. We could receive hundreds and hundreds of breach reports once those provisions are in force.

Finally, solicitor-client privilege. Some of you may well be aware that we have been involved in a case that went to the Supreme Court and was heard on April 1 of this year. The decision came out last Friday, and the case involves my ability to compel production of records that have been claimed to be solicitor-client privileged. The court found against us. We're currently looking at that decision in a lot of detail to figure out how that's going to affect us going forward. We have about 90 cases in the office that involve solicitor-client privilege. Most of those are requests for review, so an applicant has asked for access to records. The public body, mostly public bodies, have claimed privilege over the records. We've asked to review the records to be able to verify that the privilege applies, but we haven't been able to see the records. We're looking at all of the cases in the office to determine how we're going to go forward with that, and also, as I have said publicly and certainly to various people in government and in the Legislature, we'll be looking at options and making some recommendations to government for how we can address this issue and go forward.

Our business plan goals are essentially the same as they were last year. You know, we're constantly looking to help to educate and inform the regulated stakeholders to increase the awareness of access and privacy rights both of the public as well as the regulated stakeholders. We're looking at our processes all the time just to try to keep up with volume, to be more efficient. I think we've done an excellent job of that, and actually I'd like to take the opportunity to say thank you to my colleagues in the office because, truly, as they say, we've had a 50 per cent increase in cases over the years. That's what we're projecting for this year, and at the same time, we are that much more effective, but the backlog continues to grow. But I think that the staff in the office have done an excellent job adapting to new processes, giving ideas for new processes, and we've really seen that pay off.

In terms of our budget estimate, well, first of all, in our 2015-16 budget last year we tried to stay within the same sort of budget envelope as the year prior, with no significant increases, and where we ended up was that we returned \$4,800. It was a very tight budget. It came right down to the wire there. That was mainly due to some decreased costs for personnel due to vacant positions and fewer staff taking courses, but we did see an increase in supplies and services.

Some of that is due to legal fees, the Supreme Court case. This doesn't happen very often. Normally costs for a case that ends up,

certainly, in front of the Supreme Court are spread out over a couple of years. In this case we made our application for leave to appeal, and then within six months we were granted the hearing. That's a very short time frame, so there were costs associated with both of those events in the same year.

We saw that our technology costs were up a little bit due to that we had a new website provider, and we spent some time developing an add-on to our website to facilitate the public disclosure compensation and salary information on the website.

As I said, overall, it was a tight budget, but we came in \$4,800 under budget.

For 2017-18 again I've tried to stay very much within the same envelope. We're aware of the economic situation in the province, and we followed direction on salary, so we haven't estimated any increases for cost-of-living or merit increases. We're asking for a net increase of \$15,900.

The key factors in the budget this year, as I said, are salaries and wages. We have maintained those at current salary levels, with no increases planned. That has been offset a little bit by some adjustments made for staff on leave, staff leaving, and filling positions at lower salaries. There has been an adjustment in particular to my salary. It turns out that, as we were working on the public disclosure, we discovered that some of the increases that had been previously approved by this committee for my salary had not been processed, so that has been corrected. We're hoping to fill one of our two vacant positions, and, as I've mentioned, we've had approval over the years for 42 FTEs. We've been operating at 40 since 2012-2013, and with budget cuts a couple of years ago we weren't able to fill those positions.

This year, staying within this budget envelope, we've had some decreases – and I'll explain that on the next slide, estimated decreases in certain costs – so I think that we're in a position to fill one of those vacant positions. We've calculated benefits at the same as the current fiscal. Professional fees are up slightly, and that's due to actual costs. Some of those costs go up every year. We see a slight increase in our estimate for personnel costs, but that is offset by decreases in our supplies and services budget and in capital assets because we're not planning any capital investment this year.

In terms of supplies and services, as you can see, we've held the line on those costs with a few exceptions: insurance, rentals, telephones, and communications. Some very minor increases there, just based on our actual costs from the current year.

We're projecting a decrease in legal fees, and that is due to that we're expecting to be less dependent on external counsel. A couple of years ago we were trying to reduce our dependency on external counsel, so we had brought in an internal litigator. That person has been on leave but is coming back to the office, so we expect that that will help to decrease. Our budget estimate is based on what is currently scheduled in the courts, judicial reviews that are going forward in 2017-2018, so that looks like a fairly significant savings.

9:50

Our nonlegal contract service costs we've estimated to increase just a little bit. That has to do with that we have an extra adjudicator on a couple of files, and those inquiry files will continue into 2017. We've maintained our budget for investigations for offences because, as I said, we've got half a dozen of those in the office right now.

We have a slight increase for technology services. There are two things that are going on there. We have a multiphase plan to be more accessible for electronic submissions and to move to a more digital electronic environment, with less reliance on paper. Last year, as you might recall, we had asked for a capital asset cost to purchase

a device for enhancing the security of our network, so we've done that. We've implemented that.

There are some additional services that we required to facilitate disaster recovery and backup and also to, again, ensure that we have the enhanced security features to protect against malware and ransomware. We're definitely at risk for that when we're accepting submissions from parties on disk or on CD or by e-mail. Certainly, we've seen a very significant increase in the number of ransomware attacks that are reported to our office. As I see it, we need to be in a position where we have security features to protect our network. We need to be leading by example there.

Overall, as you can see, a slight increase in personnel costs, a decrease in supplies and services. We have no capital investment this year, and overall it's a \$15,900 increase that we're requesting this year. We've tried really hard to, as I say, stay within the same budget envelope.

That's my presentation. Thank you very much.

The Chair: Excellent. Thank you, Ms Clayton.

Now that we've had the presentation, I'll open the floor to questions from members. Mr. Horne.

Mr. Horne: Yeah. Thank you, and thank you for taking the time to make this presentation. Just looking over your budget, I notice that on page 2 you anticipate your costs coming in at about \$50,000 less this year than you budgeted, with the most significant difference being in legal services. Can you expand on that a bit?

Ms Clayton: For the current budget?

Mr. Horne: Yes. For budget '16-17 there's about a \$50,000 difference between budget and forecast.

Ms Clayton: That's just based on the most recent forecast. We're forecasting at this point every couple of weeks, and it does change all the time. In fact, I think we might be around 350 would be my guess in terms of forecasting even now. That does fluctuate. Mostly that is just because most of our costs are in.

We do have, I think, four or five judicial reviews that are scheduled to be heard in the next couple of weeks. We had one that was actually scheduled yesterday and today but was just cancelled, so that's going to affect our costs. Some of those cases that were scheduled to go forward in early 2017 are cases that involve solicitor-client privilege. Given the recent decision by the Supreme Court, every case is going to be a little bit different in terms of how it resolves, potentially, but we don't expect that there will be as many costs associated with those cases.

Mr. Horne: Additionally, kind of a separate point, just looking at your business plan, on page 7, point 3.3, the business plan mentions considering "implementation of a paperless office." I know that's something that I've personally considered, so I was wondering if there were any security measures that your office has been implementing to make sure that information is secure.

Ms Clayton: Yes, absolutely. We would very much like to be in that paperless office or, as I said, to be able to accept electronic submissions. We do that now to some extent, but it does pose risks.

As I said, we have a multiphase, multiyear plan for moving in that direction. It's not something that we're able to do overnight. We need to plan. We need to make sure that we're not exposing the office to risk. The last thing I ever want to see is: Information and Privacy Commissioner – certainly we have incidents during the year, and we report those in the annual report. But having a paperless office presents all sorts of risks.

One of the things – as I mentioned last year, we had asked for a capital asset, which is an enhanced firewall, really, for the office. Then we purchased that. We've implemented that. The next stage is to enhance that, to add some additional services, for example, to detect malware, viruses, ransomware before it infects the network. One of the services will – this is me being very technical – identify some of those threats, send them out of our network to test them and make sure that there is no risk to the office as opposed to executing something within the network and having it infect the entire network.

The other piece of that is a records management phased approach to update both our retention schedules and to figure out how to go forward with electronic records. They need to be classified. They need to be scheduled. They need to be securely destroyed when their retention period is up. Our current retention schedule and records management program is not designed for a paperless office, so that's another piece of the multiyear plan.

Then another piece of it is our disaster recovery backup plan. We have a server that basically needs replacing. It's at its five- or six-year limit. With the new device that we brought in for networking and one of the additional services we have an alternative to replacing, which involves a different kind of backup that will support the disaster recovery. So instead of replacing the server, which could be an expensive capital asset investment, we built that into a different plan that enhances security, enhances our disaster recovery and backup processes.

Mr. Horne: Okay. Thanks.

Ms Clayton: So we're moving in that direction. It will take a couple of years to get there.

Mr. Horne: Of course.

The Chair: To the members on the phones, do we have any questions?

Mr. Cooper: Chair.

The Chair: Go ahead, Mr. Cooper.

Mr. Cooper: Thank you, Ms Clayton, for your presentation today. It seemed to me that there is a significant amount of work that still needs to be done in terms of getting compliance from organizations or government bodies, I guess. I'm not sure if you're able to share – or perhaps it was somewhere in the annual report and I missed it – but is there a trend of the types of organizations that are refusing to comply with FOIP requests? Like, is it predominantly public bodies, or is it government departments, or is it a combination of both?

10:00

Ms Clayton: Certainly, with time extension requests coming to the office, we are seeing that it is government ministries that are struggling; 82 per cent of the time extension requests – this was in the annual report – are from government ministries. So they're struggling to meet timelines and asking for extensions. Often their submission to our office requesting the time extension makes reference to a lack of resources. Sometimes there are other factors, but they're not factors that would allow us to grant them an extension. Based on section 14 of the FOIP Act, there are certain criteria that have to be met before we can approve an extension, but what we've seen is a very significant increase in the number of time extensions coming to the office. Mostly, it is public bodies that are having a tough time meeting deadlines.

With respect to deemed refusals, again, primarily this year so far we've had 76 deemed refusals, and 54 of those are under FOIP, so they are public bodies. Again, primarily it's public bodies that are just not providing applicants with a response. There are approximately 16 of the deemed refusals we've received so far this year that came in under our private-sector legislation. But in each case, they're sort of one-offs. An applicant will come to us saying that they haven't received a response from a private-sector organization. When I look at this list, I see a daycare, you know, a couple of small organizations, a professional association. They tend to be organizations that don't have a lot of familiarity with the act, and usually all that is required to resolve a case like that is that we get on the phone, we contact the organization, we let them know that PIPA applies to their activities and that they've received a request under PIPA and that they have 45 days to respond to that request, and more often than not the response goes out immediately.

We're not seeing that with the public bodies. You can certainly look on our website, and you will see which public bodies are really struggling and where we've had to issue orders requiring the public body to respond to applicants. That's of more concern to me because those are often large ministries. They're not new to FOIP; they know FOIP. They're sophisticated public bodies, they know what the timelines are, they know the processes, but they are struggling to provide responses to applicants.

Mr. Cooper: I have about three questions left here. I don't know if you want me to just continue or wait till it comes back around.

The Chair: I don't have any other questions in the room at the moment, so I'd say to go ahead, Mr. Cooper.

Mr. Cooper: Okay. Perhaps it's unfair – I'm not sure – but in your estimation is it a lack of human resources or financial resources of those public bodies and seemingly a lack of desire to get the information out in a timely fashion?

Ms Clayton: I can only speculate at this point, and to be honest, I'd rather not do that . . .

Mr. Cooper: That's fine.

Ms Clayton: . . . only because we do have active investigations, including one that I announced publicly. I think people know that we are looking at Alberta Justice. We've issued at this point, I think, 20 orders requiring Alberta Justice to respond to applicants. Some time ago, I think when we were at eight, I announced that we were going to take a good look at what's going on there. That's not to, you know, punish the public body in any way, but I'm really very concerned about why public bodies are not able to respond to applicants, and I don't know why that is.

As some of you will be aware, back in 2014 I was concerned about this. We were certainly hearing allegations of interference and delays and stories about a significant increase in the volume of requests going to public bodies, so we had announced an investigation to look into that. That has been stalled, so I don't have an answer as to whether or not there are delays or at that time whether or not there were delays or what was causing those delays. We do have a number of individual investigations going on right now, including taking a look at Justice, and the objective of that investigation is to identify the causes for delays. Why is it that the number of deemed refusals has increased so significantly? Hopefully, we'll be able to make some recommendations that will help to address that. I suspect that it's a combination of resources and possibly process issues and volume of cases and complexity, but I don't know that at this point. That will be in our report.

Mr. Cooper: When do you anticipate that report again?

Ms Clayton: It's always very, very difficult to give an estimation, but we have prioritized that. I'm hopeful that we'll see something out possibly early in the new year.

Mr. Cooper: The next question from me is with respect to the solicitor-client privilege ruling. Perhaps it's too early for you to make a comment – and that's fine if it is – but how broadly do you think the solicitor-client privilege ruling may be used, particularly by government departments, as a tool for them to not provide information when requested? You know, like, do you think that it runs the risk of departments CCing the legal department so that they can then say that it's solicitor-client? What's your general sense on that?

Ms Clayton: Well, I find it very troubling, and it has a very significant impact on our office and our ability to perform our legislated mandate. You know, the role of myself and the adjudicators in the office when reviewing a response to a request for access is to determine whether or not exceptions to access have been appropriately claimed. Usually what we would do is look at the records and review the exception that has been claimed, and then either through mediation or through issuing an order, we would either uphold the public body's decision to apply that exception or say that it does not apply.

We have been very sensitive to the idea of solicitor-client privilege. I would really like to also say that this case on some occasions is characterized as, you know, the Privacy Commissioner against the concept of solicitor-client privilege, and I think that's a mischaracterization. My job and the job of adjudicators in my office is to apply the law. If privilege applies to those records, then the job is to say that those records are privileged and they may be properly withheld from disclosure. We don't look at records, say that there's solicitor-client privilege, and then order a public body or an organization to disclose that information. If the privilege has been properly claimed, then our job is to say that it's been properly claimed and to reassure the applicant that they don't have a right to access those records.

I am very concerned if we are not able to review the records. As I said, we have had a protocol in place where our first resort is not to demand that the records be produced, including the case that went to the Supreme Court. That's not what happened. We ask for information about the records if privilege has been claimed because it's set out in the legislation that the onus is on the public body to explain how an exception applies to the records. So we need the information to be able to say, "Yes, the privilege has been properly claimed," or not. If we're not immediately requesting production of the records and reviewing the records, what we're asking for is information about the records. Does it meet the test for solicitor-client privilege? Without being able to review the records, it's very, very challenging to properly make that assessment.

10:10

So, yes, I think that, unfortunately – and we've seen this in other jurisdictions, particularly Newfoundland and Labrador. The Newfoundland and Labrador commissioner had supported our appeal to the Supreme Court and had made a submission to the court and, you know, quoted some statistics on how often privilege is claimed when it doesn't actually apply. We submitted some statistics. It's varied over the years, but in about 30 to 50 per cent of cases where we've reviewed solicitor-client privilege claims, we found that the claim was not properly applied.

I'm not suggesting that that is deliberate, that public bodies, for example, are claiming privilege knowingly when the records are not

privileged, but certainly we've seen many examples over the years where the test has not been properly applied. We have also seen a lot of those occasions where I think, as part of the privilege claim not being properly applied, there is a sense that if we involve a lawyer in the discussion, then all of a sudden whatever is discussed is actually solicitor-client privileged, and that's just not the case. It's entirely possible to have a lawyer be part of a meeting and have the contents of that meeting, the discussion, not be privileged.

I've certainly heard this anecdotally – and we've seen it in some cases – that the idea of CCing the lawyer on a document will somehow protect it from any kind of disclosure. In some cases it might. If it truly is a client confidentially seeking legal advice, then the privilege claim might apply, but that's not necessarily the case.

I'm not sure if that answers your question.

Mr. Cooper: That's helpful. Thank you.

The Chair: Thank you, Mr. Cooper.

Do any other members have any questions for Ms Clayton?

Mr. van Dijken: I just have one question. Thank you for coming today. I'm pleased to hear that the office and staff in the office have been able to make improvements in their processes and become more effective in their ability to close cases. That's encouraging.

I believe you mentioned a number of 2,300 in potential expected submissions if we expand to – I missed the beginning of that, so just to get an understanding. I believe it had to do with dentistry and chiropractic if they're registered under the Alberta Netcare? What are the details of that, where all of a sudden we might see a big influx of increased submissions?

Ms Clayton: I'm actually going to ask LeRoy to respond to that.

Mr. van Dijken: Thank you.

Mr. Brower: Yeah. Thank you. The Health Information Act, in the way it's set up, contains a section that addresses the Alberta electronic health record, which is known as Netcare. The way the act is structured is that it allows the Ministry of Health to determine which custodians can get access to health information that's made available through that electronic health record to inform the delivery of health care services.

Recently the ministry has decided that they'd like to expand who gets access to health information made available in that system. So now the ministry is looking at deploying Alberta Netcare to chiropractors, optometrists, and dentists. In the act they're called authorized custodians, "authorized" meaning that they're custodians who are authorized to access information made available through the provincial electronic health record. The number that we're looking at could be upwards of 2,300 when you include the total number of dentists, optometrists, and chiropractors who may seek access to Netcare. As the commissioner said, we wouldn't anticipate that all of those would be seeking and obtaining access in this year, but even if there's a percentage of that number that come through our doors with a privacy impact assessment in this year, it will be significant.

Mr. van Dijken: Okay. Thank you. That's all.

The Chair: Mrs. Littlewood.

Mrs. Littlewood: Thank you, Chair. I just have a quick question. When you were going over part of your budget, you were talking about the variance explanations for item 1 about salaries for your office. Would you mind just re-explaining that for me, please?

Ms Clayton: Sure. Item 1 is total salaries and wages. As I said, we have maintained our current salary levels, which are with no expected cost-of-living increases or merit increases. We are projecting, estimating that some of our salary costs will decrease a little bit due to staff leaves, and we will be filling those positions at slightly lower salaries. There's an increase in my salary, and that's because, as I said, as we were preparing for the compensation transparency disclosure, we noticed that previously approved increases for my salary had not actually been processed, so those have been adjusted.

There's an increase, as I mentioned – over the years we've received approval for 42 full-time equivalents, so 42 staff positions. Two of those positions have not been filled over the last couple of years, but within this budget proposal we think that we can fill one of those positions, which is a support position for our intake unit. Everything that comes in the office goes through intake and case review before it gets triaged out to mediation investigation or compliance and special investigations or sometimes directly to adjudication. That team has been running short-staffed, essentially, and with the increased volume we think that if we fill that support position, that will help us to get some of those expedient processes in place.

We mentioned a potential significant increase in PIAs. Some of those PIAs, very, very simple ones, are the kind that could be run through ICR. The same sort of thing with the breach reports that we're anticipating from the health sector. Some of those could also be handled by our intake unit rather than adding them to the already very, very high caseloads for the compliance and special investigations team or the mediation investigation team.

So there are a number of adjustments within salaries and wages. Benefits we've kept at the same percentage, which is 26 per cent, and then professional fees and development are in there. We have not increased the budget for professional fees. We had cut that in half two years ago to meet the 2 per cent decrease. We're still within that budget – sorry; that's professional development – for professional fees for lawyers in the office. For example, for Law Society fees the slight increase, the \$3,750 increase, is for actual costs. Those just go up a little bit every year, so we budget a little bit more for that.

Mrs. Littlewood: Thank you.

Ms Clayton: You're welcome.

10:20

Mr. van Dijken: I'm just going to reflect a little bit on my comments earlier with regard to improved effectiveness within the office, to increase closed files by 19 per cent. The office is under pressure with an increased intake and trying to keep up. I'd like you to reflect possibly on how, as in all businesses, in all entities, there's the ability to become more efficient and more effective to a certain degree, to the point where you're no longer able to find better ways of doing business. I'd just like to get a sense from you if you see potential for increased effectiveness within the office to continue. The office is, I believe, about 20 years old, maybe a little more, so it matures over time. If you could just reflect on that, if you see: are we going to start to get to a point where we can't get any more efficiencies and the bulk of the work is just getting too far away from us?

Ms Clayton: I think that, you know, there are three things that we can do to manage the caseload that comes in. I can refuse to take things in, which, in my view, is not fulfilling my legislated mandate. Certainly, there are cases that we turn away. For example, if we review it and find we don't have jurisdiction, obviously we're not

putting resources to that. But if somebody comes in with a legitimate complaint – and the threshold is low – it's a complex system to get access to information or to complain about how your information has been collected, used, or disclosed for safeguarding. I think that's our job, to keep that threshold low. Having said that, there are occasions when a complainant or an applicant doesn't meet the threshold. We don't open the file, we don't have jurisdiction, so that's not much in my control. We can improve our processes to become more efficient and effective.

As I said, I really am very proud of the office. There's been a lot of change over the last few years, starting from a restructure of the teams to all kinds of new processes and a new case management system. I think that there is still room where there are some process changes we can make internally that will help to speed things up. Some of that is just getting used to our new case management system. We're discovering that it can do things that we previously weren't able to do, so I think leveraging that technology, that system: there's still some work that we can do there.

We spent this last year – LeRoy, in particular, led a revision of the time extension request process and form and consulted with public bodies on that to get input on how we could do that better so we can turn these things around faster. I think there are still some opportunities to do that. First of all, I don't have a lot of control over what comes in the office. I do have control over processes and efficiencies. I think we've come a long, long way. There's a little bit more that we can do. We're always in the process of doing that.

The third thing is that we can ask for resources. I think that we're very much at the limit. As I said, we can make some more minor changes, but if any one of those factors on that one slide, starting with volume of cases or new PIAs, come in with the new authorized custodians, if we see an increase in deemed refusals and time extensions again, if the mandatory breach provisions come in under the Health Information Act, it will not be possible for us to handle that volume. In my view, the delays would be unacceptable. You know, right now we have a backlog. We're trying to work on that backlog. The more we work on that backlog – we have new processes, we're able to close the old files, but we can't keep up with what's coming in. I think we are at our limit.

In particular, with mandatory breach provisions under the Health Information Act we are working on a strategy to address this. I think I had said last year that when those provisions come into force, we won't have the resources in the office to deal with that. I expect to respectfully request to appear in front of you again to ask for some support on that, but that would also be true for the PIAs. As I said, I don't think that April 1 we're going to see 2,300 PIAs land on our doorstep. You know, an average caseload on PIAs: how many might an investigator be able to resolve? A hundred and thirty, a hundred and fifty. That might be a caseload for a person. If we had 2,300 even over the course of a year, that's a lot of people.

If we had hundreds more breach reports coming in, you know, they're not all going to be significant, but the threshold for reporting with these new changes to the act: it's risk of harm. That's significantly lower than the reporting threshold in the private-sector legislation, which is mandatory now, which is a real risk of significant harm. Under the Health Information Act it's risk of harm. That's almost anything that happens.

We have some sense that there are hundreds and hundreds of those incidents that are not currently reported to us that may be reported under new mandatory breach reporting requirements. I think we had estimated that a caseload for Health Information Act breaches for an individual in the office, a year's caseload, to review those reports, might be, again, around 130. If we receive hundreds and hundreds of them, there's no way we would be able to keep up with that with our current staffing.

Mr. van Dijken: Supplementary to that, you mentioned acceptable levels. Would you consider at this time that we are at acceptable levels of performance? I note in your message that we're approaching a crisis situation on access to information. Can we be assured that we are at acceptable levels now with a red flag to say, possibly: issue forthcoming?

Ms Clayton: Are you referring to how public bodies are responding or the acceptable times within my office? I'm concerned about the times in my office.

Mr. van Dijken: Yes. That was my question. Initially I asked the question that I feel it's important that we're able to do the work efficiently, effectively, but there comes a point in time when there's no more trimming and improving in processes that can happen. But you give me the indication, I think we're hearing, that you feel it's acceptable at this time but on the edge of moving into an unacceptable . . .

Ms Clayton: I think that it will help the estimate that I've provided today to be able to hire that additional support person. I would dearly, dearly love to fill our other vacant position, but I'm expecting that we're going to need more resources. As I said, if any one of those factors on that list comes through in the next year, we have to have more staff; otherwise, we will definitely be in unacceptable territory.

Mr. van Dijken: Thank you.

Ms Clayton: I don't know how we can turn those around.

The Chair: All right. I understand the Auditor General has arrived and is waiting, but we do have a couple of more minutes if there are any members that have any further questions.

Mr. Ellis: Mike Ellis here.

The Chair: Go ahead, Mr. Ellis.

Mr. Ellis: Yeah. Thank you, Chair. Not really a question, more of an observation. I just want to thank the Privacy Commissioner. Ma'am, I think you have done a phenomenal job. I believe that your report is very thorough, and I believe that you are continuing to act in the best interests of all Albertans. I just want to thank you. Thank you very much for all your time and hard work.

Ms Clayton: Thank you very much for that comment. I appreciate that.

Thank you, all, for your time today.

The Chair: All right. Thank you, Ms Clayton.

Well, why don't we take a few minutes, then, to allow for changeover, allow the Auditor General and his staff to come in and get set up. Then we'll begin with that portion.

Thank you.

[The committee adjourned from 10:30 a.m. to 10:42 a.m.]

The Chair: All right, then. I trust that all members have had the opportunity to take a quick break, refresh themselves, and now we can welcome Mr. Saher, the Auditor General, and his colleagues to the meeting. I'd like to invite you to go ahead and introduce your colleagues who are here with you today when you're ready. Again, I'd just ask that you keep your presentation to about 20 minutes or so, and that'll leave some good time, then, for questions from the committee.

With that, I'll hand things over to you.

Office of the Auditor General

Mr. Saher: Okay. Thank you very much, Chair. For the record this is Merwan Saher, the Auditor General. On my left is Ruth McHugh, our chief operating officer, and on my right is Loulou Eng, who is the office's senior financial officer. We jointly will make our presentation to you. The first part is to present on looking back, results achieved, before we move to the business plan that is the support for the appropriation requests that we are presenting today.

I'm going to ask Ruth to make that presentation to you of the past and the business plan. She will stick within your timelines. After that, we'll be very happy to answer all of the questions that you have of us. Thank you.

Over to you, Ruth.

Ms McHugh: Great. Thank you. Good morning, everyone. Thank you so much for this opportunity to talk with you about our operating results for the year ended March 31, 2016, and our business plan and budget for next year. Knowing that you've had our reports to read in advance and that we have a lot to cover in a short time and that those reports are kind of long, I'm not going to go through them in a tremendous amount of detail, but there are four things I'd like to highlight for you in our results analysis report.

We continue to operate our business using the results management framework that's pictured on page 2 of the report. We focus on governance, oversight, and accountability for results. This framework was first introduced in our July 2014 public report, and we continue to encourage its use throughout government. We believe the quality of the systems the government uses to manage its work is proportionate to the quality of the oversight it provides. In other words, good oversight will invariably produce better systems to achieve results.

The next thing I'd like to highlight is another framework. On page 23 of the report you'll see a picture of the exciting work that we've done to refine our vision, mission, and strategy and to set out a disciplined approach to execute our strategy in the midst of the whirlwind of our daily activities. 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.

We identify opportunities to improve the performance of and confidence in the public service by delivering the right mix of relevant and reliable audits at a reasonable cost. We believe that a mix of 30 per cent of our resources devoted to performance auditing and 70 per cent to financial statement auditing will produce the best results for Albertans. To arrive at this mix, we considered our paramount role as the auditor of all government ministries, departments, funds, and most provincial agencies, 146 entities in 2016. Providing audit opinions on the financial statements of these entities is fundamental and, accordingly, calls for the majority of our resources.

We then considered capacity. In addition to considering our office's capacity for performance auditing, we considered government's capacity to implement our recommendations for improvement and our capacity for follow-up audits to see if implementation was appropriate. Albertans see true value from our work when our recommendations for improvement are successfully implemented. Successful implementation is the return on investment of audit dollars spent to produce the recommendation.

The third thing I'd like to point out is that our results analysis report integrates financial and nonfinancial information. You can see this integration throughout the report, but a prime example is the fact that our performance measures results are actually in the financial statements.

The final point I'll highlight is that in the year ended March 31, 2016, we completed 146 financial statement audits, released 19 performance audit reports, and delivered 35 new and nine repeat recommendations to improve the efficiency and cost effectiveness of government program delivery.

Our work is all about timing. A surplus or deficit in any given fiscal year is normal. We budget according to planned audit timelines, but we must be flexible in carrying out our work. The budgeting process is complicated because some of our audits span two or more fiscal years and we can't always predict exactly when it will be most effective and efficient to conduct and complete the work. In 2016 we returned \$1.1 million, or 4 per cent, of our approved funding. The timing factors that led to not spending what we had planned to in the fiscal period are outlined in the financial discussion and analysis section on pages 21 and 22 of the report. I'll just share a couple of very high-level examples.

We spent \$649,000 less on salaries and their accompanying employee benefits than we had planned. This was mainly due to temporary staff vacancies during the year. For example, in our 2015 business plan we identified our intent to augment and diversify our senior leadership team to deal with increasing business complexities; thus, we set out to hire two new business leaders, one to oversee and focus on improving our financial statement audit line of business and one to oversee and improve our performance audit line of business. We had planned and budgeted to have the two new leaders in place for the full fiscal year. However, the unique skills and experience that we need in our firm of professional legislative auditors are not easy to come by, and the search took longer than we originally anticipated. We won't commit salary dollars until we're sure that we've got the right people. I'm delighted to report that the two new business leaders were hired in September 2015. Subsequently one of the individuals embarked on a one-year parental leave. As we didn't need the full salary budget for the full year, we returned it to the Legislative Assembly. We know we'll need our full salary budget next year to preserve Albertans' investment in their office of skilled legislative auditors.

Let me give you just another example. Like most professional auditing firms, we are a CPA training office. As our students move through their articles, they're assigned increasingly complex work and promoted through staff auditor levels. Although there's a general salary freeze across government, which, of course, we are honouring, if a person is promoted to a new classification, they're entitled to a commensurate adjustment in their level of pay. Our analysis shows that we need approximately \$240,000 more in salary funding each year to meet these contractual obligations to our articling students. We didn't request a budget increase to accommodate this. Instead, we'll carefully manage our operations to facilitate the requirement.

When we presented our 2017 business plan and budget request to the standing committee, we explained why we need to manage this very carefully, and we shared some examples of how our work identifies opportunities to improve the public service, identifies waste, dollars that don't contribute to achieving results, and helps government managers deliver value for money. Our recommendations to improve efficiency and cost-effectiveness become even more vital in times of fiscal constraint.

10:50

In summary, we're pleased to have successfully fulfilled our mandate as the auditor of 146 government entities and to have delivered 44 recommendations for improvement, all accomplished while moving forward with our strategy and containing costs.

Now that we've talked about where we've been, we'll talk about where we're going. If you'd please turn to our business plan and

budget for the year ending March 31, 2018, you'll see that the business plan starts with an explanation of the importance of legislative auditing to the parliamentary system. Control of the public purse is carried out on behalf of the people by their elected representatives, the Members of the Legislative Assembly. While it is up to governments to draft budgets and spending estimates, they may neither collect nor spend taxpayers' money without the express approval of the Legislative Assembly. After government spends the money entrusted to it, they are obligated to report back to the Assembly on how they used the money. This obligation to answer for actions taken forms the basis of an accountability for results relationship between government and the Legislative Assembly.

The government provides its Assembly with the information about how it used public funds that were entrusted to it. The Assembly needs assurance that this information is credible and complete and that it accurately reflects results. The way the Assembly obtains such assurance is through an independent audit function set up to assist it in fulfilling its oversight role. Our office is therefore a critical link in the chain of public accountability for results. We provide assurance to the Assembly and to Albertans through legislative auditing of the government's financial statements and management control systems and processes. The business plan provides details about our two lines of business and how we conduct this work.

To succeed in our work, we must be and be seen to be independent. Our independence from those we audit ensures that our work is objective, 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 the all-party Standing Committee on Legislative Offices. A primary element of the relationship is the Assembly's prerogative to authorize financing of our office's operations.

You'll see in the business plan, again, the all-familiar results management framework. We operate within this framework, integrating governance, oversight, and accountability for results, and we encourage all government entities to do the same. Managing for results means that we must ensure that audit quality is at the heart of all we do. We're proud of the quality of our audits and are committed to continuous improvement. Our commitment to quality is reflected in our investments in technology, enhanced audit processes, audit methodology, dedicated development of our people, and by exemplifying the ethical standards and expectations of our professional regulatory framework.

Audit quality is overseen by our quality oversight committee. It specifies that audits are of high quality when they are relevant, reliable, and performed at a reasonable cost. In addition to ensuring audit quality, optimizing the congruence – in other words, the degree and balance – among these three sometimes competing objectives helps to focus our planning and our operational decisions.

Our vision, mission, and strategy are depicted in the diagram on page 6 of the business plan. I highlighted that earlier in the results analysis presentation. We continue to focus on our goal of 30-70 in three years. In any organization transformative changes require focus and discipline. We've adopted a methodology designed to help organizations make significant change amidst day-to-day operations. We're using it to shift the allocation of our resources so that we can provide better value to Albertans. Because of our legislated mandate we can't simply stop financial statement auditing and replace it with performance auditing to shift the balance, and it wouldn't be prudent to bridge the gap solely by spending more money to acquire more performance auditing resources.

Instead, we've developed a strategy to achieve our goal through process improvements, allowing more results-focused use of our existing resources. Using our results management framework, we identify lessons learned that can be applied in the next business cycle. This focus creates a culture of continuous improvement and accountability for results that helps our organization be agile and responsive to change.

In considering our 2016 results, we've incorporated the following lessons learned and supporting actions into our operations and this business plan. First, we're going to refine our performance audit selection process. Our process includes consultation with representatives of the Deputy Ministers' Council and a panel of external advisers to develop a risk-based, multiyear performance audit plan. These stakeholders provide sound counsel on key risks and opportunities for improvement in the performance of the public service looking across the government of Alberta as a whole.

We've developed a three-year performance audit program of work which is focused on the future, with people – Albertans and the public service that serves them – at its centre. The framework for our program of work is depicted on page 8 in the business plan. The program of work is still in the final review stage, but we intend to publish our list of planned high-impact audits by March 31, 2017.

The 2017 through 2020 performance audit plan will focus on programs and services that enable economic diversification, healthy and successful Albertans, and environmental sustainability. Based on our consultations, the critical corporate functions which allow the government to be successful in delivering these programs and services include enterprise supports such as fiscal management, strategic planning, and risk management as well as human resources and information and related technologies. If these corporate functions are efficient and effective, then the public service's ability to achieve the government of Alberta's strategic objectives will be enhanced. We will continue to engage stakeholders in implementing our performance audit strategic direction and align our audit work with government enterprise level risks.

Our next supporting action is to continue to preserve Albertans' investment in their team of expert legislative auditors. The right complement of staff skills is critical for high-quality and cost-effective auditing. The business plan outlined ways we'll ensure that we obtain and retain that right complement.

We will also continue to enhance our processes in audits and audit support. In the year ahead we will focus on developing more computer-assisted audit techniques to reduce manual testing and enhance the quality and usefulness of data analysis. We'll be testing and piloting new audit methodology, incorporating new performance auditing standards, and further improving our audit project management process to help our engagement leaders budget their work, track reasons for variances, and apply lessons learned to future audits. We're working on succession planning to ensure knowledge continuity in key roles and on high-risk, complex audits, and we're building an innovative recruitment strategy with a view to the future. Moving forward, we'll concentrate on sustaining the process improvements that we've achieved, identifying opportunities for further improvement, and confirming internally that our systems continue to operate as intended.

Another important action we'll undertake in the coming year is to encourage public engagement in oversight. Those with oversight responsibility – legislators, ministers, deputy ministers, boards, and managers – must be vigilant and check that processes and systems, including accountability for results systems, are working well. Ultimately, Albertans themselves should focus on their oversight by demanding good governance and accountability for results, including integrated performance reporting.

The final focus that we've outlined in our business plan for next year is, sadly, to transition leadership. Auditor General Merwan Saher's term in office ends April 29, 2018. Due to his long tenure he's accumulated unique knowledge about the importance of legislative auditing and the office's ability to demonstrate value to Albertans. To facilitate an effective transition of this key role, we began planning in 2016, and we'll continue the process throughout the coming year.

Approaching transition purposefully includes documenting the current leader's knowledge as well as preparing our office to support and inform the next Auditor General. By planning and implementing well, we can help the next Auditor General to more quickly reach full contribution in the role and continue to accelerate our office's performance. This process is also an opportunity to engage the talent and teamwork of our people to demonstrate excellence and commitment to Albertans through the office's success.

11:00

I'd like to end on a personal note, if I may, and tell you just how truly wonderful it is to work at the office of the Auditor General, where the purpose that inspires us is knowing that our work is making a real difference in the lives of Albertans. Thank you for listening, and we're happy now to take any questions.

The Chair: Thank you very much. We appreciate the presentation.

We'll now open the floor to any members that have a question.

Ms Woollard: I'll start with a comment. We really would like to thank everyone in the office of the Auditor General for the good work and for your fiscal responsibility, which is absolutely wonderful to see. I notice, too, that you have achieved the balance that I know you were working toward, with the 30 per cent performance auditing to 70 per cent financial statement auditing. That's a wonderful goal, too. I hadn't realized the importance of that until talking to you and hearing from you another year. Just for interest's sake, do you see anything that might change your ability to continue on that balanced path or to continue with, you know, being able to stay so fiscally responsible, that effectiveness?

Ms McHugh: I see no barriers to us continuing to achieve that resource shift while staying within budget. We really have worked so hard on our internal processes so that we could achieve that kind of a shift. In the past our ratio was more like 80 per cent to 20 per cent, so 80 per cent of our work on financial statements, 20 per cent on performance auditing. We really believe that Albertans see true value from our work when we make recommendations for improvement and those recommendations are implemented. We have been wanting to do more performance auditing without needing to ask for more money to do it. So we've been so focused on our processes, and it's going really well. I see nothing that will stop us from continuing on that path.

Thank you for the question.

Mr. Saher: I'd like to supplement Ruth's answer with just some further thinking; 30-70 was a goal that we set ourselves to be achieved by March 31, 2018. I'm confident that we will achieve it, but it wasn't a goal where we just had to say: "Look, we've achieved it. We can crunch the numbers. We've got there. That's great." It was a goal intended in its true meaning that we could sustain it. Just to amplify what Ruth said, we had fluctuated in the past, you know: 80-20, 82-18, and any permutation. We wanted to be absolutely certain that 70-30 was sustainable.

Having got there and demonstrated that it's sustainable, I mean, our next task is to think out into the future. Is 30-70 actually the

right mix? Are there alternatives which might be better? I just want to assure the committee that we have already started that longer term thinking. One of the things that we talk about in the office and we recognize is that the 70 side is statutorily defined. It's the Auditor General Act requirement mandate that we are the auditor of the financial statements of all of the government entities. Ruth told you that it was just short of 150 auditor's reports on financial statements that we issue each year.

We're going to be thinking about whether or not every one of those auditor's reports actually adds value. Now, I'm not suggesting that an auditor's report doesn't add value. What I'm trying to say is: does the underlying material have to receive the rigour of a process which delivers an auditor's report conducted in accordance with standards? These are the things that we're thinking. I mean, if we can make a case, discuss with the government – and if necessary, down the road there may be a case to come to the Assembly if our act in any way needed to be changed to recognize the fact that auditors can add value in other ways than perhaps simply being legislated, mandated to produce an auditor's report.

What I'm really trying to say: in the future the balance of the 70-30 might change because Albertans could get better value from the legislative auditors that the office has. You know, it would allow us to do further shifting in some measure from the financial statement line of business, perhaps, to the performance audit line of business, but then even to step back and say, you know: is there a way of looking at legislative auditing that could be conceived of not necessarily in those direct silos?

At the moment we're truly focused on 70-30 because that produces momentum. It gives us the impetus to look in at our processes, if necessary, tweak them, redesign them to extract from ourselves the greatest value-add internally. All I'm trying to signal to you – and I'd like you to sort of keep in mind for the future that 70-30 is not the Holy Grail. It was an important milestone for us, but what it really does is encourage us, once achieved, to think: how do we get the right auditors in the right place doing the right thing to deliver maximum value to Albertans?

Ms Woollard: Thank you very much for the response. It's very helpful to understand how responsive the systems are.

Thank you.

The Chair: Thank you, Ms Woollard.

Just taking a moment to check in with members on the phones, if there are any questions.

If not, I have Mrs. Littlewood.

Mrs. Littlewood: Thank you very much. Thank you so much for the work from your office. I know that you've put in a lot of years and you have a lot of experience. I just wanted to appreciate the fact that in your report you talk about getting ready to transition and all of the work that you've already got under way for that. My first question is just kind of if you have any details to share on that because I know that the longer you spend in a role, the more you end up with in your head than is necessarily on paper.

Then, secondly, of course, because you end up with so much experience that you are able to share with people in your office, I just wanted to thank you for obviously being able to lead an office that was able to have an employee that was seconded to another agency, that was able to become very well utilized during the Wood Buffalo fires. I understand that there was quite high praise for this person and the work that they were able to do for the people there.

If you wouldn't mind expanding on both of those, I'd appreciate that.

Mr. Saher: Okay. Let me go first, and then I'm going to ask Ruth to give you a little more detail. Actually, Ruth and I were talking about this as we were waiting to come into the room. Transition is good. It's necessary, and that's why Auditor General acts have provisions that Auditors General should work for a period of time and then they should move on. I just want to stress that I firmly believe that that's absolutely correct because there needs to be diversity of thinking. Of course, I'm confident that the leadership that I provide in my collaboration with the leaders in the office is sound, but it always needs to be tested through a fresh lens and fresh thinking.

I think the intent of the piece in the business plan is to communicate to you that we think that, I mean, transition is hugely important. When we look in at those that we audit, we often see the results of a failure to think about transition. We see good processes weakened because there isn't that leadership there to sustain them. I'm supremely confident that the leadership in the office of the Auditor General has the capacity to maintain the systems that we have developed.

I think what I'm really talking about is that transition is good, and yes, you're right. I mean, I grew up in the world of paper, and I operate with paper, so I have a lot of paper that is of interest to me, and my job is really to see which of these bits of paper might be useful to somebody else.

11:10

The purpose, again, of that piece in the business plan is to signal that we're doing this purposefully. Yes, I believe I do have an obligation to impart, even to my own colleagues, if I think about it, some bits and pieces that I know have driven my approach to things. I want to be sure that they'll fully understand, my colleagues throughout the office, why I may have taken a particular view on something. But all of that is preparation. It's just a good foundation for transition to new thinking and a good, healthy challenge of: does all of that make sense?

Ruth, maybe just a few seconds on the mechanics of that transition process if you believe that would be helpful.

Ms McHugh: Sounds good. Yeah. As Merwan said, it's a very deliberate, purposeful, scientific approach, so when I first started contemplating transition, I was thinking about all of the effort an organization puts into recruiting its CEO or its senior executive, right? You put a lot of effort into that, and then you hand them the keys, and off they go. You really need to put as much, if not more, effort into a really deliberate transition plan so that this person can come in and hit the ground running much sooner than they otherwise would have. It's actually a really cool scientific process, and I would be so happy to send it to you. We've got a timeline with all of the things that we believe we need to do at certain stages between now and three months after the new Auditor General is in place, and it has a bunch of details. Of course, this standing committee will have an instrumental role because they will be in charge of appointing the new Auditor General. I would be so happy to share that with you, Mr. Chair, and you can share with your committee, if you'd like.

The Chair: Certainly. That would be great. If you could send that to the committee clerk, we can make sure it's distributed among the members.

Ms McHugh: I will do that. Thank you.

You had a question about the secondment. Thank you for pointing that out. I was really pleased to be able to put that in our business plan and let people know of that. You know, it was also a good way for me to signal to our people internally that this is

something that we want to be doing more of. It's good for our people. It's good for their professional development. It's good for their growth. It's good for them to be out there, understanding, literally in the line of fire, what it takes to run this \$50 billion organization that is the government of Alberta and bringing that knowledge back to our office. I wanted to signal that it's something that we want to do more of. Thank you for bringing that up.

Mr. Saher: Mr. Chairman, just one final quick observation, just to give you a sense of, you know, the way auditors think and believe. I want you just to know that putting that into our business plan was not universally thought to be a good idea. There were two camps. There was the camp led by Ruth, "Yes, it should be there," and there was the, "Ugh." I don't know how *Hansard* will deal with that. It's like: "No, no, no. We shouldn't be trumpeting stuff like that." The employee in question I don't think was particularly pleased with the idea of that being there.

I only make this point in trying to sort of, you know, bring the human side of a business plan, that these sorts of things do take some time, and it was a conscious decision to put it there and, as Ruth says, to actually signal internally that we believe that this is good and, as importantly, externally to the whole of the public service that if they ever think that we could provide a skilled resource, please approach us. Don't get bogged down in the theory of: "Oh, that would compromise the audit office. How could an auditor be working on the management side?" Well, there are ways in which all of that can be managed without compromising our independence. As Ruth said, I'm really pleased that you drew attention to it this morning.

Thank you.

Mrs. Littlewood: I just have one last comment. I can personally attest to, obviously, how particular you are about who you hire into your office because I used to work at Ernst & Young for seven years, and you actually took – I shouldn't say took. You graciously accepted someone that was an accountant from Ernst & Young, and, yeah, he does great work, so thank you.

Ms McHugh: Thank you.

The Chair: Mr. van Dijken.

Mr. van Dijken: Thank you, Chair, and thank you to the office of the Auditor General for all the work that you do for Albertans. I am pleased with the focus of your office, and I support your 70-30 implementation of auditing. Performance auditing is critical in actually bringing the value and doing the checks to be sure that the recommendations are being implemented. I just wanted to highlight that as something that, to me, brings a lot of value to the work that the office is doing.

In your discussions earlier on your budget, where you see that increase per year of about \$240,000 as we train these individuals in legislative auditing and as they move forward in their careers and then merit increases and that type of thing, I would have thought that that would have kind of been a continually revolving mechanism that is not always stepping higher and higher because you've got new ones coming in and other ones possibly moving on. Then in your goals you highlight the goal to preserve Albertans' investment in this team of legislative auditors.

My question is on the retention, because you also highlighted with regard to the two individuals that had to be acquired that it was difficult to find the right fit in professional legislative auditors. My question is with regard to retention of individuals that are able to train through your offices as part of the CPA program. With that investment, let's say, are we able to continue to retain those

individuals and help with the smooth operations of the Auditor General's office?

Ms McHugh: I'm happy to talk on that. The business model in our firm is very much like in the other accounting firms or auditing firms. Audit methodology requires a certain amount of in-the-field work that's at a level that's not necessarily – if you think of a triangle, you've got your audit engagement leader, you've got an audit manager, and you've usually got a senior, an intermediate, and then some staff auditors. We've found as an industry that the best business model is to bring CPA students in and train them through their articles. They're the ones who do that work on the bottom of the pyramid, if you will, and it's cost-effective to pay them the articling rate as they're going through their articles, and that's exactly the experience they need to move through their articles. So it's actually a business model that works really well.

You might notice in our performance measures that our turnover ratio goal is between 10 and 20 per cent, so a churn, if you will, of about 15 per cent is very normal in our industry. It's what you expect. So when you bring students in, it's really important to have good performance management, good succession planning, good progression planning in your organization so that you can early on see those auditors who truly have a passion for the public service, who truly want to make a difference in the lives of Albertans and really want to embrace legislative auditing.

The natural way of things is that the succession planning and performance management and our career adviser program should really be focused on keeping those people that we really want to keep. You know you're going to have some amount of turnover. You want to make sure that you're keeping the people that you want to keep, so that's where our internal processes come into play.

Does that help answer your question?

11:20

Mr. van Dijken: Most definitely.

Ms McHugh: Okay.

Mr. van Dijken: You've identified the goals and the processes. To your level of satisfaction in accomplishing those goals, are you satisfied with the results?

Ms McHugh: Yes, I feel very satisfied with the results. When someone wants to leave, it's usually because they are going to make a career choice that makes sense to them. Each person is the CEO of their own career. If someone should decide, after having received their designation – usually that is, you know, when those decisions are being made – that, really, the public service isn't for them, that they would prefer to go and work in a firm and perhaps take the partner route as opposed to the audit engagement leader route in our office, that's okay. We recognize that – I don't want to sound crass – we've already received our money's worth because our business model is such that that work needed to be done at that level, and that person fulfilled that work.

As well, for a lot of our people, when they leave us, some of them go into other government entities, which is great. It's still preserving Albertans' investment, so to speak. For others, who go out into industry having had experience here in our office with the work that we do making a difference in the lives of Albertans, I tell you that they are profoundly affected for the rest of their career. So it's a good investment any way you look at it.

Mr. van Dijken: Good answer.

The Chair: Thank you.

Do we have any other members that have questions? I'll just once again check in with those on the phones, if anyone has questions for Mr. Saher.

Hearing none, Mr. van Dijken.

Mr. van Dijken: Just one final question with regard to the goal to encourage, as you mentioned, public engagement, to support public engagement. If you could just elaborate a little bit on that. You did identify not only the legislators, the ministers, the deputy ministers, and all those in the process, but you did identify Albertans themselves. What's the plan to actually succeed in that goal? Is that through education? Is that through awareness? Is that through helping with implementation of recommendations? Could you elaborate a little bit on that?

Mr. Saher: Yes, I'll try and elaborate, and I'm really pleased that you've asked this question. I'll tell you before I start that I don't have all of the answers. The important thing for us as an office was, if you look at the top of page 8 in our business plan, to put that box at the top, public engagement through improved performance reporting. Public engagement is linked to improved performance reporting by government. At its simplest level, we can do our best, working on behalf of Albertans, producing our work and reporting publicly, and in those instances where we believe government departments can do a better job on their performance reporting, we can draw attention to that. That is us pushing, if you will, in the sort of push-and-pull analogy. There's only so much pushing we can do.

Thinking out longer term as part of challenging ourselves – and this is where we will get the answers to the questions that you have asked – how can we actually see if we could be advocates for or influence in some way a greater degree of pull in terms of Albertans understanding the government's results analysis, the government of Alberta's annual report? I mean, I carry it with me because it's probably the most important, I would argue, document, coupled with high-level planning, you know, that the government produces. How could Albertans reasonably become more involved in saying to themselves, "We should understand the results that our government is achieving because it's our money and it's our resources"?

The model is that same results management framework that we apply to ourselves. The elements in that model apply at multiple levels. We've placed that there because we think that that is the ultimate reason for us to be pushing for better performance reporting. It's not just better performance reporting because that's good for the soul. It's better performance reporting because it should be used by the ultimate recipient, Albertans, to help them in their decision-making of interacting with their government in terms of being able to say: "Such a program doesn't seem to be working well. Do you know that it's not working well?"

Our results management framework encourages government managers to assess whether or not the results they desire are in fact being achieved and, if they're not being achieved, not to feel depressed. The first protocol is: why? Understand why they're not being achieved, and then make decisions: "Do we want to continue to try to do this? Are there other ways that we can achieve that?" I know I'm making it sound very simple, but at its fundamental level it is conceptually simple.

Just to summarize, you asked some good questions about: what does this public engagement mean? We've put it there to challenge ourselves in terms of working out, from our point of view, what it could mean and the extent to which we could influence it. We're saying to ourselves that it is not good enough for us to just simply state that performance reports could be better and leave it like that.

They could be better because they need to be better because Albertans need to use them.

The Chair: Thank you, Mr. Saher.

Do we have any further questions from members?

Well, hearing none, I'll thank you, Mr. Saher.

Mr. Saher: Mr. Chairman, might you indulge me with just a final comment?

The Chair: Yes, please.

Mr. Saher: Thank you. We've presented a business plan to you, and you will deliberate on the business plan and form your conclusions. That's what this process is about. I just want to make the point that I trust that you believe you are really funding value. As you look at our business plan, it's supported by the numbers, but in a sense I think the proposition that you are looking at is: are you prepared to support a request for the funds to carry out a value proposition, if I can put it that way? Yes, at the simple level you're looking at our operating costs, but that's just the way we do what it is that we are mandated to do and our translation of the mandate into adding value.

I just want to leave that thought with you. You know, when I've heard over the years that this committee has approved our budget, I've always said to myself: well, what that signals to us as an audit office is a confirmation that the committee on behalf of the Assembly is actually funding the value that they perceive in the operations of the office, that you are not actually funding our operating costs. Let's just leave it that way. Because we think of it that way, that's why we continuously are examining how we can add further value.

Another developing trend in the office is that it's not good enough to report that something is not working and to provide an accompanying recommendation. We, as your legislative auditors, have to work harder at what some would call root cause analysis, but it's simply understanding why. Why is it that something is not working well? Until we can, I think, do a better job of making our findings and recommendations in the context of why the situation is as it is, I don't think we have reached the point where we have gotten near the maximum value that we could produce.

I just wanted to leave you with the thought that we don't believe that we have attained the pinnacle of legislative auditing and that all we need to do is sustain it. It's a developing art, and we're fully engaged in it.

11:30

Again, just a last thought. This week a great number of legislative auditors across Canada have come out with material. I mean, the week started with the Auditor General of Canada releasing a report, followed by the Auditor General of Ontario. Also, I happen to know that the Auditor General of New Brunswick has released work and also Nova Scotia.

Michael Ferguson, the Auditor General of Canada, made a very important point which I would just like to stress. He said to the legislators that he reports to, the Parliament of Canada: use our reports not just to learn what happened but also to make sure that necessary change takes place. In my opinion, that's well said. I suppose the proposition is that if we are able to deliver greater value, it's not just in telling you what didn't go well but what needs to change. I think that legislators and particularly the Public Accounts Committee have an obligation to focus on being certain that the needed change has in fact taken place. Until that change has taken place, the investment in audit dollars has not really been realized on behalf of the citizens, who paid for it.

Thank you.

The Chair: Thank you, Mr. Saher, and thank you to your staff for joining us today. We'll give you a moment to collect your things.

In the meantime, just to let the committee know, Mr. Hourihan, the Ombudsman and Public Interest Commissioner, is here and available. The thought has been presented that we could hear from him on one of his portfolios before lunch and get a bit of work done early, and then there's the possibility that we may be able to conclude our business for the day a bit earlier as well. This seems opportune to me, but I just, of course, want to run that past all committee members. Would there be any opposition to beginning Mr. Hourihan's presentation a bit early?

Hearing no objections from the committee, why don't we take a quick five minutes to allow things to turn over, and we'll begin with Mr. Hourihan.

[The committee adjourned from 11:32 a.m. to 11:37 a.m.]

The Chair: All right. We have Mr. Hourihan here, then, with his staff. I'll ask Mr. Hourihan to just take a moment to introduce everyone he has with him, and we'll begin your presentation on the office of the Ombudsman.

Office of the Ombudsman

Mr. Hourihan: Okay. Well, thank you, Chair. With me to my right is Suzanne Richford. She's the corporate services financial person here and is going to provide that portion of the presentation for both offices. On my further right is Ted Miles. He's the director on the Public Interest Commissioner's office side. On my left is Deputy Ombudsman Joe Loran. Both Joe and Ted will give the corresponding strategic plan overview for you during each presentation, and I will do the annual report and summarize things at the end.

The Chair: Excellent. Please go ahead.

Mr. Hourihan: Okay. We've got it broken into two, so we'll do the Ombudsman portion first. Just as a very quick overview of the offices we have 27 Ombudsman personnel, with 20 in Edmonton and seven in Calgary. Co-located in both locations we have six Public Interest Commissioner positions, with four in Edmonton and two in Calgary. We share all the administrative and corporate support aspects of both offices. This includes administration, finance, HR, IT, legal counsel, and communications. The operational or investigative units for both offices operate independently from each other in spite of the notion that we're co-located.

Over the past year we've adjusted the supportive role that the offices utilize, that I mentioned, with both operational units. This has resulted in some minor changes in how we report matters. The point of this has been to better describe the support role that each office receives. Now, these minor adjustments have affected our budgets only to the point where we are going to today be seeking a very modest increase to the Public Interest Commissioner's office, with a corresponding decrease to the Ombudsman office, and it's just related to how those support roles are accounted for. Overall between the two budgets this will amount to a small decrease. In other words, we're presenting that we'd like to hold the line.

I'll begin with the Ombudsman-specific portion of the presentation. I should point out, too, that the annual reports you received – this is the second year that both annual reports have been produced only in an electronic format, forgoing printing for economic reasons, and it meets our utility quite well.

I'll go over our annual report first. Our annual report for the Ombudsman office provides some standard features, as it always

does, such as information about our role, an explanation of administrative fairness and the procedural fairness guidelines, a question-and-answer section, a chart that explains how our processes work, a summary of the strategic plan results from last year, and case examples.

A point that we make in the annual report is that Albertans expect fair treatment from our public institutions. When things go off the rails, Albertans expect those public institutions to take ownership of the situations and to take ownership of implementing appropriate solutions. That's why we chose Taking Ownership as the theme of this year's annual report.

As the Ombudsman the concept of taking ownership means several things to me. This includes correcting mistakes, improving things like employee training, following procedures and policies, treating individuals with respect and without bias, and being open and transparent with decisions and explanations. Our aim is to continually serve as a value-added point of contact for Albertans and the public service they interact with and which we investigate and to help Albertans find the right person to provide the right response to their complaints while pointing out how government or other authorities can improve their processes, systems, and policies as required.

One way we promote the notion of taking ownership is through our outreach efforts. We've incorporated both an internal and external component to this front. Externally last year Ombudsman investigators scheduled intake appointments with complainants in six communities. We visited Lloydminster, Vermilion, Rocky Mountain House, Drayton Valley, Canmore, and High River. On average, we had about a dozen appointments per community. This is the one area where we've scaled back a little bit in the last couple of years to meet our financial obligations and requirements. We've received numerous comments from people throughout the communities that we've gone to across Alberta this year and other years. They continue to tell us how it was beneficial to meet an investigator face to face in their home communities.

Internally in '15-16 we began developing educational seminars. These are focused on principles of administrative fairness, and they're aimed at front-line workers and decision-makers in the public sector. These two have been very well received, and our office continues to receive requests for more training opportunities. As well, I and others meet with deputy ministers and authority heads with MLA constituency offices. We find that there's tremendous value in meeting with all these groups to share information about our work and theirs and to answer questions about specific issues or concerns.

On a different note, in August of 2015 we welcomed an employee from the Korean Anti-Corruption and Civil Rights Commission. This person is on a two-year fellowship, working out of our office. He's engaged in research and fellowship work, learning the theories and practices of the Alberta and Canadian Ombudsman systems and relating them back to his home country of Korea. We did a similar thing with a person from the Kyrgyz Republic Ombudsman's office in 2014 as well as we've also had a law student in our office for one term, on a co-op program. We find that these are constructive opportunities for both parties to share experiences, compare mandates, and learn from each other's perspectives. On another positive side, from a financial perspective, our Korean visitor costs us no money at the Alberta Ombudsman office apart from providing some office space and our perspective and expertise.

Of note, we are exploring the opportunity to have a law student complete a portion of his legal articles with our office this year or the following year.

Statistically our annual report includes an overview of our statistics from the previous fiscal year. As you can see on page 34,

our oral complaints are up 2 per cent, at 3,307, from '14-15. As well, our written complaints rose over the past fiscal year to 1,234. This marks a 10 per cent increase from the previous year. Of those 1,234 written complaints, the most common involved Justice and Solicitor General, at 164. This includes 105 complaints related to corrections and 34 related to maintenance enforcement. The next most common is Human Services, at 157, which includes 51 complaints related to child and family services authorities, 33 AISH complaints, 33 Alberta Works complaints, and 26 appeals secretariat. The third most common is the Appeals Commission for Alberta workers' compensation, at 48, followed closely by the Workers' Compensation Board, at 38, and the health professions, at 33, of which 19 came from the College of Physicians & Surgeons.

We've also provided examples in our annual report of cases that our office has dealt with over the year. We do this on an annual basis. They provide summaries within the annual report, and it's a snapshot of the types of complaints our office receives and our findings and our responses, keeping in mind privacy and confidentiality required at all levels. These range from AISH-related complaints about benefits, as on pages 22 and 25, to inmate complaints at correctional centres to concerns about child and family services' conduct by staff to income supports complaints.

Also, there's a brief write-up in our annual report about our upcoming 50th anniversary in 2017. Our office is the oldest parliamentary Ombudsman office in Canada, and 2017 will mark five decades of our operation. We intend to celebrate our 50th anniversary. It provides a meaningful milestone to help raise awareness of the work we do and the contributions the office has made over those years. However, we're going to do it in a low-key, cost-effective manner.

That rounds out our annual report highlights. With that, I'm going to turn things over to Joe to discuss the strategic business plan.

11:45

Mr. Loran: Thank you, Peter. The Ombudsman's strategic plan continued to be a group effort by all employees. Every employee sits on one of our strategic committees. This gives its staff a voice and responsibility when it comes to setting and achieving our goals. Our strategic priorities are: ensure administrative fairness, enhance understanding of the Alberta Ombudsman, provide excellent service, and support continued growth and development of best practices.

Under the ensure administrative fairness priority our office uses a collaborative approach to assist government by making recommendations to improve how it conducts its business. By effectively enhancing awareness of the Ombudsman's service among internal stakeholders, we can help enhance the way the government interacts with Albertans.

In July 2015 we commenced a new case management system. Now that the system is fully implemented, we have been able to effectively use this tool to continue to improve our critical analysis capabilities. This helps us better track and analyze our cases, assists in our interactions with callers to the office, whether they're jurisdictional or not. It also assists us in evaluating and monitoring our investigative outcomes to track trends and identify areas of potential concern.

One specific area where we have drawn on this case management system is our quarterly statistical report, which we distribute quarterly to all ministries, agencies, boards, commissions, and professional colleges about which we have received more than one complaint. These reports have been useful in enhancing their knowledge of not only what our office does in terms of investigating the complaints but also in providing comparative,

statistical information regarding activity related to their areas. Sharing these quarterly updates throughout the fiscal year provides them with a good understanding of what's happening in their backyard and from an administrative fairness perspective.

We also seek opportunities to ensure the Ombudsman recommendations are accepted and implemented in a timely fashion. To this end, we're monitoring how long it takes authorities to implement our recommendations. Last year, in the '15-16 fiscal year, 73 per cent of our recommendations were implemented within 90 days. Over the next three fiscal years we want to see that figure rise to 80 per cent. These initiatives, coupled with educational training seminars and meetings with the authority heads, will increase the knowledge and understanding of the role and services our office provides. It will also help decision-makers better explain their decisions and ensure the process is fair and improve overall service to all Albertans.

Under the enhance understanding of the Alberta Ombudsman priority we are aware that there are Albertans who don't know about our services, so our plan is designed to continue to help increase awareness of our office and services. Not everyone has the means to attend our offices in Edmonton or Calgary, and we continue to believe that there is value in providing communities across the province with opportunities to meet face to face with investigators. We also leverage these visits with presentations to interested groups and stakeholders. We continue to reach out to Albertans through social media. Twitter remains a useful tool for us to share information about upcoming trips and events and share Ombudsman-related news and observations. We continue to explore other social media opportunities to ensure we're connecting appropriately and effectively to those we serve.

Through the provide service excellence priority we continue to focus on providing timely responses to inquiries; delivering complete, thorough, timely, and accurate investigations; and ensuring our staff have the proper tools to deliver effective services. As you can see in the table at the bottom of page 9, our performance measures are designed to allow us to track the delivery and completion of formal and own-motion investigations, informal resolutions, investigation analysis, and requests for services. We use this to identify opportunities for improvement in the short, medium, and long terms. We are also evaluating and monitoring our investigative outcomes to track trends and make improvements where necessary.

Much of what we do in terms of value-added services comes from our almost 50 years of experience. Over that time we've built significant institutional knowledge as well as strong internal resources. This allows us to provide direction advice to callers who are nonjurisdictional. We also continue to analyze our intake calls and identify appropriate strategies for the issues being complained about.

Under our support continued growth and development of best practices priority, in order to provide effective government oversight, it is necessary to ensure that the human technological resources are in place and working effectively. We take a two-pronged approach. First, we ensure that appropriate training technology is available for the staff. This is done through a yearly needs assessment of technology to identify any gaps and encourage personnel to take appropriate training to enhance their knowledge. The second part that we take on this front is ensuring that legislation, policies, and practices reflect the current environment and best practices.

On the legislative front we are focused on the Ombudsman Act and the potential amendments to the Municipal Government Act. The Ombudsman Act is our governing legislation. It has been in force since September 1967. While the act has undergone some

amendments over the years, most of these have been reactive to external changes such as the introduction of the Freedom of Information and Protection of Privacy Act. Furthermore, these amendments have not reflected changes to the work and jurisdiction of the parliamentary ombudsmen offices around the world or in Canada.

Because there has been no major overhaul of the Ombudsman Act, we believe it is well past time to modernize our act. We want to ensure that it meets the needs and expectations of Albertans today and remains well positioned to meet their needs into the future. In our view, such an act should include a purpose statement; clarity of authority in areas such as the powers to mediate, to investigate ministerial administrative decisions, and to address merits of decisions under investigation; and a periodic review requirement.

At the same time, we are also working towards ensuring that we are well positioned for proposed amendments to the Municipal Government Act. Our goal is to ensure operational readiness if and when the amendments are passed. With this in mind, our intent is to co-ordinate a future review of the Ombudsman Act with the standing committee when there is appropriate capacity with both entities.

I will now turn things over to Suzanne to walk through our budget.

Ms Richford: Thank you, Joe. Each year we develop our budgets for both the Ombudsman's and the Public Interest Commissioner's offices based on the following parameters. We look at result-based budgeting, which does mean reviewing program delivery to enhance or eliminate deliverables; we review the current fiscal year's actual expenditure forecast; and we consider Alberta's economic and fiscal climate.

In 2015-16 the Ombudsman's office spent \$274,000, or 8 per cent, less than the approved budget. This was primarily due to unplanned employee vacancies as well as smaller reductions in travel and contract and technical services.

For 2016-17 the office is forecasting to spend \$88,000, or 2.6 per cent, less than the approved budget. This is primarily due to a streamlining initiative for shared services between the two offices.

The Alberta Ombudsman's 2017-18 budget estimate is \$3,265,000. This is a \$63,000, or 2 per cent, decrease over the 2016-17 budget. I can explain the \$63,000 decrease this way. In 2016-17 we asked for and received a one-time increase of \$75,000 for our office move. As this relocation is complete, we will reduce our 2017-18 budget by the \$75,000. Apart from \$12,000 to cover telephone services transferred from Service Alberta, there are no additional increases to our budget; hence, we have a \$63,000 decrease.

I'll provide a brief summary of our office's shared services arrangement, and then I'll move into the highlights of the 2017-18 budget. In June 2013 the Public Interest Commissioner's office was established, and the Ombudsman was designated as the Public Interest Commissioner. Although this was a separate office, we chose to embrace a budgetary and structural process that ensured efficiency in utilizing personnel and internal resources. Indeed, the day one decision to share corporate services meant that we managed to provide these services without hiring additional staff or duplicating any services.

In addition to the actual position of the Public Interest Commissioner, the Ombudsman's office provides legal, human resources, financial, and reception services to the Public Interest Commissioner's office, and the Ombudsman received communication and administrative services from the Public Interest Commissioner's office. The office has signed a formal agreement recognizing the services provided and the allocation of the

associated costs. This agreement is a major component for each office's budget development as the pro-rated salaries and employer contribution costs are treated as a cost recovery for the office providing the services. On the other side of the coin, they are treated as a contract services expense for the office receiving the services. If this sounds cumbersome, it really is.

11:55

So on April 1, 2016, we decided to streamline this arrangement and transferred all noninvestigative staff – two positions, communication and administration – out of the Public Interest Commissioner's office and over to the Ombudsman. These two positions are now included with all Ombudsman positions that provide support to the Public Interest Commissioner's office. The commissioner's office no longer provides any services to the Ombudsman. It is important to note that this transfer did not include the corresponding staff budgets for 2016-17, and that's because the Ombudsman's office was able to absorb the costs due to vacancies and unpaid leaves of absence. This streamlining exercise now means that one-third, or 9 of the 27, Ombudsman positions provide support to the Public Interest Commissioner's office.

The office's 2017-18 personnel budget is \$3,348,000. This is a \$173,000, or 5 per cent, increase over the 2016-17 budget and a \$142,000, or 4 per cent, increase over the 2016-17 actual expense forecast. Broken down, the salaries estimate has increased to incorporate the salaries of the two positions transferred from the Public Interest Commissioner's office to the Ombudsman. This increase is offset by salary decreases for position reclassifications, and the Public Interest Commissioner's corresponding salaries estimate has decreased to reflect the transfers. No cost-of-living or merit increases are built into this budget; therefore, individual employee salaries remain at the April 1, 2015, level.

In addition to salaries, employees receive benefits that include health, life insurance, and pension. The Ombudsman's portion of these costs is referred to in the budget as employer contributions. We are forecasting that these contributions for 2016-17 will be \$605,000. This is an average of 23.5 per cent of the salary expense. For 2017-18 the employer contributions estimate is \$61,000, or 10 per cent, higher than the 2016-17 budget. This is due to the transferred-in positions and an increase in the employer contribution percentage of salaries. This percentage is expected to increase by 1.3 per cent to 24.8 per cent of Ombudsman salaries.

Our professional development estimate has increased by \$10,000, or 50 per cent, over the 2016-17 budget; however, this increase is only \$5,000 over the actual forecast for 2016-17. The increase reflects the addition of the two full-time equivalents that were transferred from the Public Interest Commissioner's office and the Ombudsman's continued focus on staff professional development.

For the supplies and services budget the estimate for 2017-18 is \$318,000. This is 67 per cent, or a 17 per cent reduction, from the 2016-17 budget. In addition, our forecast for the 2016-17 actual supplies and services expenses is \$301,000. This is \$84,000 less than budgeted.

As previously mentioned, amendments to the Municipal Government Act will increase the Ombudsman's mandate to include municipalities. If this occurs in 2017-18, the office will present a supplemental estimate reflecting budgetary requirements to operationalize this new mandate. We recognize that there will be a requirement to explain and provide awareness and outreach about the expanded role of our office. For example, at the request of the AUMA in October we presented the Ombudsman's role and expect to be asked to do more presentations. The 2017-18 budgets for travel, advertising, rentals, and hosting have a minor increase to

facilitate these presentations and continue our outreach activities as outlined in the strategic plan.

As I mentioned at the outset, Service Alberta will no longer assume responsibility for the management and budget of the office's telephone land lines. For 2017-18 and future years this responsibility will be transferred to our office from Service Alberta, giving our office control and accountability for the land lines. The effect on the office's 2017-18 budget is a \$12,000 increase.

The 2017-18 contract services budget has decreased by \$113,000, or 77 per cent, due to the two Public Interest Commissioner positions transferred to our office. We no longer pay the commissioner's office for communications and administrative services.

The technology services 2017-18 estimate has increased by \$10,000, or 7 per cent, over the 2016-17 budget. The increase is a provision for a website maintenance agreement, a potential contract increase for the office's case management software, enhanced data backup services, and disaster recovery planning.

The 2017-18 materials and supplies estimate increased by \$16,000, or 53 per cent, as the previous year's budget of \$30,000 was not reflective of actual costs over the last few years. The 2017-18 estimate of \$46,000 is still lower than the 2015-16 actual and the 2016-17 forecasted expenses.

Lastly, the cost recovery for shared services. For 2017-18 the cost-recovery estimate for services provided by the Ombudsman's office to the Public Interest Commissioner is \$401,000. This is an increase of \$94,000, or 30 per cent, over the 2016-17 budget. Again, this is the additional cost recovery for services provided to the commissioner's office by the transferred positions to the Ombudsman. In addition, as discussed, the employer contributions have increased for all shared services employees.

This concludes our presentation on the Ombudsman's annual report, strategic plan, and 2017-18 budget estimates. If there are no follow-up comments from my colleagues, I think we're ready to take your questions.

The Chair: Excellent. Thank you to all of you for your presentations, and indeed we can go ahead with some questions, then. I have Mrs. Littlewood.

Mrs. Littlewood: Yeah. I'm wondering if you would be able to just elaborate on what you were saying about the MGA line item.

Ms Richford: Sure. On the MGA line item, we believe that we will continue to be asked to do presentations, and some of those will be on the road in other parts of Alberta, so we've just given an \$8,000 increase overall to those areas: travel; advertising in newspapers so that they know we're coming; a slight, slight increase to hosting for some working sessions and meetings; and rentals of facilities. Overall it's \$8,000.

Mr. Hourihan: If I can just add that we have had requests already at the AUMA level and from a couple of others where we've gone out of town just to explain our role as it currently stands as they are certainly generating questions about what it might look like in the future. We're in no way indicating anything about what it may look like in the future. We're just answering questions so that they have a better sense of understanding what we do at this current time.

Mrs. Littlewood: Okay. Thanks.

I just wanted to also thank you for doing that travel and doing the face to face because I know that people that are outside of the large urbans can often feel like they're not served the same as the rest of Alberta. So I appreciate that. Thank you.

The Chair: Do any other members have any questions, then, regarding the Ombudsman?

Mrs. Littlewood: I'm wondering. On page 9 of the business plan you report on the performance measures regarding the timeliness of written complaints being analyzed. For the reporting period you indicate that the actuals were 49 per cent in 14 days and 63 per cent in 30 days. My first question is: what was the target for that period of time?

Mr. Loran: I don't have the target in front of me. I apologize for that. It would have been probably in the 50 percentile range for the 14 days and somewhere in the high 70s percentile for the 30 days.

12:05

Mrs. Littlewood: Okay. Thank you.

Subsequent to that, your targets, I see, go up every year. I'm wondering what measures your office is putting in place to meet those targets.

Mr. Loran: We've already restructured the way analysis is occurring a bit. We've adjusted how that happens to help speed up the analysis of those day-to-day complaints we get that are fairly standard so that they don't get bogged down in the system and to have our specialists in analysis focus more on the complicated matters, that take a lot of work to determine whether they're jurisdictional or not and what the appropriate referral might be if it's nonjurisdictional.

Mrs. Littlewood: Thank you.

The Chair: Do you have any additional follow-up?

Mrs. Littlewood: I can wait for the next round.

The Chair: Okay. Certainly.

Any members on the phones have any questions for Mr. Hourihan or his staff?

All right. Back to you, Mrs. Littlewood.

Mrs. Littlewood: Thank you. You were talking earlier about outreach around education for administrative fairness with front-line workers, correct? That's in your business plan. I was just wondering if you could extrapolate on that for us.

Mr. Loran: We've had requests from some departments to provide training to their staff on what is an administratively fair decision, you know, what the elements of that are, and how to communicate it to document the decision-making process, to ensure that it's meeting the standards of administrative fairness. That's, in essence, what that involves.

Mrs. Littlewood: Thank you.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yes. Thank you. Thank you for the work you do and for the presentation this morning. You highlighted something that surprised me a little bit, that there is no periodic review in the act for the Ombudsman, and a few of the things that would be recommendations going forward. I'm not looking for any clarification, but I thank you for highlighting that. That has been heard in that that would be a positive move going forward, even to the extent of having a purpose identified in that. So thank you for highlighting that, and we'll work towards trying to renew it. I guess that is what we're saying.

Mr. Hourihan: We'll continue to highlight that when we get the chance in front of this committee and wherever just to keep interest in that area because we do feel that it is time that it be looked at and reviewed.

Mrs. Littlewood: Back to the question about educating front-line workers on administrative fairness, I'm just wondering if you have anything to add on who's asking for it. You're saying that it's initiated by the employer.

Mr. Loran: There are certain departments we interact with on a fairly regular basis; maintenance enforcement folks, for one. If their front-line workers who are making these decisions are better trained, it should reduce the number of complaints we receive about their services. The management over there recognizes that. We recognize that. Through the course of discussions with the departments our ongoing investigations have suggested that there's an opportunity for us to provide this training, they've been receptive to it, and that's how it's rolled out.

Mrs. Littlewood: But the employer needs to initiate the request?

Mr. Hourihan: No, not really. I mean, they do initiate it quite often. They'll come forward and say: do you have training in this area? Because we were getting questions like that, we looked at it and said, "Well, once we get the capacity to be able to provide some of that training, we will," keeping in mind that we want to be cautious, when we provide information to people, that we don't provide too much of a prescriptive process because it has to be them doing the work. But we will provide sort of overviews and insight into how to do things, so we've generated a number of training plans that we can present to different groups that ask.

Now, often that may come in a bilateral process, where we'll offer it and say: look, if you ever have any training requirements, feel free to give us a call. We can certainly come in and give presentations, you know, to meet their needs as much as ours as well. So we can craft it in such a way that it meets their specific needs or to be more general.

Mrs. Littlewood: Do you have sectors that draw on those services more than others?

Mr. Loran: We're fairly new at this. It's been ongoing for about a year now, and we're actually increasing the number of types of training that we're going to offer. Most of the sectors would be those that deal with benefit-driven programs because that's where the front-line workers are making decisions that people complain about a lot, generally speaking. That's probably where we're targeting, and then, of course, one department or part of a department will hear about another entity getting training, and then they'll start inquiring. They'll come to our office and inquire about it. It goes from there.

Mrs. Littlewood: Okay. My last question is just with regard to not printing your report. I'm just wondering what the cost saved in not printing it was and if you have any concerns about not delivering hard copies.

Mr. Hourihan: I'll let Suzanne figure out the cost there while I'm talking a little bit. We haven't noticed any concerns. We do print them off if people need it, and we'll print off copies in colour and that sort of thing. There were a few reasons that we did go electronic. One was that it seems to be the right way to go in today's day and age, for the most part. We were going to go electronic anyway. We just looked at the number of printed copies that we

may or may not need, and the number is below the threshold where we would, quite frankly, go to a commercial printer to do it in any effective way, so we just chose to print them off on our own. When we did it two years ago now, we felt that we had to keep our eye on it and that if it causes us any issues, we'd look back at a printed format. But so far so good, I guess, in that regard. We haven't had to go that direction.

Ms Richford: It saves approximately \$10,000 to \$15,000, depending on the quantity. The final report that we printed two years ago was about \$12,000, and we printed 400 copies.

Mrs. Littlewood: Okay. Thanks.

The Chair: Excellent. Are there any other members? Mr. van Dijken.

Mr. van Dijken: Thank you. I'm not sure how to interpret this, but you know, you receive written complaints; you go through a complaint analysis. When we went through the year in review, I noticed that under health professions you received 33 written complaints, and of those, 19 came from the College of Physicians & Surgeons. It might be completely normal, but I look at that and I think: is there something there that we as legislators need to be alerted to? These are just written complaints received, so there might be nothing to it. Then the complaints might not be fully analyzed and investigated. If you just have a general comment with regard to that or if there's anything there that would be a red flag.

Mr. Hourihan: Probably the comment that I would make in reference to the medical side of things versus, then, how much of that percentage is the College of Physicians & Surgeons is that that's just because the numbers would be bigger from the College of Physicians & Surgeons. It's a much bigger college than the rest of them, for all intents and purposes. They do, you know, have a pretty collaborative working relationship with our folks in general terms, and they work to do the best work that they can in order to adhere to any recommendations we make. So I don't think there's anything to be read into that other than that they are, as are most of the ones that we highlight as being the most frequent types of complaints we get, from the areas that are, in other cases, benefit driven or a much bigger sector of the public service, if you will, because then the numbers would just generate those types of numbers. I don't think anything needs to be read into that in terms of the College of Physicians & Surgeons.

Mr. van Dijken: Thank you.

The Chair: Any other members have questions for Mr. Hourihan on the Alberta Ombudsman's office?

If not, it would be my suggestion, then, that we break for lunch, come back at 12:45, at which point we'll have the opportunity to hear from Mr. Hourihan and his staff regarding the Public Interest Commissioner's office.

Just to give the committee a heads-up, we have also reached out to the other remaining officers, and they are aware that we seem to be moving at a bit of a faster pace today and are willing to make themselves available at a bit of an earlier time as well to help progress our schedule.

I'll see you at 12:45.

[The committee adjourned from 12:15 p.m. to 12:48 p.m.]

The Chair: Well, thank you, everyone, and thank you to Mr. Hourihan and his staff for their patience while we rounded

everybody up on a Friday afternoon after lunch. Absolutely, we've got everyone back. We're back on the record.

We'll begin, then, with your presentation on the Public Interest Commissioner.

Office of the Public Interest Commissioner

Mr. Hourihan: Thank you. As you know, this is our third fiscal year of operation for the Public Interest Commissioner's office. Our role is to facilitate and investigate allegations of wrongdoing and offer protection to public servants who disclose wrongdoings and report reprisals within the public sector. We have jurisdiction over approximately 285 entities. These include departments, agencies, boards, commissions, postsecondary institutions, health sector agencies, including AHS, and school authorities. Physicians in large part are covered by the act as well.

One of our larger aims is to promote a culture within the overall public sector that encourages public servants to report a wrongdoing in their workplace and managers and supervisors to encourage and respond positively to any disclosures. Indeed, this purpose is the most important one, but we do recognize that that will take some significant time to achieve. The fear of reprisal is a significant issue, that's difficult to overcome, and we want to ensure that we do what we can to assist in this regard.

Our annual report this year provides information and articles about how our office works, including making a disclosure, and the role and obligations of chief and designated officers. The report also explains the decisions and work undertaken to analyze and investigate a disclosure; provides a strategic plan update; offers some perspective on the difference between a wrong versus a wrongdoing, which is significant, and privacy versus public interest, which is also significant; and several case summaries from the previous year's work.

Regarding our case summaries, which begin on page 17, we try and provide as much detail and information as we can about specific things, again, keeping in mind the protection of whistle-blowers and the sensitivity to public and private interest. As our office continues to develop and awareness of Alberta's whistle-blower disclosure system grows, we expect these case examples to become more numerous and more robust.

If you refer to page 27 in the report, you'll see our presentation of statistics, as was required under the act in section 33. Over this last reporting period or year our office received 225 inquiries that resulted in the creation of a file. The inquiries were categorized into the following categories: government departments, 58; education, 53; health authorities, 39; postsecondary institutions, 16; agencies, boards, and commissions, seven; offices of the Legislature, six; nonjurisdictional individuals or entities, 46.

We received overall 17 disclosures of wrongdoing, and they were all acted upon. Nine of those were made anonymously while eight were made by persons who identified themselves. Of those 17 disclosures, five investigations were commenced; six disclosures were referred to chief officers for follow-up at their level; three disclosures were referred to other agencies, including police and human rights; two were determined to be nonjurisdictional; and one anonymous disclosure was analysed although insufficient detail was provided, and no investigation could be undertaken.

As the commissioner I make recommendations to entities when a finding of wrongdoing is made. During this reporting period a total of eight investigations were concluded. Three determined that no wrongdoing had occurred. Three investigations determined that the allegations did not meet the definition of wrongdoing and were therefore not jurisdictional. Two investigations identified instances of wrongdoing. A total of eight recommendations were made. All

eight of those recommendations were accepted by the entities and were complied with by all of the entities in question.

As you may know, complaints of reprisal are received directly by my office and can only be accepted in the format prescribed in the regulations. Chief and designated officers do not investigate reprisals; instead, they refer those employees to our office. During this time period seven complaints of reprisal were received, and all were acted upon. Of those seven none could be supported through the following analysis and investigation. In four we determined that the alleged reprisal was not associated with the disclosure of wrongdoing, which is a requirement of the act. In one instance the investigation revealed that changes to the complainant's employment occurred because of a reasonable human resource management decision and not as the result of making a disclosure of wrongdoing. In another instance we determined that the entity was not jurisdictional to the act. Again, in another case we determined that the complainant was not an employee of the entity, which is also a requirement.

One message we've tried to convey since our inception is the difference between the meaning of something that is wrong versus what's a wrongdoing. Many people presume the act deals with something that's wrong in any form, like a breach of a policy or a code of conduct or matters that more properly fall within human resources. Indeed, there are many that believe it should include such activity, but of course I only have the authority of the act.

The annual report this year also features an article about a whistle-blower involved in what became a finding of wrongdoing related to Alberta Innovates. While we recognize that not everyone will share the same experience, we do see that there is value in hearing and sharing the perspective of an individual who saw something wrong, contacted our office, and eventually saw their disclosure lead to a finding of wrongdoing and also that there was no attempt by the government entity to reprise or retaliate against the individual, which is a positive step.

Three years ago, when I presented our initial budget proposal to establish the office, I indicated that awareness would be a critical part of our activities and would be a continuous necessity as opposed to an initial requirement. This has held true. Promoting effective and meaningful awareness of the act and the disclosure process will go a long way to addressing this issue as well as others. Over the past year we've continued to meet with public-sector organizations at all levels, from CEOs and deputy ministers to front-line employees. In this past year our office met with Covenant Health staff in Lethbridge, Castor, and Medicine Hat, and conducted government of Alberta departmental presentations in Calgary, Lethbridge, and Medicine Hat as well.

Of course, reaching out to public-sector entities remains a challenge on a number of fronts. The first is, of course, just the sheer number of work environments that we need to reach. With 285 bodies, there remains a lot of ground to cover, but we have made progress, and that's positive. To date all of the government departments have received, you know, posters and brochures that we've developed as well as postsecondary institutions and every health care facility operated by AHS and Covenant. As I mentioned, our staff make every effort to visit and host information sessions for employees and managers informing them of the rights and obligations under the act.

12:55

More importantly, all public entities covered by the act are required to provide internal awareness. This includes how their disclosure procedures work and who their chief and designated officers are. Although we're engaged in awareness activities with entities, I can say that departments and other entities need to do

more to ensure that employees are aware of how safe disclosures work under the act. More importantly, they also need to ensure that managers are aware so that they understand that whistle-blowing is something that should be celebrated, not ignored or discouraged.

Some organizations have done well in this area. One notable example, that we highlight in our annual report, is Covenant Health. However, make no mistake; we continually monitor even those entities that seem to be doing it right. But I do believe in highlighting positive work when an organization gets it right, and they've given us cause for optimism in terms of how they've aligned their safe disclosure system within the act. On that front we've been making significant progress with all the public entities.

That's sort of a brief overview of our annual report. I will turn it over to Ted Miles, who'll discuss our strategic business plan.

Mr. Miles: Thanks, Peter. The Public Interest Commissioner's strategic business plan identifies high-level outcomes, our priority initiatives, and performance measures. This business plan builds on our previous year, and we'll continue to focus our efforts on advancing service excellence, enhanced awareness of the act and the Public Interest Commissioner, and implementing the legislative amendments. I'll speak to each of those individually, starting with service excellence.

We believe that providing an excellent and professional service to whistle-blowers and public entities on behalf of the Assembly is of critical importance. It is the cornerstone of our program and leads to promoting confidence in Albertans of the transparency and integrity of public entities. Having said that, we remain a relatively new office of the Legislature and have continued to modify our methods and evolve as we've gained experience and identified best practices over the past three and a half years.

We recognize the need for investigators to have not only the right skills to conduct comprehensive investigations, but also they must possess strong people skills and compassion to work with those employees who are often scared and frustrated when they come forward. In addition, they have to manage the concern of entities which are being investigated. We believe strongly – and it has been a consistent objective since our inception – in investing in our staff. It is imperative that they have a clear understanding of the act and possess the knowledge and ability to conduct comprehensive, unbiased, and independent investigations as well as being able to deliver fair and accurate reporting upon the conclusion.

We consistently strive to meet the timelines and work with entities to alleviate their concerns, remove barriers, and accelerate the pace of our work to comply with the act. We're often challenged in achieving the 110-day timeline as set out in the act. However, there have been improvements in this area, and we will continue to push for progress in the upcoming year. Many of the delays experienced occurred as a result of an internal learning curve, but a significant number occurred when we found ourselves engaging for the first time with a department or an entity who was unsure of our process, our authority, and the scope of our investigations. I am happy to report that we have substantially improved incidences of that initial apprehension and have developed strategies to remove barriers, which will translate into increased achievement of our timeline goals. In all cases where we've exceeded the 110-day timeline, the commissioner has provided an extension to us, as is permitted under the act.

Regarding the enhanced awareness of the act and the Public Interest Commissioner's office – Peter has already spoken about awareness – it is a significant priority for us. Over and above what he mentioned, our strategic plan sets a course for our office, and included in some of those initiatives for the next fiscal year are: working collaboratively with chief and designated officers to

ensure compliant processes and procedures are developed; meeting directly with employees to provide guidance, lectures, presentations, and promotional and educational materials; encouraging chief officers to widely communicate information about the act and procedures to their employees, a responsibility which the act places upon them; and continuing to enhance our website and leverage social media opportunities.

Lastly, we've identified the implementation of legislative amendments. As you know, the Public Interest Disclosure (Whistleblower Protection) Act came into force in June 2013. In accordance with section 37 of the act a comprehensive review was undertaken in this fiscal year by the all-party Select Special Ethics and Accountability Committee. The committee's work resulted in a total of 21 recommendations and suggested amendments, and these amendments have been submitted for consideration by the Legislative Assembly. We've identified this as our final priority, and it is important as an expanded scope is contemplated; an example being the inclusion of new entities which provide care services for vulnerable Albertans and placing that under our jurisdiction.

Our office, which has been engaged in this process since the start, anticipates that the involvement will continue through the drafting, enactment, and, ultimately, the implementation phase of any amendments. This plan envisions our role and involvement to continue in terms of providing subject matter expertise and advice concerning practical applicability based on our experience to this point in time. In addition, it accounts for the development of plans and strategies that will be required for the delivery to and education of our stakeholders concerning any amendments, and, of equal importance, it includes the development of plans and material to inform employees who will be impacted by any of those amendments.

That's it for the strategic plan overview. I'll turn it over to Suzanne, who can speak to the budget estimates.

Ms Richford: Thanks, Ted. This one will be much shorter than the Ombudsman's budget presentation because we've elaborated on a lot of issues in our development process within the Ombudsman's budget presentation. This is the Public Interest Commissioner's fifth budget, and each fiscal year we are able to refine the budget based on actual experience and results of the office, and this 2017-18 budget is no exception to this. Because many of the items, as I said, are mentioned before, I just have the following items to highlight.

In 2015-16 the Public Interest Commissioner's office spent \$174,000 less than the approved budget. This was primarily due to unplanned employee vacancies and leaves of absence as well as less than expected travel, contract services, and materials and supplies expenses.

For 2016-17 the office is forecasting to spend \$110,000 less, again, than the approved budget. This is due to a position that was vacant for the full fiscal year and the previously discussed shared services streamlining initiative.

The office of the Public Interest Commissioner's 2017-18 budget estimate is \$1,264,000. This is a \$33,000, or 2.7 per cent, increase over the 2016-17 budget.

The previously mentioned shared services position transfers from the Public Interest Commissioner to the Ombudsman resulted in a decrease to the office's personnel expenses and elimination of the office's cost-recovery budget line. However, the office's contract services budget increased to reflect the cost of communications and administrative services now provided by the Ombudsman's office. A small budget was also added for external consulting and office expenses for the Public Interest Commissioner.

As with the Ombudsman's budget the Public Interest Commissioner's salaries budget does not contain cost-of-living or merit increases, again leaving the salaries at the level from April 1 of 2015.

The only other budget line item with an increase is telephones, and once again, as with the Ombudsman, we are assuming responsibility from Service Alberta for the management and cost of the telephone land lines.

Peter will now provide closing remarks, and then we'll be pleased to entertain your questions.

Mr. Hourihan: Yeah. I guess my closing remarks at this point in terms of the budget are just to highlight that, on the one hand, we require a reduction of \$63,000 at the Ombudsman level with an increase of \$33,000 at the Public Interest Commissioner level, for the most part just in relation to that shift in the way we were accounting for the support services that we provide to both offices, for an overall small decrease of \$30,000, which is, basically, holding the line, as I said, at the initial stage.

1:05

Before I turn it over to questions, I just would like to again remind everybody that this is my final presentation to the committee in this regard as I am completing my term. I would like to say that it's been an honour and a privilege to serve both as the Ombudsman and as the Public Interest Commissioner in all ways. My predecessors in the Ombudsman office have left a long legacy, and I hope that I was able to contribute to that somewhat. It also has been quite gratifying to have helped lead the establishment of this Public Interest Commissioner office from day one, in 2013. It's been a pleasure interacting with this committee as well as the Legislative Assembly.

With that, I'm ready for any questions you have.

The Chair: Thank you to all of you for that presentation.

At this point I'll open the floor to questions from members. Mrs. Littlewood.

Mrs. Littlewood: Thank you. Thank you, Mr. Hourihan and to all of your staff. Obviously, your lasting legacy will be felt by the Legislature as we spent a number of months together over the summer going over recommendations.

With that, I'll start with one question here. On page 7 of the business plan you indicate in performance measure 1(a) that during the reporting period investigation timeline compliance was 75 per cent, and then your targets go down and then up over the next three subsequent years. I'm just wondering if you could explain that.

Mr. Miles: Well, the targets that were set in there were initially set last year, and as we move forward, this year we had a very good year on meeting those timelines through some of the initiatives and strategies we've undertaken. Clearly, we're seeking, ultimately, one day to be able to have one hundred per cent. However, because of the way our investigations are, I think there will always be a time when we're not going to achieve that. We are striving to eventually get higher than that 75 per cent.

Mrs. Littlewood: What was your target for the current year? You have 75 per cent compliance, but I'm just wondering what your target was.

Mr. Miles: We were at 60 per cent.

Mrs. Littlewood: Your target was 60?

Mr. Miles: That's correct.

Mrs. Littlewood: Thanks.

The Chair: Do any other members have questions for Mr. Hourihan or his staff? Mr. van Dijken.

Mr. van Dijken: Yes. Thank you, Chair, and thank you to the Public Interest Commissioner and staff that are here today for the work you do. I want to congratulate you on the work that you're completing and moving forward in life.

One thing I'd like to speak about is engagement with employees and offices within the public sector and public service. You've highlighted Covenant Health and the success that has been identified there in good employee engagement in the identification of wrong or wrongdoing. You know, that's part of the identification process. I guess my question is about – and it's highlighted as one of the goals – promoting the office within the employees and in the workplace in the public service. You were engaged with Covenant Health to actually help to educate the system there. Are we seeing that in other workplaces also? What is the office doing to help promote awareness with regard to whistle-blowing?

Mr. Miles: We have sort of an outreach set up with a number of chief officers, which are at the DM level of departments and CEOs with ABCs, et cetera. All we have the ability to do is to extend our availability to them and request that they make time for us. The actual responsibility as set out in the act is for the chief officer to widely communicate to their employees. It's a requirement of the act for them to do that. We've taken the approach to this point in time of reaching out to those chief officers to offer our assistance and make ourselves available and encourage them to set up sessions for us to be able to get into their organization and do that.

In the example that we had in our annual report last year with Covenant Health, we reached out to their designated officer, who embraced this and set up presentations for us in almost every major hospital that fell under Covenant Health within Edmonton and Calgary as well as where they had other facilities around the province. I think we did in total about 10 presentations and had employees at all locations at least become familiarized that there's an act that will protect them. We're really hoping to be able to have that kind of success with other organizations as we continue to move forward throughout the year.

Mr. Hourihan: Yes. I would just like to add that we did have presentations with the Solicitor General's office in terms of some of the correctional centre workers and others, with seniors, with Alberta Health. There's been a variety. We're encouraging them to come out and enable us to go in and give presentations. As well, and probably more importantly, we're encouraging them to make sure that they provide awareness internally to their own organizations.

From my side of the fence it's easy to say, I suppose, but we would like to see more action in that regard because not as many people are as aware as we'd like them to be. At the same time, we recognize that there can be challenges with that when organizations send out letters or send out e-mails, put things in websites or within policy manuals. They believe that they've provided that information, but it's got to be read, so it's a challenge. It's a challenge on all fronts, so the important piece there is to make sure that offices like ours as well as the chief officers or, more importantly, probably the designated officers keep their eye on the ball in that regard and keep pushing the envelope.

Mr. van Dijken: Thank you.

The Chair: Mrs. Littlewood.

Mrs. Littlewood: Thank you, Chair. I am just wondering about, you know, your intent of ensuring that there are processes developed so that there are clear guidelines of how the reporting works in different entities. I'm curious. Do you have any idea of how many entities currently might not have processes that are clearly laid out? There are a lot of – well, 300 entities across Alberta. Without presuming before legislation is brought before the House, I mean, the Ethics and Accountability Committee did discuss and recommend that scope being expanded to contracted services. Obviously, that's going to create, you know, more work and more accountability as well. So I'm just wondering how you see that possibly, potentially taking shape if it is expanded and also just how you work to implement those services or those processes where they are currently in the act.

Mr. Hourihan: Well, one of the provisions of the act is – I'll start there. There's no requirement, if you will, for an entity to put together disclosure processes and policies under the act in the sense that if they do not do it, then the responsibility falls to our office, not to make the policies and procedures and put them in place, but any employees from an organization which does not put together a process and a plan can complain directly to our office, and we will look after it.

That said, that's not the intent of the act. The intent of the act is that all departments, agencies, boards, and whatnot – all jurisdictional entities – will put together something. When we started business, in 2013, we initially sent out letters to every entity that we could determine fell under our jurisdiction or possibly fell under our jurisdiction and asked them to answer a number of questions: number one, did they have a designated officer, which they don't have to have because without one it just falls to the chief officer or the CEO or deputy minister, that level; and to advise that if they did have procedures, to provide us with a copy of them if they wanted to or to have us look, and we'd be happy to give them a hand in getting them up to date.

For all intents and purposes the response was excellent. It took a little while. Most notably, it took a long while with the educational institutions, but to be fair, we went out with a letter – you know, we went out to everybody in early June with the letters. That's probably the most inopportune time to send something to the educational institutions across the province. But we followed up after, knowing that that was the case, and we've been receiving pretty good responses.

1:15

There's no requirement that we go out and actually ensure that everybody does have a policy or that it conforms, but we reach out and we offer that service to anybody who wants to. We put a variety of them on our website, the ones that are out there that we suggest do meet the needs and are good and best practices. Most notably, MacEwan University, I think, was on there and Alberta Health Services. The government is on there, the GOA, the public service in general, and a variety of them where people can go. We just try and reach out. We've got investigators who continually reach out to different organizations to check up on their progress in terms of putting their policies and procedures in place and just ensuring that we're there to answer questions and help them along.

The Chair: Excellent. Any other members have any further questions for Mr. Hourihan or his staff?

All right. Seeing none, we'll thank you for your time. Thank you for coming today, and on behalf of this committee we thank you for your service and your dedication on behalf of the people of Alberta. We wish you all the best.

Mr. Hourihan: You're very welcome. Thank you.

The Chair: We'll take a couple of minutes, then, to allow the office of the Child and Youth Advocate to come in and get set up, and then we'll begin.

[The committee adjourned from 1:16 p.m. to 1:19 p.m.]

The Chair: All right. We're back on the record, then. We have the office of the Child and Youth Advocate here with us. Quickly, before we begin, I just wanted to review the members that we have currently joining us on the phone. I think we may have had a couple that have come in recently. I'm not quite sure what the best way to approach it is, but if we could just quickly run through the members that we have on the phone. If you're with us on the phone, could you just quickly identify yourself for us, please?

Mr. Cooper: Nathan Cooper, MLA for Olds-Didsbury-Three Hills.

Cortes-Vargas: Estefania Cortes-Vargas, MLA for Strathcona-Sherwood Park.

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

Mr. Ellis: Mike Ellis, MLA, Calgary-West.

The Chair: Any other members with us? Excellent. Thank you.

With that, then, I will hand things over to Mr. Graff and his staff. I'd ask them to make their presentation. We've got about 20 minutes set aside for you to make your presentation, and then we'll have the opportunity for members to ask some questions. Please, go ahead.

Office of the Child and Youth Advocate

Mr. Graff: Okay. Good afternoon, Chairperson Shepherd and committee members. I want to thank you for providing us with the opportunity to meet with you this afternoon to discuss our 2015-16 annual report, our three-year business plan as well as our proposed 2017-18 budget estimates.

Before we begin, I would like to introduce some members of my staff who are joining me this afternoon. On my left is Jackie Stewart, our executive director of child and youth advocacy, and on my right is Bonnie Russell, who is our director of strategic support. These are people who have appeared before you on previous occasions.

Mr. Chairman, today's presentation will focus on who we are, past and current accomplishments, our path forward in the coming years along with our budget requests for 2017-2018.

The Child and Youth Advocate Act was proclaimed on April 1, 2012, making our office an independent office of the Legislature. The act is currently under review by this committee. Our office provided a written submission to the committee that we look forward to discussing with you at a later date.

As you know, our office advocates for some of Alberta's most vulnerable young people. The functions of our office can be grouped into individual and systemic advocacy, legal representation, investigations, engagement and education, and internal organizational support. Our advocacy practice framework guides our practice, links our functions, and reflects a balance of what we do.

I would like to highlight some key points that will help you to understand who we are. We have 67 staff located in Edmonton and Calgary who are committed to making a positive impact on young people's lives and supporting them through some of their most

difficult challenges. We represent young people's rights, interests, and viewpoints with decision-makers. We educate young people and caseworkers and communities on the rights of young people. We identify systemic issues and make recommendations to improve government services for vulnerable young Albertans. We are not only involved in advocating for children's rights at the provincial level but also at the national level through our involvement with the Canadian Council of Child and Youth Advocates.

I'll now turn your attention to the Office of the Child and Youth Advocate's 2015-16 annual report, which was tabled in the Legislature on November 9. Our annual report highlights the major activities undertaken during the reporting period from April 1, 2015, to March 31, 2016. The annual report focuses on the importance of making and keeping connections.

We work to fashion, nurture, and enhance relationships. This allows us to help young people learn about and exercise their rights, and it helps others to understand and acknowledge the rights, interests, and viewpoints of vulnerable children and youth in our province. We work hard at strengthening relationships between the OCYA and young people so that more children and youth can benefit from our services. When we assist young people, we ensure that our relationships are genuine and foster trust.

We have worked to strengthen our connections with government systems as well. This allows us to better advocate for meaningful change that can improve the circumstances for young people across the province. Through these connections we will be working on a memorandum of understanding with youth justice. Some of the most significant relationships we've made in 2015-16 were those with indigenous young people, with elders, families, and communities. We will speak to this further on in the presentation. With stronger connections our office is in a better position to help vulnerable children and youth in Alberta.

Today I'll begin with the investigations area. Over the past couple of weeks there has been significant discussion happening within the Legislature and media regarding an investigative report that we recently released on four-year-old Marie. What happened to this little girl is tragic and troubling. It is my office's responsibility to identify systemic issues arising from this situation and make recommendations to government that will help to improve the effectiveness of services to Alberta's children in hopes that this type of circumstance won't happen again. This report identified systemic issues related to kinship care and assessments prior to the termination of guardianship. I made three recommendations in the report that the Ministry of Human Services has accepted.

1:25

It's not only the three recommendations made in this report that I want to see acted upon. As highlighted in the annual report, between April 1, 2015, and March 31, 2016, we completed eight investigative review reports and made 29 recommendations. This included a report called *Toward a Better Tomorrow: Addressing the Challenge of Aboriginal Youth Suicide*. This report examined the experience of seven young aboriginal people who tragically took their own lives.

Other key activities that took place in the 2015-16 year included fully staffing our investigations team, finalizing the investigative review policy, and implementing a new investigations information system.

In 2016 our office received 53 reports of child deaths or injuries. Twenty-four young people were receiving child intervention services when they were seriously injured or died, and 29 people had received services within two years of their death or serious injury. Of the 53 reports of child deaths or serious injuries 12 were

accidental, 11 were medical, eight were victims of violence, 12 died by suicide or had attempted suicide, and 10 were undetermined or the matter or cause of death was still under review. Between April 1 and September 30 of this year we've received another 38 reports of serious injury or death. That's in a six-month period.

As we look ahead, we will continue to address the reports received of serious injuries and deaths. We will share the experiences of these children and youth with the goal of having similar tragedies prevented from occurring in the future. We have piloted a vicarious-trauma program and will continue to build on it because of the impact of this work on our staff.

I'll now provide a brief overview of our engagement and education initiatives. An important focus of our organization is engaging young people about their rights and about how they can exercise their rights. Through presentations, workshops, and hosting information booths we build awareness of children's rights and the work of our office. We've provided 242 engagement and education sessions, with approximately 12,000 people participating.

November 20 each year is National Child Day. Last year our office supported and championed National Child Day in Alberta by launching a video contest to help children and youth learn about their rights. I recommend that you have a look at the videos that are posted on our website.

Youth engagement is a highlight of the work that we do. The OCYA has a youth panel with young people from across the province. These young people meet quarterly to provide input, advice, and feedback to our office. Youth also participate on our hiring panels and participated in the photo shoots for our annual report.

Our engagement and education division connected with indigenous young people, elders, families, and communities to hear their stories and experiences with the child welfare system in Alberta. Their input led to the special report called *Voices for Change: Aboriginal Child Welfare in Alberta*.

We heard from over 960 people across Alberta through focus groups, surveys, phone interviews along with forums held with treaties 6, 7, and 8 and the Métis Nation of Alberta. A copy of this report was provided to committee members in July of this year and is also available on our website. Please take the time to look at the video for this report. It's on our website. We've had over a thousand visitors view this video. Just this past week we were invited to speak at a symposium of treaties 6, 7, and 8 chiefs and stakeholders about our special report and recommendations. It was very well received.

As we look ahead, our engagement and public education initiatives are ongoing. We continue to speak at various conferences to promote the rights, interests, and viewpoints of young people and to bring awareness to the work of our office. We will also continue to provide awareness of children's rights through sessions such as *School at the Legislature*, treaty education conferences, and information booths at teachers' conferences.

A significant focus, as outlined in our business plan, is to continue to enrich our relationship with indigenous communities and to encourage the implementation of recommendations made in our special report to address the overrepresentation of indigenous children in the child welfare system in Alberta. We will continue to incorporate the United Nations declaration on the rights of indigenous peoples into the work of the OCYA.

We are also continually looking at ways to enhance our engagement tools with young people such as online training modules, youth-friendly evaluation tools, increasing our social media presence through an interactive smart phone app, and even a youth Twitter account.

I'll now turn it over to Jackie, who'll talk about individual advocacy.

Ms Stewart: Thank you, Del. Good afternoon, Mr. Chair and members. I'd like to touch on the work that we do in individual advocacy. Individual advocacy is responsible for representing the rights, interests, and viewpoints of young people who are receiving services under the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act or are involved with the youth justice system. We work directly with young people to support them in having their rights and interests affirmed and acted upon. We provide a consistent model of individual advocacy.

Some highlights from 2015-16 include that we served 2,535 young people. This is consistent with the number of young people that we served in the previous fiscal year. We served young people through screenings, information gathering, and working on advocacy issues with an advocate. Forty-two per cent of the young people we served were between the ages of 12 and 17 years. We saw a 13 per cent increase over the prior year in the number of young people aged 18 and older. We saw a 17 per cent increase in the number of self-referrals.

In the past year individual advocacy focused on improving our skills in working with young children, including through training and research. As we look ahead in individual advocacy, we continue to explore ways of enhancing the services we provide to younger children. As some young children are unable to direct advocacy or provide feedback on the services that they are receiving, it's important that we take extra steps to effectively assist these young children.

As well, we are further developing our knowledge of and connections to cultural groups by attending cultural camps, ceremonies, and community events.

I'd now like to highlight some of the work of our office in the area of systemic advocacy. We're proud of our systemic advocacy efforts as they help to improve circumstances for young people receiving services from child intervention, youth justice, and other government systems. When government acts on our recommendations, we see positive changes for young people. An example of this is that based on the special report we issued in April 2013 entitled youth aging out of care, from the fiscal years 2013-14 to 2015-16 we have seen the number of young people receiving a support and financial care agreement increase by 80 per cent, from 793 to 1,492.

Some of the key activities undertaken by our office in 2015-16 were that we presented to the mental health review committee to provide a unique perspective on mental health issues that affect children and youth. We organized a fetal alcohol spectrum disorder workshop to discuss emerging issues concerning the rights of young people affected by FASD. Participants included staff from our office and staff from Human Services and delegated First Nation agencies. We have already observed changes in attitudes and ways of working with FASD-affected young people.

Another key systemic advocacy activity involves working with young people who are newcomers to Canada. These young people sometimes experience barriers when receiving or trying to receive government services. We've been connecting with various community cultural groups such as the Multicultural Health Brokers and the Centre for Race and Culture. These community connections have helped us to enhance our knowledge, which in turn has strengthened our ability to help young people.

In looking ahead, our systemic advocacy team has become fully staffed, which allows us to move forward in a number of areas. We've developed and are piloting a new systemic advocacy process, and over the course of the next year we'll be working on a

special report to identify systemic issues for sexually- and gender-diverse youth involved in the child intervention and youth justice systems.

1:35

The legal representation for children and youth program, or LRCY, as we sometimes call it, is responsible for appointing lawyers to represent young people involved in the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act. Some of the highlights of the LRCY program in 2015-16 include that we made 1,093 appointments to LRCY lawyers, which involved 1,652 children. These numbers are very similar to the prior year. We celebrated 10 years of providing legal representation to children and youth in Alberta. We hosted the third biannual Best Practices in Child Legal Representation Conference in Calgary, that looked at new areas of practice, and we completed panel interviews with all of our roster lawyers and signed new roster agreements.

In looking ahead in LRCY, we will provide training to lawyers on child development and interviewing younger children. We'll be partnering with the Canadian Research Institute for Law and the Family to host a conference in September 2017 on children's participation in justice processes. In addition, we'll be adding roster lawyers experienced in working with immigration and indigenous young people. As well, we'll be adding lawyers to our roster who practise in remote communities.

Through our quality assurance efforts we evaluate the effectiveness of our services to young people. Our quality assurance functions have been consolidated into the systemic advocacy, evaluation, and research unit. As indicated in our business plan, we are currently undertaking a review of our existing service standards for advocacy and legal representation to determine their effectiveness. At the same time, we're looking at developing new service standards for areas such as investigations and public education along with incorporating the CCCYA national standards into our standards.

We're also reviewing our performance measures and targets. Our business plan provides targets for the existing measures for the 2017-2018 fiscal year only as we intend to have new performance measures and targets in place for next year's business plan.

I'll now turn it over to Bonnie to provide some highlights for strategic support.

Ms Russell: Thank you, Jackie. Good afternoon, Chair and committee members. I'm pleased to provide some highlights for strategic support. Strategic support is responsible for the inner workings of the office, from resource planning to finance, information technology, human resources, facilities, and administrative support.

Key undertakings in 2015-16 included migrating the OCYA's seven program applications out of the Ministry of Human Services' IT environment into the OCYA's IT environment, implementing the investigations information system, and launching an internal SharePoint site to support internal communications. We also continued to work with our partner in legislative offices to improve shared IT services and to address system resumption and disaster recovery requirements. We entered into a shared service arrangement with the Department of Education to provide human resource services to the OCYA. We also worked with Alberta Infrastructure to relocate our Calgary office, which took place just this past July.

Looking ahead, the strategic support division is focused on implementing a human resources strategic plan with a focus on achieving high performance, strengthening succession and

leadership capacity, creating diversity in recruitment practices, and promoting the OCYA through increased awareness. We will continue to develop and implement controls and training to support our occupational health and safety needs. Our business plan will be refined to better reflect our goals and priorities. We'll also be reviewing and updating our information management practices, and we'll continue to identify operational efficiencies and ensure prudent use of financial resources.

I'll touch briefly on the financial results for 2015-16 as highlighted in our annual report and in the audited financial statements. This slide provides a summary of the OCYA's budget and actual voted expenditures by program. Our 2015-16 voted budget was \$13,242,000. Our total expenditures were \$13,188,000, leaving an unexpended amount of \$54,000. Our unexpended budget came primarily from staff vacancies throughout the year. Savings in salaries were offset by increased expenses for the Child and Youth Advocate's special report and the migration of OCYA's applications.

I'll now turn it back to Del to present our request for the 2017-18 budget.

Mr. Graff: Thank you, Bonnie. I would like to present now to you our request for the 2017-18 budget. The 2017-18 budget estimate for the office of the Child and Youth Advocate is \$13,242,000. In this current economic climate we are asking for no increase from the approved 2016-17 budget. We have reallocated funding between our programs to address additional funding pressures in some areas.

I'll now turn it back over to Bonnie, who will walk through the budget estimates with us.

Ms Russell: Thank you, Del. The office of the Child and Youth Advocate's budget is broken down into seven program areas to provide transparency on how our funding is allocated and used across the organization. As Del had indicated, we are requesting no increase from the prior year. However, we have made slight adjustments between programs in order to adjust for pressures internally. Many of these adjustments relate to how we calculate employer contributions. In the past we have applied a single rate to all employees for employer contributions. This year we have adjusted our practice to address differences in pension plan contributions between employee groups.

I'll highlight a few of the program adjustments that we've made. The 2017-18 budget estimate for advocacy services is \$2,953,000. This reflects an increase of \$126,000 from the previous year, \$89,000 of which relates to employer contributions, and the remaining increase of \$37,000 relates to travel.

The other program that you can see an increase in is LRCY and intake services. There is an increase of \$121,000 from the previous year, bringing this budget to \$3,752,000; \$100,000 of this increase is attributed to legal fees and disbursements to address the current caseload levels. We have also provided \$25,000 in additional funding to this area to support our collaboration in the Children's Participation in Justice Processes conference.

To address the increases in advocacy services and legal representation, we have reduced the budgets for systemic advocacy, evaluation, and research by \$83,000. We have reduced salaries and benefits by \$47,000 and contracted services by \$36,000.

Investigations' budget has been reduced by \$100,000, bringing the budget to \$1.6 million. This reduction primarily comes from contracted services and travel. As our organization has become fully staffed, we rely less on contracted resources to assist in investigations, report writing, and research.

Engagement and education's budget has been reduced by \$53,000. This decrease is primarily in contracted services. In the prior year this budget had been increased to address the work involved with the advocate's special report. Strategic support has a net reduction of \$14,000.

We continue to ensure prudent use of our financial resources. I'll now turn it back to Del to wrap up.

Mr. Graff: Thanks, Bonnie. Chairperson Shepherd and committee members, in conclusion, we are asking you to approve the OCYA's budget of \$13,242,000 to provide quality advocacy services to some of Alberta's most vulnerable child and youth populations. The 2017-18 budget provides for no increase over the 2016-17 budget and the 2015-16 budget. This budget reflects a hold at the same budget level for three years in a row. I also want to point out that this budget request does not address changes that may be made to the Child and Youth Advocate Act. If the Legislative Assembly were to approve changes to the mandate of the Child and Youth Advocate, any implications would be addressed at that time.

As an independent Child and Youth Advocate I actively promote accountability within the government systems that serve children, and I do the same for my office. We are committed to the young people that we serve. We will continue to advocate on their behalf so they can receive the support they need to make positive progress in their lives. Through the review of our service standards and improved performance measures we will continually strive to improve the services that our office provides to young people.

Chairperson Shepherd, I want to thank you and this committee for the opportunity to talk with you about our past accomplishments, how we are moving forward as well as our 2017-18 budget request. We'll now be happy to respond to any questions that you have.

Thank you.

1:45

The Chair: Thank you, Mr. Graff and to your staff for that presentation.

At this point, then, we'll open the floor to questions. Members on the phone, do we have any questions for Mr. Graff or his staff?

Mr. Malkinson.

Mr. Malkinson: Thank you very much, Chair. Looking through the budget, I see from the explanation of changes to the budget that there have been some shifts between categories. Some of the programs register a reduction in expenses while others increased. I appreciate that the overall amount was held to a zero per cent increase overall, which in these tough fiscal times I think is much appreciated. I was just wondering. One of the expenses that was reduced was a reduction in mailings out to youth. I was just wondering if there was going to be any negative impact there, from your point of view, on that particular reduction.

Mr. Graff: Perhaps I can provide a short response, and then if Bonnie has anything to add, she can.

Mr. Malkinson: Please.

Mr. Graff: One of the things that we found was that when we do a mail-out, for example, for our newsletter, we are actually doing a physical mail-out, and the number of returned newsletters that we were getting was really quite high. We decided that we were going to change that to an electronic mail-out and then have kind of select areas where we would physically mail out the physical newsletter documents. That resulted in a significant reduction in some of those costs. There are things like that that we have done that make a

difference to us. You may not know, but we distribute thousands of our newsletters.

Bonnie, did you have something to add to that?

Ms Russell: The other thing is that we also have staff who, when they're going out to group homes and other facilities and that, are also taking a number of the newsletters and pamphlets and that with them, so we no longer have to mail out to those group homes.

Mr. Malkinson: Thank you very much. That actually makes sense when you're talking about that. It seems like you're focusing your mail-outs on those groups that would be most receptive to them instead of sort of doing the blankets. That makes sense to me. Thank you very much for the clarification.

One more thing. When I was looking through it, I was noticing that your employer contributions are increasing by 4.4 per cent while salaries and wages are decreasing by .8 per cent. Could you provide a bit of an explanation for the discrepancy? I felt like you may have touched on that in your initial presentation when you were speaking of – you were doing a calculation of how you do benefits a little bit differently in this budget year. Somebody could maybe provide some clarification, whether it's related to this discrepancy, some clarification on that.

Ms Russell: Yes, it is. In the past we had used a combined rate to calculate our employer contributions. In the past we used a rate of 25.5 per cent. However, based on the fact that a number of our employees in that are in different classifications – and with respect to the pension contributions for management classifications they are significantly higher than for the public service contributions to the employee pension plan contributions. We have adjusted this in order to reflect appropriately within each of the program areas. With respect to advocacy services, where those individuals contribute to the management employee pension plan, that has been increased. In other areas, such as strategic support, it has been decreased.

Mr. Malkinson: Okay. Perfect. Thank you so much for that clarification.

That's it for me for questions, Mr. Chair.

The Chair: Any other members have any questions for Mr. Graff or his staff? Any members on the phones? All right.

If not, then we'll thank Mr. Graff and his staff for joining us here today. I appreciate your presentation. We will be voting on things later this afternoon and informing everyone of the results next week.

Mr. Graff: Thank you.

The Chair: I understand that the Ethics Commissioner is here. We'll just take a couple of minutes to change things over, allow her and her staff to get settled in, and we'll begin.

[The committee adjourned from 1:49 p.m. to 1:53 p.m.]

The Chair: All right. Our last budget presentation of the day is from the office of the Ethics Commissioner. I'd like to welcome Ms Trussler and Mr. Ziegler, here to speak with us, and thank them for their accommodation in helping us expedite the business of the committee today. We'll give you an opportunity now to make your presentation. We've got about 20 minutes for your presentation and then the opportunity for some questions from the committee.

At this point I'll hand things over to you.

Office of the Ethics Commissioner

Ms Trussler: Thank you. We're pleased to be here today to present our budget for 2016-17. Last year was a very busy year as we continued our annual financial review of now approximately 225 members, designated office and political staff. I understand that's about to grow. This is a substantial increase, almost doubling in terms of number and workload of those reporting to my office since I started in May of 2014.

With respect to the financial conflict-of-interest screening work of our office, we had a high level of compliance from individuals providing their personal and financial information within the prescribed times. There were a few individuals that did not meet the deadlines that were set out or resisted complying with our requests for further information. We worked through the challenges with those individuals this year, and I decided not to report them by name. However, from January 2017 onwards I will name in my annual report those who did not fully comply with the reporting requirements or deadlines.

Last year our office spent considerable time preparing a submission to the Select Special Ethics and Accountability Committee, setting out over 30 important recommendations for changes to the Conflicts of Interest Act. We were discouraged to learn that the select committee did not have the opportunity to consider our submission and make recommendations.

During the fiscal year 2015-16 there was a continued increase in requests for advice. In fact, requests for advice have more than doubled in the two years since I took office. This past year we had 540 requests for advice, and I attribute the bulk of the increase to the high number of new MLAs and the desire by all members, regardless of party affiliation, in wanting to make sure they comply with the Conflicts of Interest Act. We're pleased to have so many questions from the members as it proves that you take your obligations seriously and none of you want to misuse your office for financial gain.

With respect to investigations last year we had only one complaint, and it was about Premier Notley, and as I discussed in our annual report, I concluded that the Premier did not further her or her family's private interests in that case.

From the lobbyist registrar perspective we received requests for information and advice about obligations and requirements under the act at the same rate as the previous year. Statistically we have 217 registered consultant lobbyists and 353 organization lobbyists; however, we received almost 400 initial filings or regular returns this past year, 500 change notices to current registrations, and over 100 registration termination requests. There were no requests for an investigation under the Lobbyists Act from April 2015 to March 2016.

Turning to last year's budget, I can report that we came in under budget by approximately \$365,000. Last year the committee approved an extra \$200,000 for the development of the new lobbyists registry; however, we only signed the contract for the new registry at the end of the year, and the expenses for the new registry will be incurred in the current budget, the 2016-17. However, excluding that \$200,000, we were still under budget by approximately \$176,000, which is approximately 19 per cent.

I'm also pleased to report that thanks to the efforts of our staff and our contractor, FCI Accelerated Solutions, the registry project was on time and on budget. We took care to eliminate our biggest risk for the project by having lobbyists reregister rather than trying to migrate outdated data from the old system to the new system. At the moment we've reregistered approximately 20 per cent of the lobbyists because we decided to do it over a five-month period.

Now I'll walk you through an explanation of some of the notable expenditures and savings from last year. We were under budget in personnel expenses. This was primarily due to the fact that our former general counsel was a full-time employee whereas Ms Robins was only a .7 FTE. We also saw some savings in allowances and benefits as we provided less training to our staff and covered fewer outside expenses for professional memberships and related allowances. The valuation adjustment figure you see pertains to a retroactive recalculation for a former general counsel's severance package with respect to pension entitlements, which had to be attributed to the 2015-2016 reporting year.

Given the economic environment we also cut our travel expenditures by 44 per cent. Typically our travel costs pertain to attendance at various seminars and relevant conflict-of-interest and lobbyist conferences. While not attending all these conferences does impact our awareness of emerging trends and issues nationally and limits learning opportunities for our staff, we found it reasonable to cut back on the number of seminars and conferences.

As you can see, our biggest budget savings area was in contract services, where we saved \$53,000 from our allotted budget. Since I took office, we have engaged next to no consultants, and because of my legal background and the ability of my counsel, Ms Robins, no referrals to outside legal counsel were necessary.

It might seem that our IT costs were down significantly; however, as I alluded to earlier, \$200,000 of the budget was allocated for the registry rebuild, which was not spent in that fiscal year. If you take out that \$200,000, we were actually over budget by \$5,000. We have spent the \$200,000 in the 2016-17 fiscal year. So our budget request for 2017-18 for technology services is back down to the \$120,000, which almost mirrors previous annual IT costs.

We also saw savings of over \$30,000 in supplies and services, and that's more reflective of our frugal approach to expenditures than any major operational changes.

2:00

If I could just give you a slight update on what's been going on since April till now. Over the summer and this fall we worked on completing the new lobbyists registry. It's now up and running smoothly. We've had some very positive feedback. We've had the sort of minor glitches you'd expect with a new registry, but the project is everything we'd hoped for. I think part of our success in this venture is because we engaged the lobbyists community early, and we turned their valuable feedback into positive changes to the website and the system.

We've also recently prepared and submitted a report to the Resource Stewardship Committee containing our recommendations, which would strengthen the Lobbyists Act. Some of these changes are bold and visionary, and I'm hoping members of the Assembly will consider adopting them. We have a chance to lead the country in terms of positive and long-needed changes to the Lobbyists Act to improve transparency and lobbying.

As you are aware, you reclassified my position from .7 to .8 this fall, but that should not impact our budget going forward. Also, to accommodate the extra pressures of building the new lobbyists registry, we have temporarily reclassified our lobbyist registrar and general counsel from .7 to full-time, but that will only impact the current budget year. We expect to move Ms Robins back down to .8 in the new year, once all the registry rebuild and the reregistration work settles down. We've also hired a part-time, a .5, lobbyist registrar executive assistant to assist with the registry rebuild and to help the lobbyist registrar with her duties going forward.

Now I turn to next year's budget. I'm pleased to note that it's one of the lower operating budget requests from this office in the past years. In fact, it is \$24,000 less than '14-15 and \$18,000 less than

'13-14. Given the current economic climate we're doing our best to reduce overall expenses whenever we can. I'm happy to operate on such a small budget; however, I fear that we have found almost all possible efficiencies in terms of our operations, processes, and savings areas. Some capital equipment is nearing the end of its lifespan, and it will need replacing in the next year or two.

There are six areas where there are appreciable differences in our proposed budget for next year. First, we expect our employee allowances and benefits, which includes training and conferences, to decrease slightly because we plan to continue to be selective in approving staff training and conference expenditures. This will similarly help us reduce travel costs as well, and we expect to see an 8 per cent decrease in travel costs. For reference purposes in our 2012-13 budget request for travel the amount was \$30,000. So in the past four years we've cut back our travel budget by 60 per cent.

We're forecasting a 25 per cent decrease in rental costs as the result of leasing a new photocopier. It's hard to imagine that you can get something brand new and actually pay less for it than you were paying for something that was falling apart.

Our hosting budget is also down again to prior years' levels as the 2016-17 figure was primarily to cover some of the costs for hosting the Canadian conflicts of interest commissioners conference in Alberta this year. We're also hoping to see a decrease in general supplies and services costs as well. So as you can see, there's not really anything significant in terms of new expenditures, and we continue to spend our budget as carefully as possible.

Before I conclude, I would like to specifically thank and mention my staff for their continued dedication and their conscientious work over the past year. We've had some very busy periods where things were chaotic and hectic, with timelines to meet, but they did a great job. That certainly makes my life much easier.

Thank you for allowing me the opportunity to highlight and present the budget for 2017-18. You will find our annual report for '15-16 and audited financial statements posted on our website. If there are any questions, we'd be pleased to answer them.

The Chair: Thank you. We appreciate your presentation.

Indeed, at this point we'll open the floor for any questions from members. Mr. Horne.

Mr. Horne: Yeah. I'd just like to first take a moment to thank you for making the time to come down to join us today. I'd also like to acknowledge that you and your office have done an amazing job in planning this budget with, if my math is right, close to a 16.02 per cent reduction in operating expenses, which is just amazing. I did also notice that there's a slight decrease for the category of allowances and benefits, that was mentioned, because of the decrease around professional dues and staff training. I'm wondering if there's any projected impact on the quality of service from your team around that.

Ms Trussler: No, I don't think so. We're just being very careful what conferences we go to because that includes conference fees. Our previous counsel belonged to a number of sections of the Canadian Bar Association that weren't particularly relevant to our office. So we're not quite paying membership fees to the extent that we did before.

Mr. Horne: Okay. Thank you.

Ms Trussler: It won't affect the quality of the service.

Mr. Horne: Excellent.

If nobody else is in the queue, I've just got one more quick question. In your message on page 2 of the annual report you

mention that you're overseeing more people, and you mentioned it in your presentation as well. I believe it was 220 MLAs, office holders, and political staff. Do you predict that this will require any more staffing at any point in the future?

Ms Trussler: No.

Mr. Horne: Perfect.

Ms Trussler: Where we will need a little bit of staffing is with the lobbyists registry, and that's why we hired a .5 person, somebody who's got some IT experience. Also, with the lobbyists registry before there was no follow-up. If people didn't do their registrations on time, there were no consequences. There wasn't any investigation as to whether people were properly registered or not. So that's why we hired the .5, to sort of cover that, because we want to have a little bit more vigilance in what we do with the lobbyists registry.

Now, if we have a large increase in the number of people that are reporting to us – for example, if we had all the assistant deputy ministers and all the boards and commissions – then we might not be able to handle it, but anything that I know of that's possible, we can handle.

Mr. Horne: Okay. Thanks.

Mr. van Dijken: Just for clarity I may have misunderstood your initial disclosure with regard to the number of individuals that you oversee. It sounded like you thought that it was possibly increasing, more than the 227 that we have to date. I maybe misheard. You don't foresee that changing at this time?

Ms Trussler: The number?

Mr. van Dijken: Yes.

Ms Trussler: I expect there may be a small increase but an increase that we can absorb.

Mr. van Dijken: Okay. Thank you.

The Chair: Do any other members have any questions for Ms Trussler?

Well, hearing none, I'll thank you for your time this afternoon. I appreciate you accommodating our schedule and coming in a bit earlier and wish you an excellent weekend.

Ms Trussler: We can go home early, too.

Thank you.

2:10

The Chair: All right. Well, we are making excellent time today, making great progress, so thank you to everyone for helping with that.

We'll move on, then, to item 4(b) on the agenda, the decisions on the budget submissions that we've been reviewing today. I've asked the committee clerk to provide some draft motions for the committee's use during our deliberations to ensure that we've got correct wording and numbers for each of the budget estimates that we have under consideration. They are on a separate document, that is just being distributed to members now and e-mailed out to members who are participating by phone.

I propose that we deal with the estimates in the order that we received them and have sort of been through them today. We'd be starting, then, with the office of the Chief Electoral Officer. I understand that everyone should have a copy of the proposed

motions. With that in mind, looking at the Chief Electoral Officer, do we have a member that would like to make a motion in respect to the budget we've received from that office?

Mr. Kleinsteuber.

Mr. Kleinsteuber: Sorry. Just to clarify, was that vote going to be deferred till January or no?

The Chair: Perhaps, Jody, if you could outline our options in regard to that.

Ms Rempel: Okay. Thank you, Mr. Chair. I don't believe that a decision was formally made earlier in the meeting, although that was certainly discussed. That is an option if that is the way the committee wishes to go now. If that's the case, then we would just move on to the next item if that's the route that the committee wants to go.

The Chair: Okay. My understanding, then, is that, I guess, if it's the will of the committee, we can simply choose to forgo making any motion on this particular budget today and discuss it, instead, in January, once we see what transpires with the legislation that's currently before the House.

Mr. Cooper: If you can throw me on the list, please.

The Chair: Certainly. Go ahead. Why don't you go ahead and begin, Mr. Cooper?

Mr. Cooper: Yeah. I think that it would be advantageous for us to wait and see. It's not going to have any negative impact on the Chief Electoral Officer's office. I think that having a very clear picture of what it looks like for him in the next year, once that piece of legislation is passed – I know that he provided some details, but I think it would be advantageous to wait. I'm not sure if all of my colleagues agree, but I don't see a big, big reason that we need to rush it, particularly given that we have other things coming up in the next 45 days so that we could sneak that into another meeting.

The Chair: Thank you, Mr. Cooper.

Mrs. Littlewood.

Mrs. Littlewood: Thank you, Chair. I think that makes the most sense, to just defer, to not make a motion at this time seeing as there is legislation that would impact his budgeting before the House. It would be inappropriate, in my opinion, to forego any sort of conclusions before the legislation has been debated.

Thank you.

The Chair: Thank you, Mrs. Littlewood.

Mr. van Dijken: If we take this route, I would think that it would be in order for the chair to make communications to the Chief Electoral Officer with regard to our decision. I think they are probably expecting a response. They would then know what the decision of the committee was. You know, I'm not sure what typically would be responded to and what time frame there usually is. We don't want them sitting there wondering.

The Chair: Certainly. I think it would be in order for us to inform the Chief Electoral Officer of the direction that we are taking and when we might be looking, then, to have him back, I guess, to review the amended budget based on what might transpire with legislation.

Mrs. Littlewood: So, Chair, does that mean that the LAO would be sending him a letter or would be sending the office a letter letting him know that, or a simple phone call? How would that be done?

The Chair: Ms. Rempel, do you have any comment on that?

Ms Rempel: I believe that the chair would send a letter to, actually, all of the officers based on the decisions that are made today.

Mrs. Littlewood: Thank you.

The Chair: All right, then. Does anyone else have any other thoughts, comments, then, on the budget of the Chief Electoral Officer?

Are any opposed, then, to moving on to the next officer?

Thank you. We will do so. Next up we have the estimates for the office of the Information and Privacy Commissioner. Do we have a member that would like to make a motion in respect of those estimates? Ms Woollard.

Ms Woollard: Yes. I would move that the Standing Committee on Legislative Offices approve the 2017-2018 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$6,873,291 as submitted.

The Chair: We're just going to take a moment to verify that we've got the correct number, but while we're just verifying, are there any members that wish to make any comments? Any discussion regarding the estimates for the Information and Privacy Commissioner?

Okay. Hearing none, we'll just confirm that we've got the correct number. Okay. We do have the correct number. Excellent. We have the motion before us to approve the budget as submitted in the total of \$6,873,291. If there are no further comments or discussion, I'll put the question to the committee. All those in favour? Those on the phones? Any opposed? That motion is carried.

We'll move on, then, to the estimates for the office of the Auditor General. Do we have a member that would wish to make a motion in respect of those estimates? Mr. Kleinsteuber.

Mr. Kleinsteuber: Sure. Moved that the Standing Committee on Legislative Offices approve the 2017-2018 budget estimates for the office of the Auditor General in the amount of \$26,754,000 as submitted.

The Chair: Thank you, Mr. Kleinsteuber.

We have the motion on the floor. Any comments or discussion?

Hearing none, I'll call the question. All those in favour? Any opposed? Thank you. That motion is carried.

Moving, then, to the estimates for the office of the Ombudsman. Do we have a member that would care to make a motion in respect of those estimates?

Mrs. Littlewood: I move that the Standing Committee on Legislative Offices approve the 2017-18 budget estimates for the office of the Ombudsman in the amount of \$3,265,000 as submitted.

The Chair: Thank you, Mrs. Littlewood.
Any comments, discussion on this motion?

Hearing none, I'll call the question. All those in favour? Any opposed? That motion is carried.

On, then, to the estimates for the office of the Public Interest Commissioner. Do we have a member to make a motion in that respect?

Mrs. Littlewood: I move that the Standing Committee on Legislative Offices approve the 2017-18 budget estimates for the office of the Public Interest Commissioner in the amount of \$1,264,000 as submitted.

The Chair: Thank you.

Any comments or discussion on the motion?

Hearing none, I'll call the question. All those in favour? Any opposed? None opposed. That motion is carried.

Next, we have the estimates for the office of the Child and Youth Advocate. Do we have a member that would care to make a motion in that respect?

Ms Woollard: Okay. I move that the Standing Committee on Legislative Offices approve the 2017-2018 budget estimates for the office of the Child and Youth Advocate in the amount of \$13,242,000 as submitted.

2:20

The Chair: Excellent. Thank you.

We have that motion on the floor. Any comments or questions?

Hearing none, I'll call the question. All those in favour? Any opposed? That motion is carried.

That leaves us, then, with the last remaining item. The final estimates for the committee's consideration are the ones for the office of the Ethics Commissioner. Would any member like to make a motion in respect of those?

Mrs. Littlewood: I would move that the Standing Committee on Legislative Offices approve the 2017-18 budget estimates for the office of the Ethics Commissioner in the amount \$949,000 as submitted.

The Chair: Thank you.

Any comments or discussion on the motion on the floor?

Hearing none, I will call the question. All those in favour? Any opposed? Excellent. That motion is carried.

Mr. Cooper: Motion to adjourn.

The Chair: Thank you, Mr. Cooper, for your prompt movement on that motion.

We have no further business for the committee.

I should just note that our next meeting date, as you're aware, is set up for January 16 and 17 to receive oral presentations as part of the review of the Child and Youth Advocate Act.

We have, then, a motion to adjourn from Mr. Cooper. Any comments or discussion? Hearing none and allowing time for none and moving on, we have the motion on the floor. All those in favour? Any opposed? Excellent.

Thank you, members, for your time. Enjoy your weekend.

[The committee adjourned at 2:22 p.m.]

